

**City of Plainfield, New Jersey  
Charter Study Commission  
Minutes Meeting of Thursday, May 30, 2013, 7:30 p.m.  
Plainfield City Hall Library**

**Call to Order:** Mr. Smiley called the meeting to order at 7:33 p.m.

**Salute to the Flag:** Mrs. Davis led the Commissioners in the Pledge of Allegiance.

**The Open Public Meeting Act Compliance Statement:** Ms. Criscione 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. Smiley took roll call. Chair Rick Smiley, Secretary Mary Burgwinkle, Treasurer Jeanette Criscione, Vice Chair John Stewart and Assistant Secretary Marie Davis were all present.

**Presentations by Mr. James White and Mr. Christopher Raths:** Mr. James White, the Township Administrator of East Brunswick, a Mayor-Council form municipality, and Mr. Christopher Raths, the Town Manager of Roxbury, a Council-Manager form municipality, appeared to discuss their forms of government with the Commissioners and the public. A summary of their comments 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 May 23, 2013 were approved in a unanimous vote with no dissents or abstentions.

**Correspondence to Commission:** None reported.

**Treasurer Report:** No report.

**New Business:**

-Discussion of agenda for the next meeting: Ms. Burgwinkle spoke with Councilor Brown, who will be interviewed in a subcommittee meeting on 6/18/13. At the next meeting, which will start at 6:30, an hour earlier than usual, we have invited Assemblyman Green, Freeholder Carter, Councilor Mapp and Councilor Rivers to give their interviews. After the interviews, the Commissioners will continue pre-deliberation discussions.

**Announce date and time of next meeting:** Thursday, 6/13/13 at 6:30 pm in City Hall Library (one hour earlier than our usual meetings).

**Public Participation:** Members of the public were allowed to participate during the meeting and no one requested to be heard at this juncture.

**Adjournment:** The meeting was adjourned at 9:50 p.m.

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

## EXHIBIT A

Mr. James White is the Township Administrator of East Brunswick, New Jersey (pop. approx. 49,000). He has been in the field of Municipal Management for 30 years. He is a graduate of Rider College, now Rider University, and received his M.P.A. from Farleigh Dickenson University. Mr. White has experience in Mayor-Council form of government (East Brunswick is Mayor-Council), Council-Manager form, and Township Committee form and has worked in Bensalem, Pennsylvania as well. He has spoken to 6 or 7 charter study commissions over the years.

He told us that he was not sure whether he should start his presentation, or ask us for our candid assessment why we are doing charter study. He asked this because in every instance where he has addressed charter study groups, they organized because they were a group outside the political process, trying to get in. So, they promote the idea that the form of government is inefficient and would be much better if it was replaced. Per Mr. White, when you translate that idea into English, it usually means that we lost the last election and will try now to get in through the back door. He then told us that he was surprised to learn when he arrived at the meeting, that this was not the way that Charter Study was started in Plainfield. [Prior to the start of the meeting, Mr. White asked the question and was told that Plainfield City Council initiated an ordinance and public question on Charter Study.] He was taken aback by that and told us that he would need to shorten his "stand up" routine on charter study by at least ten minutes as a result!

He also told us that both he and Mr. Rath (our next speaker) are members of the International City Managers Association. The Association promotes professional municipal management, and would like him to say that Council-Manager is the preferred form of government. They would not be happy with him because he does not uniformly do that. He has worked under three different forms of government and personally does not believe that the form of government matters one iota. He had the same amount of authority in each form, either by statute or given to him. He asked us who we think should be running this government and characterized that as a deep philosophical question. He told us that he knows our city administrator, but believes that it is likely that few citizens could actually give his name off the top of their heads. Either city managers are not promoting themselves well, or are toiling diligently behind the scenes so that citizens do not realize how much they can do.

He is an adjunct professor at Rutgers, which is very close to East Brunswick, so he is frequently called in for meetings and projects. He was asked to meet with a delegation from the island nation of Jeju, which is south of the Korean peninsula. The island had complained to Seoul for years about not getting the benefit of their tax dollars and requested independence. Seoul eventually said yes, and Jeju citizens realized that they did not know how to govern themselves, so a delegation came to the US and travelled around to different municipalities. They asked who does the hiring of department heads and employees. He told them that he does it (even though not statutorily). They then asked why the elected officials do not do the hiring. He looked at the Rutgers University people in attendance and told the panel that he hires because he can't trust the elected officials to hire, they will hire all of their political friends who are not qualified for the jobs. After the interpreter gave the answer, he saw all 20 people smiling and nodding their heads!

