

City of Plainfield, New Jersey
Charter Study Commission
Minutes of Meeting
Thursday, June 20, 2013, 6:30 p.m.
Plainfield City Hall Planning Conference Room

Call to Order: Mr. Stewart called the meeting to order at 6:33 p.m.

Salute to the Flag: The Pledge of Allegiance was passed in the absence of a flag.

The Open Public Meeting Act Compliance Statement: Ms. Burgwinkle announced that the Notice Requirement provided for in the Open Public Meeting Law had been satisfied. Notice was properly given, amended notice having been transmitted to the Courier-News and the Star-Ledger on 5/13/13, as well as posting on the City website and on the City Clerk's bulletin board.

Roll Call: Mr. Stewart took roll call. Secretary Mary Burgwinkle, Vice Chair John Stewart and Assistant Secretary Marie Davis were present for the roll call. Treasurer Jeanette Criscione and Chair Rick Smiley joined the meeting in progress.

Interviews: The Commission had invited Mr. Al Restaino, Mr. Eric Berry, Mr. Eric Jackson and Mayor Sharon Robinson-Briggs to interviews at this meeting. Mr. Jackson gave notice that he could not attend. Mr. Restaino, Mr. Berry and Mayor Robinson-Briggs attended and were interviewed. A summary of their interviews is attached as Exhibit A. A Full Length Recorded Copy of this Meeting is available by contacting the Charter Commissioners at <http://plainfieldcsc.blogspot.com/>.

Minutes: The Minutes of Meeting of June 13, 2013 were approved in a unanimous vote with no dissents or abstentions.

Correspondence to Commission: Mrs. Burgwinkle received a telephone call from former City Corporation Counsel Jacqueline Drakeford. Mrs. Drakeford's feedback is outlined below in New Business.

Treasurer Report: No report.

New Business:

-Discussion of agenda for the next meeting: The next meeting is scheduled for 6/27, with initial plans to devote the first hour to a public forum on the commission's work to date. Ms. Criscione and Mrs. Burgwinkle met in subcommittee on 6/20 to discuss the format of the public forum presentation. After discussion, the Commissioners decided to devote the 6/27 meeting to deliberation and to move the public forum to the meeting of 7/11/13.

-Commissioner discussion of topics for upcoming deliberation after interviews

-Former Corporation Counsel Jacqueline Drakeford has moved from Plainfield and could not appear for an interview, but she called Mrs. Burgwinkle on 6/19 to share her thoughts on some of our questions. She commented that there has been a fair amount of legal action over the years over charter interpretation issues. Because we have a stand alone special charter, there is not a body of case law about our provisions and the court decisions have not been predictable. She suggested that if a Faulkner Act form was adopted, at least there would be the body of case law that has developed over the years to rely on. She also commented on the Recall election procedures under the charter, she has a recollection that state law on Recall has changed and that we should check that. Regarding the question what are the advantages and disadvantages of the special charter, she said that an advantage was the fact that the special charter added stability to the local government because it was so hard to change. On the other hand, a disadvantage was the fact that it is so hard to change if change is needed. Regarding corporation counsel, that person is legal advisor to both the executive and the governing body and usually working on routine, non-controversial items. Sometimes there is friction if the corporation counsel is seen as political. If there are conflicts between the mayor and council, and council does not agree with the decision of the corporate counsel, corporate counsel should resign and appoint outside counsel for both. She suggested that perhaps the charter could provide

that City Council could hire its own attorney with a supermajority vote if they request counsel and Corporation Counsel does not agree.

At the 6/13/13 meeting, the commissioners had discussed some protocols for deliberation. They decided that the first general vote would be one where each Commissioner would vote for one of the four types of reports that we can issue, without voting for specifics (no change, advisory only, place a Faulkner Act form on the ballot, petition the legislature for a new or amended special charter). Chair Rick Smiley conducted a voice vote of each Commissioner. The Commissioners unanimously voted for petitioning the legislature for a new or amended special charter. The reasons for the vote varied by commissioner, but included the fact that our special charter is very similar to the Mayor-Council form, which is used by most of the larger communities in the state covering approximately 38% of the population. While there are some provisions in our charter that the commission regards as obsolete and in need of updating, an update via adopting a Faulkner Act form would have consequences that would not necessarily be cost and time effective and could be disruptive to governance during the transitions when all city officials would need to run again for election. The Commissioners agreed that the 6/27 meeting will be devoted to discussion of changes to the special charter that the commissioners believe in their judgment after study and interviews are necessary.

