

**TOWNSHIP OF MONTCLAIR**

**VOLUNTEER HANDBOOK**

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*2015*



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## **INTRODUCTION**

Welcome!

As a board, commission or committee member, you are essential to the Township's commitment to developing policies and services that reflect the needs and values of the community. The Township Council may also appoint citizen ad-hoc committees to study particular, short-term issues.

A large share of community effort is accomplished by volunteers like you who serve as advisors to the Township Council in their formulation of policy. The performance of public service provides an opportunity to develop a relationship with other volunteers, the Township Council, and staff members, all working toward a common goal of providing for the community, its citizens and its future.

While you will find that your role requires time, effort, and some long-night meetings, it also provides an opportunity for genuine public service. You will be able to help shape the future of Montclair and to make decisions affecting every citizen's satisfaction with the municipality. The Township Council needs your personal resources and enthusiasm in order to maintain the qualities of the Township enjoyed by all its residents.

The purpose of this handbook is to provide you with background on the Township and its government and information regarding your role as a volunteer. It includes a general history of the Township and a description of its government and administration. The handbook discusses the specific role of each committee, its operating procedures and the responsibilities of its members. Finally, the handbook reviews the Ethics Law and the Open Public Meetings Act which governs all public meetings

We hope you will enjoy your experience as a volunteer and that, at the end of your term, you will find you have played a critical role in the development and growth of our community.

Thank you again for your service to our Township

## **HISTORY OF MONTCLAIR TOWNSHIP**

For thousands of years before the beginning of European settlement, the area we know today as Montclair was part of the homeland of the Lenape Indians who hunted and trapped here and passed over our mountains on their way to gather shellfish at the shore. Such place names as Watchung (on the hill) and Yantacaw (place of dancing) bear witness to their heritage.

The story of Montclair as a settled community, however, begins with the founding of Newark by English settlers from Connecticut in 1666. The lands of the Newark settlement extended westward to First Mountain. In 1694, having acquired acreage at "the foot of the mountain," Azariah Crane, his wife Mary Treat Crane, and their son Nathaniel, built a home near the present intersection of Orange Road and Myrtle Avenue. Other pioneers arrived soon after, and the frontier settlement of Cranetown came into being in what is now the southern part of Montclair.

In 1679 Dutch settlers acquired land from the Lenape Indians west of the Passaic River and north of Newark, an arrangement later confirmed by the British government. Early in the 1700's John Speer, a member of the Dutch community, built a home that stands today on Upper Mountain Avenue just north of the Montclair border. Other Dutch settlers established farms in what is now the northern half of Montclair. This community became known as Speertown. Valley Road, originally called Speertown Road, was laid out, thus providing a link between the two settlements.

During the Revolutionary War, First Mountain provided observation points for following the movements of the British to the east. A strong tradition holds that both George Washington and the Marquis de Lafayette were in Cranetown briefly in October of 1780. The boulder at the corner of Claremont Avenue and Valley Road marking the site of "Washington's Headquarters" is one of Montclair's better known landmarks.

Speertown would remain a rural hamlet well into the 19th century. However, beginning about 1800, several developments led to the transformation of Cranetown into a small commercial center. One development was the opening of a general store by Israel Crane, who received trade from a wide area. In 1806, Crane led a group of businessmen in obtaining a charter from the state for building the Newark-Pompton Turnpike. Constructed over the next several years, the turnpike came through Montclair as Bloomfield Avenue and vastly increased the flow of commerce. Israel Crane broke new ground in opening a woolen mill on Toney's Brook. Other small industries followed. Also important for the economic development of the area was the completion of the Morris Canal in 1831. Meanwhile, in 1812, the Bloomfield ward of Newark became a separate township, which included the future Montclair. The village of Cranetown now became known as West Bloomfield and a post office was established under that name.

The most decisive event for the emergence of Montclair was the coming of the railroads. In 1856, the Newark and Bloomfield Railroad Company inaugurated regular service to West Bloomfield. By changing trains at Newark and taking a ferry from Hoboken, people could travel from the future Lackawanna Plaza to New York in an hour and twenty minutes. Attracted to the country setting with its panoramic views, people in the cities began riding the train to West Bloomfield, some for Sunday excursions, others for vacations, and still others seeking to make their home here. By 1860 West Bloomfield was becoming a commuter town with its own marked identity and influential residents persuaded the post office to adopt the name, Montclair.

Dissatisfaction with existing service led to a move to bring a second railroad to town. When Bloomfield authorities declined to authorize a bond issue to underwrite another railroad, Montclair residents were successful in securing from the state legislature a charter for a separate township. Thus in 1868, the Township of Montclair was created. The plan for another railroad went forward and by 1873 the Greenwood Lake line was completed, with five stations in Montclair. In time, as many as six thousand people would commute daily from Montclair via the two railroad lines. Trains also ran on Sunday.