Mr. White took questions at this point.

Mr. Smiley asked how he worked within different governing bodies. Mr. White answered that in the Mayor-Council form, his current job, the mayor appoints all of the department heads, including the head of the department of law, by statute, with advice and consent. The mayors have consulted with him and they have discussed hires. He has been lucky in that the mayors that he has worked with, all of whom were part time, believed that they needed to be on the same page with department heads, but recognized that the department heads would need to work with the administrator on a day to day basis and let him into the hiring process. He told us that council and the chief executive and administrative officers should be on the same wavelength about where the legislative function and executive function begin and end.

Ms. Burgwinkle asked how long he had been administrator and whether his appointment changes with each mayor. He has been administrator for 16 years under two mayors, the longest tenure in East Brunswick. Under the statute, his appointment is for the mayoral term, however, he has been reappointed. Ms. Criscione

asked if he was appointed by the Mayor. He was, with advice and consent of council, and so are the Department Heads, but the Department Heads do all of the hiring under them with the administrator, and the Mayor does not get involved.

Ms. Burgwinkle asked how the departments are chosen under his form, she is interested because Plainfield's charter prescribes 3 departments, while Faulkner Act Mayor-Council form allows between 2 and 9 and does not identify them. East Brunswick's departments are created by ordinance, if they want another one, they can create it. The departments are set up by administrative code. Mr. White pointed out that despite that Plainfield can only have three departments, it can likely have as many divisions as it creates. Mr. Stewart asked how many departments are in East Brunswick. Mr. White advised that there is Public Safety (East Brunswick has volunteer fire, as a side note, and the Deputy Chief of Police is the Director of Public Safety), Public Works, Department of Aging, Parks and Recreation, Planning and Engineering, Water and Sewer Utility, Department of Finance. He does not count the library director as a department, city clerk is not a department because not appointed by mayor (appointed by governing body per state law), he considers the court a separate department.

In response to questions about when East Brunswick chose the Mayor-Council form of government, he believes that it was about 40 years ago and it has not changed since. There are five councilors, all elected at large, no wards. Right now, there are 3 Republicans and 2 Democrats (the mayor was elected as a Democrat, but has very recently changed parties and is running for State Senate as a Republican and a member of council is currently running for Assembly). Mrs. Davis asked if he has ever worked in a City where there are factions of the same party, as in Plainfield. He told us that he worked in Monroe Township in Gloucester County. There were 7 councilors, 4 were Democrats, but the Mayor was a Republican because the Democrats were so split that some of them voted for the Republican. Mrs. Burgwinkle asked what he thinks about Mayor-Council form creating a gulf between the Mayor and the Council. He agrees that can happen, elected officials want power, people who go into politics want it. He expects that Mr. Rath's will tell us about the Council Manager form, where the Manager is the appointed CEO. The Mayor in that form is part of the council and has almost no other power, mitigating the gulf.

Ms. Burgwinkle asked if he could identify the tangible or intangible concept that keeps his mayor working with him and the council. He told us that his mayor is a practical guy, knows that sometimes he has to compromise and give the council something that he does not necessarily want to give. Mr. White also commented that much as he believes that form of government does not matter, he does believe that once you have a form, you should honor it. So, his council does not call any of his department heads (prohibited under the Mayor-Council form). He said that they stumble once in awhile, but, mostly follow the rules. He noted that most department heads do not like to talk to elected officials anyway and they are happy to say that elected officials have to go through the administrator, who is the bridge to the council.

Ms. Criscione asked if the mayor is part or full time, and whether there is citizen participation at council meetings. The mayor is part time, could be made full time, but he questioned whether that is really what the form envisioned. There is not much citizen participation at council meetings, but they have citizen advisory committees for everything. Ms. Criscione asked if he listened to them, and he answered it depends whether he can afford to listen to them. He sees everyone as a special interest group and decisions have to be made how much money can be spent on each without exorbitantly raising taxes. He does listen, however, and said that a ball field is never built unless the Parks and Recreation Advisory Committee agrees, the town would never just go and build one.

Mrs. Burgwinkle asked him when his budget gets adopted. He told us that at least two people in the room remember the days when the budget was introduced in February and passed in March. He expects to pass his budget in June, and everyone blames it on the state. There was a time when the state gave everyone the numbers for what they get from the state in January, and then it went to February, then March, and so on. He said that he very recently got a memo from the state that they really can't certify the numbers yet.

Mrs. Burgwinkle interrupted to acknowledge members of the Plainfield Youth Organization for Unity who had just joined the meeting, welcoming them and introducing them to Mr. White.