Announce date and time of next meeting: Thursday, 6/27/13 at 7:30 p.m. in City Hall Library.

Public Participation: Members of the public were allowed to participate during the meeting.

Adjournment: The meeting was adjourned at 8:45 p.m.

A Full Length Recorded Copy of this Meeting is available by contacting the Charter Commissioners at <http://plainfieldcsc.blogspot.com/>.

Following is a summary of the 6/20/13 interviews of the Honorable Al Restaino, Director of the Department of Administration, Finance, Health and Social Services, the Honorable Eric Berry, City Administrator and the Honorable Sharon Robinson-Briggs, Mayor of Plainfield.

1. Please briefly introduce yourself and describe your present or former role in Plainfield's government.

Mr. Restaino: He is the Director of the Department of Administration, Finance, Health and Social Services, since 2010. He came to Plainfield in 2005 to be Director of Community Development. During his tenure he has also served in a number of acting capacities and provided direct supervision when positions were vacant.

Mr. Berry: He is City Administrator, handles day to day operations for the City of Plainfield.

Ms. Robinson-Briggs: She is proud to be the first female Mayor of Plainfield. Her power and authority are delineated in Section 3 of the Charter.

2. To whom do you or did you report?

Mr. Restaino: City Administrator

Mr. Berry: He reports directly to the Mayor

Ms. Robinson-Briggs: To the people of Plainfield.

3. How frequently do you or did you meet with members of the governing body?

Mr. Restaino: Rarely individually, they meet in finance committee and council meetings and in response to individual requests. No ongoing meetings between the council and members of the administration, but over the past several months they have met quite frequently in meetings regarding the budget.

Mr. Berry: Besides the agenda fixing sessions and City Council meetings, he will meet and/or speak to one or more of the members of the governing body at least once or twice weekly for status updates, questions and concerns.

Ms. Robinson-Briggs: Administration meets with them weekly and also as needed.

4. If you are or were involved in budgeting for your department or division, describe the budget process.

Mr. Restaino: He has the pleasure of being very involved in the budget, the process is comprehensive and involved. In summary, each division head prepares a budget request for their department head, which is reviewed at a department level, then reviewed administratively, this year did a line by line review. Then budget is put together, conferring with the CEO and the auditor. He was at every budget meeting, made all amendments, answered all inquiries to the best of his ability, met with the budget consultant. He was as involved as anybody.

Mr. Berry: The Administration & Finance Director and the budget consultant are responsible for the budgeting of my department.

Ms. Robinson-Briggs: For her portion of the budget, there is discussion with the cabinet members, the actual budget is prepared by the Director of Administration and Finance.

5. Do you or did you have any contact with your counterparts in other municipalities? How often and in what context?

Mr. Restaino: He is still the Director of the Community Development office, he has been involved with the NJ Community Development Association for almost 20 years, he is treasurer. Meets monthly with other municipalities officials at County revenue sharing meetings.

Mr. Berry: Depending on the nature, there are times where I have spoken to other business administrators mostly regarding comparison on employee salaries, benefits and possible shared projects.

Ms. Robinson-Briggs: Absolutely, through the New Jersey League of Municipalities, the Union County Mayors, Mayors against Illegal guns, has testified at city council meetings in other municipalities, including this past Monday.

6. Have you read Plainfield's City Charter?

Mr. Restaino: Yes

Mr. Berry: Not in its entirety

Ms. Robinson-Briggs: Yes

7. What do you consider to be the most important advantages of Plainfield's present form of local government, the Plainfield City Charter? What are its disadvantages, in your opinion?

Mr. Restaino: He has not experienced either an advantage or disadvantage in his role.

Mr. Berry: The Charter defines the statutory provisions specific to Plainfield therefore serving as its official guide for appointed/elected officials as well as all departments/divisions. I personally believe that the Charter meets this requirement.