The population of the community grew rapidly as New York businessmen and their families began building homes along the mountainside. The new residents sought to create in Montclair a model "country town" with convenient access to the city. Their vision was shared by a notable artist colony that began forming in the 1870's. A central figure was the landscape painter, George Inness. Able and dedicated community leaders endowed the town with superior schools, an excellent public library, a distinguished art museum and many large and influential houses of worship.

By the opening of the 20th century, a richly diverse population characterized the community. A new influx of New Englanders was joined by African-Americans from the South and by Irish, Germans, Italians, Scandinavians and others newly arrived from Europe. Great mansions went up, but so did many modest homes. Between 1880 and 1930, Montclair's population leaped from 5,147 to 42,017. Talented people continued to be attracted to the community and by the 1930's more than 13 Montclair residents were listed in each issue of WHO'S WHO IN AMERICA.

The period following World War II was marked by tremendous expansion of the Metropolitan area. New suburbs popped up in the hinterland, along with shopping malls and corporate offices. No longer a country town, Montclair faced the challenge of preserving its character as a gracious residential community while at the same time sustaining its aging commercial centers. Social changes of the 1960's and 70's brought further challenges. In 1977 the Board of Education established a system of magnet schools with the aim both of achieving racial balance and of enriching the curriculum. After many years under the commission form of government, the community adopted the manager-council plan. Later revenue considerations led to the Town of Montclair returning to the status of Township.

Today Montclair is a community of over 37,000 inhabitants. Never content to be merely a "bedroom community," Montclair is nevertheless a family-centered town. Its heritage in education enlarged with the development of Montclair State University.

Once again our hillside has become a haven for artists and writers. This is a seasoned community whose many old houses enhance its charm. Yet at the dawn of a new century, Montclair remains alive to the spirit of the times.

Contributed by Royal Shepard

## **TOWNSHIP GOVERNMENT: HISTORY**

Montclair has its antecedents in the English community known as Cranetown, settled in 1694, and in Speertown to the north, settled by the Dutch a few years later.

These combined areas became known as West Bloomfield in 1812 and were governed by Bloomfield until 1868 when Montclair became a separate Township. In 1894 Montclair incorporated as a Town operating under a Council form of government.

Another change occurred in 1916 when Montclair adopted a Commission form of government under the Walsh Act. This government form called for the election of five Commissioners on a non-partisan ballot in May of every fourth year. As the result of a Charter Study Commission recommendation in 1979, the electorate of the Town of Montclair voted to change the form of government to Council-Manager Plan C under the Faulkner Act. This form provided for the division of the municipality into four wards with seven Councilors, one to be elected from each ward and three to be elected at-large. Selection of the Mayor was the responsibility of the Council. It also provided for the council to be elected on a non-partisan ballot in May of every fourth year.

The new Council took office on July 1, 1980. Subsequent to that, an Administrative Code was formulated and finally adopted on September 9, 1980. This Code set forth the Council's powers and duties, as well as the administrative organization under the control of the Manager.

On November 4, 1980, the electorate of the Town of Montclair voted to change its name to Township of Montclair. The reason for the change was to gain a large increment in Montclair's general revenue sharing allotment due to a quirk in the federal law which made a distinction between townships and non-townships in the funding procedure.

On November 3, 1987, the electorate of the Township of Montclair voted to amend the Charter of the Township to provide for the direct election of the Mayor.

Council meetings are open to the public and citizens may have access to the minutes.

## **BOARDS, COMMISSIONS AND COMMITTEES**

Boards, Commissions and Committees are standing bodies established by the Township Council, most through ordinances which outline the purpose and duties of the various committees. *This is done to provide ongoing citizen input and advise council on matters they request.* Appointments may be made for one, two, three, and four-year terms. The appointments are staggered to provide continuity on a particular board, commission or committee. Depending on your board, commission or committee, you may or may not have a budget, or may or may not hold public hearings.

The Board of Adjustment is a quasi-judicial Board; their determination is final and can only be appealed to a court. The Planning Board and Board of Adjustment operate under the Municipal Land Use Law, and their rules and regulations are governed by that law. In most other cases, the Boards, Commissions and Committees report directly to the Township Council and decisions are made by that body with the input of a particular committee.

The Township Council benefits by using Boards, Commissions and Committees in their decision-making process by relying on these bodies to:

1. Focus attention on specific issues.
2. Encourage broad citizen participation through public hearings.
3. Weigh community values in making recommendations to the Township Council.
4. Thoroughly research and review alternatives to accompany formal recommendations to the Township Council.

## **STAFF**

The Township staff, under the direction of the Manager, is responsible for carrying out the policy of the Township Council and implementing programs and services. The Manager, Township Attorney, Municipal Clerk and Municipal Judge are appointed by, and usually report directly to the Township Council. All other department heads and staff members are responsible to the Township Manager.

