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 Montclair-TV34 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 July 28, 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

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 comment will be limited to one hour.

EXECUTIVE SESSION
Resolution R-23-187: Resolution authorizing executive session without the public being permitted to attend in accordance with N.J.S.A. 10:4-12(b) (Subject: Personnel- Interim Township Manager)

NEW BUSINESS RESOLUTION
Resolution R-23-188: Resolution appointing Interim Township Manager
TOWNSHIP COUNCIL AGENDA ITEM REPORT

DATE: August 1, 2023

SUBMITTED BY: Law Department

ITEM TYPE: Resolution

AGENDA SECTION: EXECUTIVE SESSION

SUBJECT: Resolution R-23-187: Resolution authorizing executive session without the public being permitted to attend in accordance with N.J.S.A. 10:4-12(b) (Subject: Personnel- Interim Township Manager)

ATTACHMENTS:
Executive Session Resolution for Aug 1 Special Meeting.pdf
RESOLUTION AUTHORIZING EXECUTIVE SESSION WITHOUT THE PUBLIC BEING PERMITTED TO ATTEND IN ACCORDANCE WITH N.J.S.A 10:4-12(b)

Date: August 1, 2023

WHEREAS, while the Sen. Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) requires all meetings of the Montclair Township Council to be held in public, N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive Session," i.e. without the public being permitted to attend, and

WHEREAS, the Council of the Township of Montclair has determined that issues permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance shall be discussed during an Executive Session to be held on August 1, 2023 at 7:00 P.M., and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written.

[ ] “(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion.” The legal citation to the provision(s) at issue is: ______________________________ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is ______________________________ __________________________________________________________________;  

[ ] “(2) Any matter in which the release of information would impair a right to receive funds from the federal government.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is ______________________________ __________________________________________________________________;  

[ ] “(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is ______________________________ __________________________________________________________________;
“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.” The collective bargaining contract(s) discussed are between the Township and ____________________________.

“(5) Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is ____________________________.

“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is ____________________________.

“(7) Any pending or anticipated litigation or contract negotiation in which the public body is a party or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.” The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are ____________________________ and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is ____________________________.

“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.” Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality are Personnel: Interim Township Manager ____________________________.

“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is ____________________________.
WHEREAS, the length of the Executive Session is estimated to be 30 minutes after which the public meeting of the Township Council shall:

[  ] reconvene and immediately adjourn; or
[  ] reconvene and proceed with business.

NOW THEREFORE BE IT RESOLVED, that the Council of the Township of Montclair, in the County of Essex, will go into Executive Session for only the above stated reasons; and

BE IT FURTHER RESOLVED that the Township Council hereby declares that its discussion of the aforementioned subject(s) will be made public at a time when the public's interest in disclosure is greater than any privacy or governmental interest being protected from disclosure. For each of the above items, the estimated date by which such disclosure can be made and/or the occurrence that needs to take place before disclosure can be made are listed below:

Unknown for all.