Mr. White said that regardless of the state, he starts the budget process in September or October. He emails the council and asks them for their larger goals for the municipality (not paving one road, but broad problems that you want to see solved.) One pointed out a problem with seniors getting medical transportation. So, the City contracted with a cab company, subsidizes the fare, seniors can go anywhere in East Brunswick for \$2 and the program is very popular. He does multi-year projections for expenditures and for revenues, because towns need to know what pension contributions will be, what impact tax appeals will have, etc. He has a very good finance director who is well known in New Jersey, and they take care of this.

Mr. Christopher Raths, the Town Manager in Roxbury (pop. approx. 23,000), a Council-Manager form of government, spoke next. He has been there for 12 years (his term is one year, and he has been appointed each year), and has been a professional manager for 23 years. He is an advocate for strong city management that survives the next election. Prior to Roxbury he worked in a community in Massachusetts with Town Meeting form of government, and prior to that he worked in a community in North Carolina after receiving his MPA in North Carolina.

Roxbury has 12 department heads, they are all selected by the manager. Departments are formulated by ordinance. He cannot create or eliminate a department, but he can merge departments under one department head. His community has 4 wards and 7 council members, one from each ward and three at large. Terms are staggered. Mayor is selected by Council. The citizens view Roxbury as a City Corporation, where he as Manager acts as CEO. Important to get a good manager, who treats council as a whole, and communicates, respectfully, so that council can make decisions as a whole. Council sets policy, manager sets out the plan to reach that. For instance, council 10 years ago set policy to be debt free, and the manager had to work with staff to implement. By next year, Roxbury will be debt free.

Councilors serve as liaisons to the departments and committees and they dedicate their time to making policy, turning it over to the Manager to implement. They lobby with the state legislature, he does not. The Council is free of day to day minutia. The Manager insulates the Council from employee lobbying. The Manager does all the negotiating with the unions and the employees, and also deals with residents. A good manager publicly accepts blame when things go wrong, and gives credit to the council for all that is right. The manager is an at will employee, he could be fired by a majority vote of council.

Regarding budget, council finalizes and adopts the budget. He forecasts out about 5 years, he has given seminars on benchmarking and forecasting at the League of Municipalities and at Rutgers. He can tell you what his tax rate will be in 5 years, within a very small variance.

As a manager, he is personally non-partisan, as it should be under true Council-Manager form. His community now has 7 Republican councilors. The town attorney in his form is not an employee, is a contract employee, appointed for one year, as under state law. Council sometimes calls counsel directly, but the next call is to him. He is appointed every year. Counsel attends city council meetings, as does Manager. The mayor is appointed by council, he is part time. Manager currently has 12 departments and reports. He starts his day meeting with a department head every day.

He was asked about how his community managed the Hurricane. They are a JCPL community and were out of power for 2 weeks. They learned from Hurricane Irene, they immediately opened their OEM office with five lines, continuously monitored, they did many alert blasts, via various means, and the mayor came in to serve at OEM. Manager's role was not that much as he has very good department heads, they do their work best when he steps aside and lets him do it. They have a disaster recovery plan. They did a good job getting information out, however, unfortunately, the only information people wanted to know was when their power was coming back on.

Mr. Smiley asked about his 12 year longevity, asked how much turnover has taken place on council during his tenure. Answer was turnover of 5 of 7 councilors, however he has been appointed every year. The public and the council understand their form of government (Council-Manager promotes administrative efficiency). They do not make the papers, they have a well run community, reflected in their financial condition, and

other aspects as well. Mrs. Davis asked about demographics in Roxbury. They are a young community, 22% school age, 5% non-caucasian. They have great schools and recreation, they have met their COAH requirements, have three low income housing developments, about 700 units.

Mrs. Burgwinkle asked Mr. White to describe his community's Sandy response. They have the South River that flooded. 7 houses on one street flooded and the residents cannot return, they plan to buy the houses and add the land to an adjoining park. They were told that they have the best circumstances for this type of solution, as all 7 houses were located together on one street. They have an OEM coordinator part time, who has a radio communication job with the town. As soon as they realized that the storm was happening, they opened their OEM office, with 8 telephone lines, had a big white board keeping track of things. He was there, took calls, kept track of what services were available. Mayor decided that he would open the city gas station to citizens who needed it for generators. They could do this because they topped off every tank in the city as soon as they realized that the storm was coming so they had plenty of gas, and were doing less patrolling due to the storm. Again, he has really good department heads who work best when he leaves them alone to work.