## **TOWNSHIP OFFICIALS: RESPONSIBILITIES**

### **TOWNSHIP MANAGER**

The Township Manager is appointed by the Township Council and serves at their pleasure for an indefinite period of time. The Manager is the chief executive officer of the township and is empowered to carry out the policy decisions of the Mayor and Council. Within this context, the Manager is responsible for the efficient and effective administration of all municipal services including advising the Mayor and Council, enforcing laws, providing department heads and their employees with the tools necessary to serve the residents and taxpayers of Montclair, overseeing Cable TV and the Web Master, and submitting the municipal budget to the Council. The Manager's position is non-elected; and salaried. The Township Manager also assesses the needs of the community in order to plan future programs and services which may impact on the municipality.

### **TOWNSHIP ATTORNEY**

The Township Council appoints a Township Attorney who provides services on a contract basis to the Municipality. As chief legal advisor, the Township Attorney reviews all ordinances prior to Council adoption. The Attorney provides the following legal services: prosecuting violations of the Municipal Code, acquiring or condemning property, and reviewing contracts and resolutions. The Attorney is directly responsible to the Township Council, but acts in concert with the Manager. The Attorney's services are available for all aspects of Township business and are coordinated at the management level. The Township Attorney also provides day-to-day information to Township staff on legal matters and acts as the Township's representative in legal actions in various forums.

### **MUNICIPAL CLERK**

The Municipal Clerk's appointed position carries within the title certain statutory duties as defined by the State of New Jersey. The Clerk serves as Secretary to the Governing Body, Secretary to the Municipal Corporation, Custodian of Public Records and is the Election Official for the Township. As Administrative Official, the Clerk is responsible for issuing various licenses and permits. In Montclair, the Municipal Clerk also serves as OPRA administrator and census official. The Municipal Clerk is responsible for keeping records of all Township Council actions by maintaining the minutes, history of the Township, and other archival materials. Additionally, the Municipal Clerk serves as a liaison between the Township Council and the public, and between the executive and general body of municipal personnel.

### **MUNICIPAL JUDGE**

The Municipal Court Judge is appointed by the Mayor and Township Council. The Judge hears matters initiated by municipal and other law enforcement officers, code enforcement officers and private citizens, against individuals for violations of state statutes and local ordinances. The Judge also resolves disputes between parties and imposes sanctions when required.

## **TOWNSHIP DEPARTMENTS: RESPONSIBILITIES**

### **DEPARTMENT OF ADMINISTRATION, CODE ENFORCEMENT AND ENVIRONMENTAL AFFAIRS**

The major functions of this department are to receive, track and verify citizen complaints, develop a more effective, winning system of enforcement. Better enforcement of environmental regulations through direct linkage to the Environmental Officer and significant advancement in the Environmental Sustainability Plan. Additionally, there will be better prioritization and coordination of environmental goals via the newly created direct linkage to the Environmental Commission. Overall it will create a more desirable, attractive community for all citizens with a better quality of life for all.

### **COMMUNITY SERVICES**

The Department of Community Service oversees the infrastructure and related services for the Township. The street Division maintains and repairs 84.3 miles of roadway. The Sewer Division oversees 104 sanitary and 42 miles of storm sewer. The Traffic Division maintains and services all signage and traffic signals. Most of the equipment repair is accomplished by the Central Garage. Refuse, as well as recycling, is collected throughout the Township. Montclair has been a leader in the recycling field since the early 1970's. The Water Utility is also under the auspices of this department and boasts some of the lowest rates in the County. The Engineering Division provides design and construction services for the majority of the Township capital projects.

### **FINANCE**

The Department of Finance, under the supervision of the Director of Finance (CFO), encompasses the following areas:

- Municipal Finance
- Payroll
- Investment of Funds
- Tax Assessment
- Tax Collection
- Purchasing

In addition, the Director is responsible for the preparation of the budget and the issuance of municipal bonds and notes.

## FIRE

Along with fire suppression to both the Township of Montclair and Glen Ridge, the Fire Department also provides the following services:

1. Vehicle extrications
2. Fire inspections for business and homes
3. Smoke detectors (free of charge to low-income families)
4. Fire prevention education
5. Response to hazardous materials incidents
6. Response to bomb scares
7. Carbon monoxide testing in businesses and homes
8. Mutual assistance to neighboring communities (during major fires)
9. Assistance to the Montclair Volunteer Ambulance Unit
10. Water pumping: flooded basements
11. Assistance to citizens in gaining access to homes and autos when they have a lock-out
12. Firehouse tours
13. Community speaking engagements
14. State and local fire code enforcement

The backbone of the department is the Fire Prevention Bureau and the Fire Training Bureau. The Fire Prevention Bureau is responsible for all fire service activity that decreases the incidence of uncontrolled fire. They focus on inspections, which include engineering and code enforcement, public fire safety education and fire investigation. Fire Prevention is also responsible for compiling all Fire Department statistics and for all arson and fire investigations.