Ms. Robinson-Briggs: In her opinion, the Administration's budget should be the final budget, as she thinks the administration is best suited to know the needs of the city on a day to day basis. She wishes to make no other comments because she believes that her answers would be political in nature.

8. Is there anything in the Plainfield City Charter that hindered you from carrying out your role in Plainfield's government?

Mr. Restaino: no

Mr. Berry: There is nothing that precludes my carrying out my role as City Administrator.

Ms. Robinson-Briggs: She is opting to make no comment on this, as she believes that her answer would be political in nature.

9. If your answer to Question 8 was yes, were the provisions of the Plainfield City Charter the problem or do you believe that the Charter was being interpreted incorrectly?

Mr. Restaino: n/a

Mr. Berry: n/a

Ms. Robinson-Briggs: She is opting to make no comment on this, as she believes that her answer would be political in nature.

10. If you have had experience with forms of municipal government other than Plainfield's City Charter, how did the operation of the municipal government under those forms compare?

Mr. Restaino: Other experience was at county level, no other municipality experience.

Mr. Berry: I have had the opportunity to work under the Council/Manager form of government, where the City Manager runs the day-to-day operations, hiring and firing, contract negotiations and is the chief operating officer for the city.

Ms. Robinson-Briggs: No other experience.

11. What is your opinion on the number of City Council members under the Plainfield City Charter? Is the City Council too large or too small? Should there be one City Councilor from each ward, and three elected at large from the whole City, rather than 1-4, 2-3 and one at large? Should all City Councilors be elected at large?

Mr. Restaino: Not within his purview, but current number of councilors has not been a problem.

Mr. Berry: No Comment

Ms. Robinson-Briggs: Current number is acceptable, she would like to see more diversity, in gender, ethnicity, party affiliation, for instance.

12. Should City Councilors be compensated or should they receive \$1 per year for their services as in some other municipalities? Should the council receive benefits?

Mr. Restaino: Other experience was at county level, no other municipality experience.

Mr. Berry: I have had the opportunity to work under the Council/Manager form of government, where the City Manager runs the day-to-day operations, hiring and firing, contract negotiations and is the chief operating officer for the city.

Ms. Robinson-Briggs: No other experience.

13. In your opinion, should the City Clerk, who acts as clerk of the City Council, be appointed by the Mayor or by the City Council?

Mr. Restaino: No opinion. Has worked very well with both clerks.

Mr. Berry: No Comment

Ms. Robinson-Briggs: The Mayor, of course!

14. Do you think that the Plainfield City Charter could be improved in any way that would enhance the working relationship between the Mayor and City Council?

Mr. Restaino: Does not think that the Charter affects the ability of the Mayor and City Council to work together.

Mr. Berry: No Comment

Ms. Robinson-Briggs: She thinks that there should be inclusive meetings and the Mayor should have a seat at the Council table, whether ex-officio or not.

15. The Plainfield City Charter provides for three City Departments, Administration and Finance, Public Works and Public Affairs and Safety.

(a) Do you believe that the current city divisions are assigned to the appropriate Departments for peak efficiency?

(b) Should the Plainfield City Charter be changed to allow for between 3 and 6 Departments, to be established by ordinance?

(c) Does Plainfield need the Department of Public Affairs and Safety in its current form?

Mr. Restaino: There can be modifications made in some departments, does not have an opinion on Public Safety question, 6 departments is too many, 3 could work, there should be deeper look into structures. He does think that 3 works effectively and that it could work in the future as well.

Mr. Berry: No Comment

Ms. Robinson-Briggs: She believes that the Department of Public Affairs and Safety should exist in its current form, She believes that the departments are fine as they are, maybe look at moving the courts out of the departments.

16. Do you believe that the Office of Corporation Counsel can properly represent both the Mayor and City Council as provided in the Plainfield City Charter? Should there be a provision for separate counsel for the governing body? Should there be full time in-house Corporation Counsel?

Mr. Restaino: Yes, Corporation Counsel can represent both, no need for separate counsel for Mayor and Council, there should be full time Corporation Counsel based on what he has experienced in the city, with the scope and magnitude of the work.

