



Township of Montclair - 205 Claremont Avenue Montclair, New Jersey 07042
Telephone: 973-744-1400 - Website: www.montclairnjusa.org

TOWNSHIP COUNCIL SPECIAL MEETING

April 28, 2023

10:00 AM
COUNCIL CHAMBERS

Sunshine Statement:

This is a special meeting of the Council of the Township of Montclair and is being broadcast live on Channel 34 and is streaming live on the MontclairTV34 YouTube channel; it is available on demand and can and will be re-broadcast. This special meeting is called pursuant to the provisions of the Open Public Meetings Act. Adequate notice of the meeting has been provided; transmitted to the official newspapers on April 25, 2023, posted on the bulletin boards outside of the Municipal Building, and has remained continuously posted. In addition, a copy of the special meeting notice is and has been available to the public and is on file in the Office of the Township Clerk.

OPEN SESSION

Pledge of Allegiance

Roll Call

NEW BUSINESS RESOLUTION

Resolution R-23-108: Resolution setting date and rules of procedure for public hearing for Township Manager Timothy F. Stafford

PUBLIC COMMENT

All speakers must complete the sign-in sheet next to the podium before addressing the Council. Please limit your comment to three minutes.

PUBLIC HEARING

(Open hearing.) Public hearing pursuant to N.J.S.A. 40:69A-93 term of municipal manager; removal; suspension. (Close hearing.)

RECESS

Motion to move to recess for 1 hour.

RESUME MEETING

Official action may be taken.

ADJOURN



Item Cover Page

TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE: April 28, 2023

SUBMITTED BY: Law Department

ITEM TYPE: Resolution

AGENDA SECTION: NEW BUSINESS RESOLUTION

SUBJECT: **Resolution R-23-108:** Resolution setting date and rules of procedure for public hearing for Township Manager Timothy F. Stafford

ATTACHMENTS:

[R-23-108 Resolution establishing date of hearing and RULES OF PROCEDURE \(002\).pdf](#)

R-23-108
TOWNSHIP OF MONTCLAIR

**RESOLUTION SETTING DATE AND RULES OF PROCEDURE FOR PUBLIC
HEARING FOR TOWNSHIP MANAGER TIMOTHY F. STAFFORD**

April 28, 2023

WHEREAS, the Council on the Township of Montclair, under the Faulkner Act (Council-Manager form of government) and the Township Code, has the inherent authority to regulate the terms and conditions of employment of the Township Manager, who, as such, serves at the pleasure of the Council; and

WHEREAS, on February 7, 2023, pursuant to Resolution R-23-030, the Township Council determined that it was in the best interest of the Township to go in a different management direction; and

WHEREAS, by way of the same Resolution, the Township Council gave notice to Township Manager Stafford that he was subject to removal effective on or after 30 days from the date of the notice pursuant to N.J.S.A. 40:69A-93, and further advised the Township Manager that he may reply in writing and request a public hearing which shall be held not earlier than 20 days nor later than 30 days after his filing of such request; and

WHEREAS, pursuant to the same Resolution, the Township Council suspended the Township Manager from duty with the provision that he shall be paid his salary for up to three calendar months following adoption of R-23-030, payment of which he is entitled to under law, and;

WHEREAS, on April 6, 2023, Township Manager Stafford, through counsel, put forth a written request for a public hearing which has been set within the prescribed timeframe for April 28, 2023; and

WHEREAS, the Council recognizes that such public hearing is legislative in nature, and, as such, and in accordance with N.J.S.A. 40:69A-180, has the authority to establish its own “Rules of Procedure” for the conduct of the hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Montclair that the following “Rules of Procedure” for the Township Manager’s public hearing shall be as follows:

- Public comment shall not exceed one (1) hour pursuant to N.J.S.A. 10:4-12 and shall be held in advance of the public hearing.
- Township Council will not cause any evidence to be presented in support of the reason stated in the preliminary resolution of removal.
- Township Manager Stafford and his counsel shall be given a full and unlimited opportunity to present any matters they wish to the Township Council.
- Township Manager Stafford and his counsel will have the ability to introduce evidence to the Township Council in support of any proffers made.
- Township Council will not in engage with Township Manager Stafford and/or his counsel during the public hearing.

- Neither Township Manager Stafford nor any representative of his may question, interrogate, or examine any member of the Township Council, its attorneys, or its agents or employees during the public hearing.
- Upon conclusion of the public hearing, the Township Council shall defer its final vote on removal and adjourn for no less than one (1) hour to give the Council ample time to consider all matters presented by Township Manager Stafford.