## HEALTH AND HUMAN SERVICES

The Montclair Department of Health and Human Services, under the supervision of the Health Officer, is comprised of the Health Department and the Division of Social Services which includes the Offices on Aging and Handicapped Services. The Health Department is further divided into Health Education, Environmental Health, Section-8 Housing, Public Health Nursing, the Animal Shelter, and Vital Statistics.

## HUMAN RESOURCES

The Human Resources Department is responsible for administering the Township's human resource policies and practices including recruitment, training, compensation, benefits, and labor relations. Because Montclair is an Affirmative Action/Equal Opportunity employer, the Township strives to maintain a diverse workforce that serves the broad spectrum of needs of our diverse community.

## PARKING UTILITY

The Montclair Parking Utility is responsible for the oversight of parking operations in the Township and is continuously working to improve parking conditions throughout Montclair. The Department is also responsible for staff services to the Traffic and Parking Advisory Committee.

## PLANNING

The Department of Planning and Community Development is responsible for staff services to the Planning Board, Board of Adjustment, Historic Preservation Commission and Housing Commission. The Planning staff also serves on a variety of ad hoc and advisory committees relating to the economic development, housing, transportation, historic preservation and the environment. The staff is responsible for administering the Community Development Block Grant program, drafting land use ordinances, preparing Master Plans and redevelopment plans, and answering inquiries concerning building and land development in the Township. The Uniform construction Code division of the Planning Department supervises construction activities pursuant to State law. It reviews plans for building, plumbing, electrical and fire prevention, issues permits, conducts inspections and issues certificates upon completion of work.

## PURCHASING

The Purchasing Office is responsible for the procurement of all goods and services by various departments within the Township. A Purchasing Manual is available from the Purchasing Office encompassing all legal requirements as well as the execution of the purchasing process.

Formal bids are administered by the Purchasing Office. Questions by the public, vendors or contractors concerning the bidding process, or obtaining a bid, can be addressed by contacting this office.

The Purchasing Office assists the Finance Office in the coordination of resolutions for award of public contracts by the Township Council. All supporting paperwork such as the preparation of resolutions, bid summaries, purchase orders and certification of funds are verified prior to submission to the Township Council.

Workers Compensation Claims as well as Liability and Property Claims are received in the Purchasing Office for processing and payment. The Purchasing Agent is the liaison in insurance matters and attends all meetings with the Self-Insurance Commission. All inquiries regarding insurance matters should be directed to this office. Requests for insurance certificates can be obtained in the Purchasing Office. Anyone reporting a claim can call this office and a "Notice of Claim" form will be mailed to the claimant.

Public Auctions and Abandoned Vehicle sales are conducted by the Purchasing Agent.

## POLICE

The Chief of Police is responsible for the day-to-day operations of the Police Department. Responsibilities include the administration and enforcement of the rules and regulations of the department, criminal investigations, standard operating procedures, and the training and assignment of all personnel within the Department. The Department strives to conduct all investigations in a timely and professional manner. The Department also provides speakers to community groups on a wide variety of subjects.

## RECREATION & CULTURAL AFFAIRS

The Recreation & Cultural Affairs Department is responsible for providing recreational programs for youth, adults, and senior citizens. They also plan and implement special events, trips, concerts, and festivals. The Director oversees three municipal pools and the Clary Anderson Ice Arena. The Director also coordinates and encourages cooperative programming with community-based organizations and the Board of Education.

## **STATUTORY GROUPS: DUTIES**

### **BOARD OF EDUCATION\***

The Montclair Board of Education is a governmental unit within the Township of Montclair that is responsible for conducting the affairs of the school district. School Board members are responsible to the State government, as well as the local community, and in essence, are state officials who act at the local level to meet the educational needs of the community. As a Type I school district, the Mayor is responsible for appointing the board members, consisting of seven members who are appointed on a rotating basis, with three members appointed one year, two members the next year, and two members the following year. Terms of office are three years commencing with the Board Reorganization Meeting held annually on May 16th. Meetings are generally held the first and last Monday of the month.

### **FREE PUBLIC LIBRARY BOARD\***

The Free Public Library Board, governed by a Board of Trustees, establishes Library policy, secures funds to carry on the Library's services to the public, and sets goals and objectives. The Board includes the Mayor, Superintendent of Schools, and eight citizens appointed by the Mayor for terms of five years. Meetings are held the third Monday of every month at 7 P.M. at the Main Library Branch, 50 South Fullerton Avenue.

### **ZONING BOARD OF ADJUSTMENT**

The (Zoning) Board of Adjustment hears zoning variance applications and appeals from rulings and determinations arising from the enforcement of Township zoning ordinances. The Board meets the third Wednesday of each month.