Mr. Berry: Yes, he believes that the Office of Corporation Counsel can properly represent both the Mayor and City Council. As long as all the work assigned is completed a part-time corporation counsel is fine.

Ms. Robinson-Briggs: She thinks that we can have one Counsel for both, that is sufficient.

17. The Plainfield City Charter provides for initiative and referendum upon petitions with signatures of 20% of registered city voters, and for recall of elected officials with signatures of 33 1/3 % of registered voters. Should the Plainfield City Charter be amended to follow the Faulkner Act (10%-15% of voters who voted in the last election for initiative and referendum under circumstances described in the law and 25% for recall)? Should the recall percentage be less than 25%?

Mr. Restaino: He thinks that any change should be done by referendum so that all citizens have input.

Mr. Berry: No Comment

Ms. Robinson-Briggs: Stay as it is.

18. In your opinion, should Plainfield have more or fewer Wards? Would more or fewer Wards provide better representation for all constituencies?

Mr. Restaino: No opinion on this.

Mr. Berry: No Comment

Ms. Robinson-Briggs: Stay as it is, but maybe blur the lines so that there is more diversity in every ward.

19. What is your opinion of non-partisan local elections (for Mayor and City Council) rather than primaries and partisan local elections?

Mr. Restaino: Does not have an opinion on this.

Mr. Berry: No Comment

Ms. Robinson-Briggs: Partisan

20. How does the Plainfield City Charter work with the Plainfield Municipal Code? Were they used together consistently in your experience? If NO, what is your recommendation?

Mr. Restaino: He thinks they have worked well together in his experience.

Mr. Berry: The City Charter provides for the Actual Form of City Government, its Elected Officials and Designated Appointees and the Municipal Code establishes its Provisions and Requirements for the entire city. He believes it is used consistently.

Ms. Robinson-Briggs: She thinks they are used consistently and between the Corporation Counsel and the City Clerk, we keep them in line.

21. Are there any provisions of the Plainfield City Charter that you think can be improved? If so what do you suggest?

Mr. Restaino: None that he is aware of.

Mr. Berry: His role has always been to operate within the City's approved charter.

Ms. Robinson-Briggs: Office of the Mayor should be able to appoint citizens to boards and commissions without advice and consent of counsel. She thinks that if citizens step forward to volunteer that it is rude not to at least put their names on an agenda.

22. Do you have any other observations that you would like to share about the provisions of Plainfield City Charter?

Mr. Restaino: He thinks Charter was well put together, and has been a valuable resource for the City.

Mr. Berry: No, he does not.

Ms. Robinson-Briggs: Not at this time.

On June 18, 2013, a Subcommittee of the Plainfield Charter Study Commission consisting of Mrs. Mary Burgwinkle and Mrs. Marie Davis, interviewed former City Councilor Elliott Simmons at 5:50 p.m. in the Planning Conference Room in City Hall. The interview was also attended by Mr. Robert Edwards. A full length recording of the meeting was made and can be obtained by contacting the Commission at plainfieldcsc.blogspot.com. A brief summary of the interview follows.

1. Please briefly introduce yourself and describe your present or former role in Plainfield's government.

Mr. Simmons: My name is Elliott Simmons and I am a former 4th ward city council member.

2. Have you read Plainfield's City Charter?

Mr. Simmons: Yes

3. What do you consider to be the most important advantages of Plainfield's present form of local government, the Plainfield City Charter? What are its disadvantages, in your opinion?

Mr. Simmons: Advantages are that it allows the City to grow and change when it needs to, the Commission is going through that now. Does not see much disadvantage.

4. Is there anything in the Plainfield City Charter that hindered you from carrying out your role in Plainfield's government?

Mr. Simmons: No

5. If your answer to Question 4 was yes, were the provisions of the Plainfield City Charter the problem or do you believe that the Charter was being interpreted incorrectly?

Mr. Simmons: N/A

6. If you have had experience with forms of municipal government other than Plainfield's City Charter, how did the operation of the municipal government under those forms compare?

Mr. Simmons: No other experience.