\*Appointment to this Board is made by the Mayor. Recommendations from the public are welcome.

### **PLANNING BOARD**

The Planning Board is charged with reviewing site plan and subdivision applications. The Board is also responsible for updating the Township Master Plan every six years. It meets in public session on the second Monday of each month at 7:30 P.M.

## **COMMISSIONS AND AUTHORITIES: DUTIES**

### **CIVIL RIGHTS COMMISSION**

The objective of the Montclair Civil Rights Commission is to advise the Council in ways to eliminate discrimination and the result of past discrimination based on race, creed, color, national origin, ancestry, marital status or sex, or as otherwise identified by state law. This group also recommends ways and means of initiating or improving Township government programs designed to eliminate prejudice and discrimination, and addresses problems involving tensions in the community. The Commission is composed of 15 members and one alternate member. It meets the third Thursday of every month at 7:00 P.M.

### **ENVIRONMENTAL COMMISSION**

The Environmental Commission was created to observe and study the environment of Montclair and to advise the Township Council on matters related to the environment. The Environmental Commission also investigates environmental concerns referred by the Council and educates residents about our local environmental issues by providing a forum in which residents may voice their concerns. Public meetings of the Commission are held the third Tuesday of every month.

### **HISTORIC PRESERVATION COMMISSION**

The Montclair Township Historic Preservation Commission was created to advise the Council regarding the preservation of structures and properties that reflect the heritage of the community. Meetings are held the third Thursday of the month.

## **ADVISORY COMMITTEES: DUTIES**

### **ANIMAL WELFARE ADVISORY COMMITTEE**

The Animal Welfare Advisory Committee, working under the direction of Council, provides advice and makes recommendations regarding programs and policies that further the protection and treatment of Township animals including shelter matters. The Committee shall coordinate their efforts with their Council Liaisons to ensure an ongoing dialogue so the Council is informed of the Committee's efforts. This will enable the Committee to help provide guidance to the Council.

### **ART ADVISORY COMMITTEE**

The Arts Advisory Committee is comprised of community members, educational and business groups representing all art forms both performing and visual. Working under the direction of the council, the committee works to promote a broad range of artistic activities within the Township

### **CAPITAL FINANCE COMMITTEE**

The Capital Finance Committee, working under the direction of Council, was established to assist the Township Council, the Library Board, and the Board of Education in their review of proposed capital budgets, as well as in the development of a coordinated, long-term capital needs expenditure and financing plan. In addition, the Committee projects the future financial impact of the capital plan on the total municipal budget and the overall tax rate.

### **COMMUNICATIONS ADVISORY COMMITTEE**

The Communications Advisory Committee, working under the direction of Council, is appointed to advise the Township Council on services and programming provided related to the TV34 station. The Committee welcomes volunteers to assist with programming on TV 34, the local community-access channel. The Committee shall coordinate their efforts and work with their Council Liaisons to make additional recommendations regarding communication in Montclair Township.

### **HOUSING COMMISSION**

Working under the direction of Council, the Housing Commission is responsible for implementing the Affordable Housing Plan and providing guidance regarding Montclair's efforts in this area. Municipal staff provides assistance; the Commission shall coordinate their efforts with the council and work closely with our non-profit housing partner, HOME Corp.

### **LANDLORD/TENANT HOUSING COMMITTEE**

The Landlord/Tenant Housing Committee, working under the direction of Council, was formed to provide a continuous review of the housing issues of Montclair and to provide information to the Council including recommendations regarding the improvement of housing accommodations and conditions. The Committee assists in the resolution of landlord/tenant disputes or misunderstandings.

### **MONTCLAIR COMMUNITY INTERVENTION ALLIANCE**

The Montclair Community Intervention Alliance is a Township-based organization, chartered by and working under the direction of the Council and funded by the Governor's Council of Alcoholism and Drug Abuse. MCIA works to make recommendations and help develop, fund and promote substance abuse prevention and education programs and to advise the Council on relevant matters.

#### MONTCLAIR EARLY CHILDHOOD CORPORATION (MECC)

The Montclair Early Childhood Corporation (MECC) non-profit, working under the direction of the Council, operates the Community Pre-K program that serves 3- and 4-year-olds and is the primary “feeder” for the Montclair Public Schools. This committee also assists with fundraising efforts and meets monthly.

#### MONTCLAIR STATE UNIVERSITY COMMUNITY COMMITTEE

The Montclair State University Community Committee, working under the direction of the Council, makes recommendations regarding programs and policies that further joint projects, resolve disputes, and implement shared service agreements between the Township of Montclair and Montclair State University.

#### PEDESTRIAN TRAFFIC SAFETY COMMITTEE

The Pedestrian Traffic Safety Committee, working under the direction of Council, makes recommendations and helps to raise awareness of problems associated with pedestrian-traffic safety including traffic deaths, injuries and property losses resulting from accidents.

#### PARKS AND RECREATION ADVISORY BOARD

Composed of representatives of local parks and “user groups,” the Parks and Recreation Advisory Board, working under the direction of Council, makes recommendations to Council on matters relating to: the renovation and maintenance of facilities including parks, playgrounds, public pools, ice skating arena, Municipal recreation programs and special events.

#### PEOPLE WITH DISABILITIES ADVISORY COMMITTEE

The Advisory Committee for People with Disabilities, working under the direction of Council, advises and makes recommendations to the Township Council regarding programs, policies, and legislation that promote the welfare of all disabled individuals in our community. Committee members are appointed by the Township Council for a three-year term. Serving on the Committee are individuals with disabilities, parents of children with disabilities, and representatives from organizations serving the disabled.

### PUBLIC TRANSPORTATION COMMITTEE

The Public Transportation Committee, working under the direction of Council, makes recommendations on issues related to commuter bus and train service and oversight of intra-town jitney/shuttle service. The members work closely with NJ Transit and DeCamp Bus Lines to monitor service and other issues.

### SENIOR CITIZEN ADVISORY COMMITTEE

The Senior Citizen Advisory Committee, working under the direction of Council, assesses services and issues important to Township seniors, makes recommendations to the Council on programs and policies and serves as a liaison to seniors throughout town.

### TRAFFIC/PARKING ADVISORY COMMITTEE

The Traffic/Parking Advisory Committee, working under the direction of Council, is composed of representatives of the Township Government, staff, the business community, and interested citizens. It advises and makes recommendations on issues relating to parking regulations in both residential and commercial districts.

## **BOARDS, COMMISSIONS AND COMMITTEES: RESPONSIBILITIES**

To be selected as an active member of a Township board, commission or committee is an honor and provides an opportunity for genuine public service. Although the duties of each of the boards, commissions and committees vary widely, there are certain responsibilities that are common to all members. The following is a summary of the important responsibilities of members:

### **A. Understand the Role and Responsibilities of the Board, Commission or Committee.**

One of the first responsibilities of a new member is to understand the scope of responsibility and operating procedures of the particular board commission or committee. This information may be obtained by referring to the Municipal Code and to this handbook. All members should be familiar with the Township's adopted Master Plan. The Planning Board and the Board of Adjustment (Zoning) members should also be familiar with the Zoning Ordinance.

The department heads responsible for the various programs are available to assist members with their roles and duties and will provide information about township policies, minutes of past meetings, and other helpful data.

### **B. Remember to Represent the Entire Board, Commission or Committee**

Individual members should refrain from representing their personal views or recommendations as those of a board, commission or committee unless a vote has been taken to officially approve a recommendation. Members making recommendations or expressing views not approved by the majority of the member should indicate that they are representing only themselves as individuals. When making statements to the press, members should indicate which actions are only recommendations and indicate when final action will be taken by the Township Council or the board, commission or committee.

### **C. Consider the Interests of the Whole Township**

Although members may be selected in part because they represent clearly defined groups, once selected, each member should represent the entire public interest of the Township and not just his/her respective group or interest. The question, "What is best for the entire community?" should take precedence over "What is best for my interest group?"

### **Keep the Lines of Communication Open**

As an influential part of the community, a committee member is in the unique position of serving as a liaison between the Township and the general public in helping to reconcile contradictory viewpoints and in building a consensus around common goals and objectives. A member should serve as a link between the community, staff and Township by presenting Township programs and recommendations, and by providing a channel for citizen expression. A primary role of the member is to determine the attitudes of the citizens concerning Township programs.

### **D. Do Your Homework and be Thorough in Your Recommendation**

Members, in connection with their role, often spend many hours in research on a particular problem. Members should be familiar with the portions of the Master Plan, Municipal Code and Zoning Ordinance applicable to their area of responsibility and should thoroughly review staff reports, plans and materials in advance of meetings.

#### E. Be Conscious of Your Relationship to the Township Council, Other Boards, Commissions, Committees and Township Staff

Relations with the Township Council and staff are basic for successful operation of any board, commission or committee. The responsibility for allocating scarce public resources rests with the community's elected officials, and cannot be designated to an outside group, however capable and interested it might be.

Members should review Township policies related to programs under their scope of interest and make recommendations to the Township Council for changes; however, you must adhere to the policies approved by the Township Council as expressed in the Master Plan, Municipal Code and other official documents.

The Township staff works for the Manager, and through him for the Township Council. The staff does not work directly for any board, commission or committee member. It is therefore not appropriate for any member to direct staff, or to become involved in the administrative or operational concerns of the Township departments. While the staff can provide routine information regarding on-going projects, a formal request to the Township Council must be made for staff involvement in major projects.

If members have questions or are concerned with staff service provided to the board, commission or committee, the Manager should be contacted immediately to review the matter.