7. What is your opinion on the number of City Council members under the Plainfield City Charter? Is the City Council too large or too small? Should there be one City Councilor from each ward, and three elected at large from the whole City, rather than 1-4, 2-3 and one at large? Should all City Councilors be elected at large?

Mr. Simmons: Plainfield is small, much smaller than his hometown, Newark. He thinks that 7 is good. 9 would also be good with the same configuration as now, with two more at-large councilors, but 7 is a good number.

8. Should City Councilors be compensated or should they receive \$1 per year for their services as in some other municipalities? Should the council receive benefits?

Mr. Simmons: Council members put in a lot of time and a lot of work, they should be compensated to cover expenses. Benefits depend. If someone is employed and getting benefits from that source, no, but if you are a senior or someone else who needs benefits, should be flexible.

9. In your opinion, should the City Clerk, who acts as clerk of the City Council, be appointed by the Mayor or by the City Council?

Mr. Simmons: Mayor should appoint, with consent of council. That is the way it is now and it is effective.

10. Do you think that the Plainfield City Charter could be improved in any way that would enhance the working relationship between the Mayor and City Council?

Mr. Simmons: He does not know if you can improve the relationship because often it is based on personalities and who is asking for wants rather than needs sometimes. He does think that education would help, to bring about better decision making for the people. Officials should be making good decisions for the whole, not the few. He thinks that the mayor should have the same educational qualifications as the administrator and be full time. He thinks that the mayor

should understand finance and budgets and things necessary to run the city, since the mayor is supervising the administrator. He thinks that the mayor should have a BA or an Associate degree at the least.

11. The Plainfield City Charter provides for three City Departments, Administration and Finance, Public Works and Public Affairs and Safety.

(a) Do you believe that the current city divisions are assigned to the appropriate Departments for peak efficiency?

(b) Should the Plainfield City Charter be changed to allow for between 3 and 6 Departments, to be established by ordinance?

(c) Does Plainfield need the Department of Public Affairs and Safety in its current form?

Mr. Simmons: There are quite a few divisions under some of those departments and it could probably go smoother if there were between 4 and 6 departments.

12. Do you believe that the Office of Corporation Counsel can properly represent both the Mayor and City Council as provided in the Plainfield City Charter? Should there be a provision for separate counsel for the governing body? Should there be full time in-house Corporation Counsel?

Mr. Simmons: I have been in meetings where there has been conflict between the Mayor and Council and the Counsel needs to be the go between. He thinks that it works when the two sides get along and are working together. Does not think that there should be two corporate counsel, one is enough. If need be, the counsel should be able to get its own representation.

13. The Plainfield City Charter provides for initiative and referendum upon petitions with signatures of 20% of registered city voters, and for recall of elected officials with signatures of 33 1/3 % of registered voters. Should the Plainfield City Charter be amended to follow the Faulkner Act (10%-15% of voters who voted in the last election for initiative and referendum under circumstances described in the law and 25% for recall)? Should the recall percentage be less than 25%?

Mr. Simmons: Based on our last election (relatively low turnout Primary) it would be too easy! Thinks it should be less, maybe 20% of registered voters for recall.

14. In your opinion, should Plainfield have more or fewer Wards? Would more or fewer Wards provide better representation for all constituencies?

Mr. Simmons: Based on size of Plainfield, 4 wards is OK.

15. What is your opinion of non-partisan local elections (for Mayor and City Council) rather than primaries and partisan local elections?

Mr. Simmons: He believes in two party system. He thinks that it is good sometimes to get a look at new people, but partisan is the way to go.

16. How does the Plainfield City Charter work with the Plainfield Municipal Code? Were they used together consistently in your experience? If NO, what is your recommendation?

Mr. Simmons: Does not think that Code provisions are being enforced as well as they could be, heard about that all of the time on the Council.

17. Are there any provisions of the Plainfield City Charter that you think can be improved? If so what do you suggest?

Mr. Simmons: Governing body and mayor should have same qualifications as department heads.

18. Do you have any other observations that you would like to share about the provisions of Plainfield City Charter?

Mr. Simmons: Not so much the charter as the people involved, politics should not be personal even if they both begin with the letter "P".