#### F. Establish a Good Working Relationship with Other Board, Commission or Committee Members.

On many occasions the success or failure of the efforts of a board, commission or committee is largely dependent on the degree of cooperation among the individual members of the board, commission or committee. To help build a consensus around common goals and objectives, members will often have to reconcile contradictory viewpoints.

Each member should do his/her part to ensure that meetings proceed in an orderly and constructive manner. The Chair is primarily responsible for ensuring that consideration of items on the agenda move along without delay but with reasonable time allocated to each item. Each member can assist the Chair by becoming familiar with the basic rules of parliamentary procedure and by adequately preparing any presentations he/she makes to the board, commission or committee.

G. Political Participation

No restriction is placed on a member's participation in political activities at all levels of the government, whether local, state or federal; however, if members use the title of their appointed office when participating in these activities, they must make it clear that they are not representing or speaking for the board, commission or committee, but rather using the title for identification purposes only.

**\*All Boards, Committees, and Commissions are required to create and maintain minutes of each meeting. Copies of same should be filed with the Municipal Clerk.**

## **MEETINGS AND HOW TO CONTROL THEM**

Advisory groups operate by meeting and discussing issues; however. Sometimes it is necessary to make sure that meetings are not unnecessarily scheduled and discussions are not unduly long-winded. Everyone has something valuable to contribute, but knowing when and how to control discussions can make the difference between a side-tracked dialogue or an insightful observation. Public meetings are the place where most members of boards, commissions and committees spend the majority of their working time and where their public reputations are made. Sometimes the impressions the public receives are negative because of the following:

A. Not Controlling the Meeting - If many people want to speak in a limited period, speaking time should be rationed so all may be heard. A helpful method is requesting a show of hands of those who wish to speak on a particular subject, then making a time allocation and holding to it. It is not necessary to permit individuals second and third opportunities; however, a statement concerning this should be made at the onset.

B. Appearing to Seem Unfair - Members of the boards, commissions or committees should never bring up the pros and cons of an agenda item before all testimony and evidence have been presented. Then the discussion should stay on the facts presented, not on the presenters.

C. Failing to Bring Issues to a Vote - Many boards, commissions and committees get so bogged down in details, endless searches for new data and procedural distractions that matters brought before them never seem to get resolved. Some members have taken so long to make a decision that by the time a decision is reached, conditions have changed the affected proposal, and therefore, the recommendations are obsolete.

D. Wasting People's Time - Try to stick to the schedule listed on the agenda. Allow the public their time to comment early and then allow discussion time for the members following that period. Try to end the meeting at a reasonable hour.

An additional word of advice: Avoid the appearance of impropriety. Members who have business or financial interests in the subject at hand, or who have relatives or close friends who would stand to profit from a decision, obviously should not participate in the decision-making process. They should absent themselves from the entire hearing so no opportunity exists for them to appear to influence their colleagues.

## LOCAL GOVERNMENT ETHICS LAW

The Local Government Ethics Law was enacted on February 20, 1991 and became effective 90 days thereafter on May 21, 1991.

The purpose of the Act is to provide a statewide method for governing the ethical conduct of local government officers and employees and requiring financial disclosure for local government officers.

To effect this purpose, the Legislature established a Statewide Code of Ethics applicable to local government officers and employees. This Code of Ethics is enforced by the Local Finance Board. A County or Municipality may establish its own ethics board to enforce the code of ethics, but Montclair has chosen to use the Local Finance Board.

In addition to adhering to the ethical guidelines set forth in the law, a "local government officer" is required to file annually a financial disclosure statement which contains information about sources of income, certain business interests, and real estate holdings in New Jersey. These financial disclosure statements are required to be filed by April 30 of each year.

While the ethics law applies to all employees and officers of local governments, the financial disclosure requirement applies only to local government officers as defined in N.J.S.A. 40A:9-22.3g, which states in pertinent parts:

. . . any person whether compensated or not, whether part-time or full-time:

1. Elected to any office of a local government agency;
2. Serving on a local government agency which has the authority to enact ordinances, approve development applications or grant zoning variances;
3. Who is a member of an independent municipal, county or regional authority; or,
4. Who is a managerial executive or confidential employee of a local government agency as defined in Section 3 of the "New Jersey Employer- Employee Relations Act," but shall not mean any employee of a school district or member of a school board.

The law provides that the financial disclosure forms are to be distributed to local government officers by the Municipal Clerk of the municipality in which they serve. The completed disclosure statement is to be duplicated and each signed with an original signature; one original form is to be filed with the Municipal Clerk in the municipality in which the local government officer serves, and the duplicate is to be sent to the Local Finance Board in Trenton by April 30 of each year.

## **OPEN PUBLIC MEETINGS ACT**

In 1975 the New Jersey Legislature enacted the Open Public Meetings Act, commonly known as the Sunshine Law. It allowed the public to be present at all meetings of public bodies, and to witness in full detail all phases of deliberations, policy formulation and decision-making of those public bodies.

Under this law, adequate notice of all meetings must be given. For regularly scheduled meetings "adequate notice" is usually provided by an "annual notice of meetings," listing regular meetings for the coming year. For other meetings, 48- hour advance notice must be given. All notices must be in writing. There is an "emergency" exception provision to the adequate notice, but it has been applied extremely narrowly. All meetings must be open to the public: that pertains to all meetings and all portions of such meetings including those involving only discussion, as well as those at which formal act on is taken.

A "public body" for purposes of this law is defined as:

". . . commission, authority, board, council, committee or other group of two or more persons (which is) organized under the laws of this State and collectively empowered as a voting body to perform a public governmental function affecting the rights, duties, obligations, privileges, benefits, or other legal relations of any person, or collectively authorized to spend public funds..."

This definition does not include a typical partisan caucus meeting or chance encounters of members of public bodies.

A "meeting" is defined as:

"Any gathering, whether corporeal or by means of communication equipment, which is attended by, or open to all members of a public body, held with the intent on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body."

A requirement of this law is that at the commencement of every meeting of a public body, the person presiding shall announce publicly, and cause to be entered into the minutes of the meeting, an accurate statement that adequate notice of the meeting has been provided. Failure to make this statement constitutes non-compliance and may render void any action taken at the meeting.

Merely stating the Open Public Meetings Law has been complied with is not enough. The statement must include the newspapers to which the notice has been sent, the fact that it is posted at the municipal building, and filed with the Municipal Clerk, and the date that all of this transpired.

You may use the same notice for your regular meetings time and again, provided that notice was sent at the beginning of the year and the date on which you meet is the date stated in the annual notice.

For your convenience, following is an example of the notice used by the Municipal Clerk for all Regular Meetings:

"The Notice Requirements provided for under the Open Public Meetings Act have

been satisfied. Notice of this meeting was properly give by transmission to The Montclair Times and the Star Ledger and by posting at the Montclair Township Municipal Building on January."

You may use the above example for your respective board, commission or committee if you wish, or you may wish to formulate your own. The important components are the name of the two newspapers, the fact it is posted and filed properly, and the date of the posting.

For a 48-hour notice for a Special Meeting or a changed meeting date, you may use the same notice and substitute the date on which you sent that particular notice.

The law does not require the publishing of any notice with the exception of an Annual Notice. You must merely notify the newspapers; they do not have to print the notice. An agenda formulated for a particular meeting should be made available to the media and to the public to the extent known. If it is a special meeting, the public body should specify whether or not formal action may be taken at the meeting.

A public body is allowed to go into "Executive Session" or "Closed Session," limited to one or more of nine categories of subject matter. Briefly, these would be any matter considered confidential by federal, state or court rule; matters dealing with receipt of federal funds; matters that would constitute an unwarranted invasion of individual privacy; collective bargaining agreements; matters involving the purchase, lease or acquisition of real property with public funds; setting of banking rates or investment of public funds where disclosure could adversely affect the public interest; tactics and techniques used in protecting the safety and property of the public; pending or anticipated litigation or contract negotiations; personnel matters related to the employment, appointment or termination of current or prospective public employees; deliberations of a public body occurring after a public hearing that may result in the imposition of a fine upon a individual, or the suspension or loss of a license or permit belonging to an individual.

Minutes must be kept of all meetings, including executive session and must be reasonably comprehensive, showing the time and place, the members present, the subjects considered, the action taken, the vote of each member, and any other information required by law to be recorded in the minutes. These minutes are to be promptly available to the public.

In addition, the law requires that a statement be entered into the minutes at the outset of each meeting indicating that adequate notice has been provided specifying the time, date, and manner in which the notice was provided.

Emergency Meetings are treated separately both from the notice standpoint and the minutes and these are addressed in the law itself. The above is a brief overview of a very complicated law, but should help your board, commission or committee formulate your meetings for the year and should assist your secretary in the formulation of the minutes of all meetings.

This section is not all-encompassing and more information is available from the Municipal Clerk's Office upon request.

## **FINAL WORDS**

If you have read this far, you may assume that you are now fully prepared to handle every situation that might occur. We wish that were true. This handbook is only meant to be a guide for the members of our boards, commissions and committees. Feel free to ask questions; soon you will feel confident that you are approaching an issue in the appropriate manner.

Certainly, being a member of one of a Township board, commission or committee is an important responsibility that we know you will take seriously. Remember however, that through all the pressure and long meetings, we hope you will enjoy your work, have fun, and recognize the contribution you make to the Montclair community

The Township Council annually invites all of the Boards, Commission and Committee volunteers to attend a meeting of the Council to share their views and review the mission of their organizations. The Council also uses this occasion to recognize the work and dedication of volunteer members.