He added that he begs elected officials not to take calls from residents about street paving, for instance. He wants council to refer citizens to him. He will check to see if the street is going to be paved, and he calls the resident if the street is not going to be paved, lets the elected official call if it is getting paved. Mayor attends City Council meetings, as does the City Administrator.

Mr. Rath attends and prepares the agendas for City Council so that it is not politicized. He attends all budget meetings (held 13 this year, beginning in August, despite that everyone knows what the budget will be in Roxbury).

Mr. Rath addressed the Plainfield Youth Organization for Unity members and told them that it is so important for them to be there, that municipal government is the most effective place for them to be heard and participate. Unfortunately, many people lack understanding of their form of government and it is important for cities for people to have institutional knowledge about their municipalities.

Mr. White then addressed them, telling a story about the EB skateboard park that was locked and not operational. He had no intention of reopening it. Three students came to City Council and made an impassioned plea for reopening it. They did such a good job that the council agreed and he is preparing a plan for council. This was grassroots democracy at its best, and they should remember that.

Mr. Smiley asked the speakers if they would take questions from the observers in attendance at the meeting and they readily agreed.

Mr. Dan Damon told Mr. Rath that in many interviews over the past few months, it had been suggested that Council-Manager works better in homogenous communities than in racially, ethnically, economically, diverse communities. What does he think of that? Mr. Rath said that outside NJ, there are thousands of Council-Manager forms in use in diverse communities. Montclair and Teaneck are Council-Manager forms in use in diverse NJ communities. He thinks that the form works anywhere.

Dan then asked both of the speakers what they think of a residency requirement as in Plainfield's charter, especially in law enforcement. Mr. White thinks that it is an archaic notion that people need to live in the community and that the best candidates for the jobs should be hired. The private sector does not do such things. He told us that fewer than 25% of his police live there, and they were voted the 5<sup>th</sup> safest community in the nation by Money Magazine. His community is Asian, Indian and Jewish by demographic.

Mrs. Davis commented that there are people who will work and make money in Plainfield, but will tell you that they will not live here, and she objects to that.

Mr. Rath said that you are taking yourself out of competition for the best candidates when you do that and for the rank and file he does not agree with residency requirements. Most of his Department Heads and 20% of Police do not live in town. Many Public Works employees live in town. He also believes that the Manager

should live in the community, there is a residency requirement that can be waived in his town, but he lives there. Wants to be a neighbor, be involved in the community.

Mr. Robert Edwards asked if they have a CERT team. CERT is citizen emergency response team. Mr. White was not familiar with that but described what his community has. Mr. Raths has a community with both CERT and medical emergency response teams.

Mr. Larry Bashe asked to put the residency requirement discussion into context. He reminded everyone how we got the Plainfield Charter (1968), the special charter, in the first place. We had the worst possible set of circumstances that a government can face, with people rioting in the streets. The conclusion then was that we needed to move away from a part time and decentralized government that did not respond to whole segments of the residents and to move to more professional management (there was no city administrator prior to the special charter). Residency was important because we had a police department that was viewed by some as an occupying army that did not reflect the community. They believed that that crime control is related to communications between the public and police and fire personnel. Local residency was a priority, and they used certain techniques to hire residents to take the civil service positions to change the racial makeup of police force. Mr. Bashe was City Administrator from 1974 to 1982, was the second City Administrator under the special charter and still lives in Plainfield. He hopes and believes that while we still have some crime issues, we have all moved on from the atmosphere of racial tension that existed then.

Mr. Dan Damon asked if East Brunswick's emergency management plan was public. When he was public information officer, he pushed and lost the battle to have portions of an emergency management plan published on the website. Mr. White told us that it is not published or publicly available.

Ms. Nicole Billingsly of Plainfield Youth Organization for Unity asked how citizens go about changing their government and what would be the most beneficial form of government for Plainfield. Mr. Raths answered that our charter commission is going about studying our government to make a recommendation on a form of government. Mr. Raths further indicated that he and Mr. White agree that a good manager can run a community. In a council-manager form, you codify the manager as the chief executive of the municipality. Mr. White then pointed out that in Mayor-Council, there is overlap between duties of the administrator and the mayor, where it is clear cut who is in charge in Council-Manager. Mr. White has been lucky throughout his career, has worked with Mayors who appreciated having a manager to take care of things day to day. Ms. Burgwinkle pointed out to Nicole that the five commissioners were elected at the last general election, and that we are studying the charter and will make recommendations in August, they can go to our blog to see what we have been doing. Ms. Criscione told them that she would like to get their input on the form for Plainfield.

Ms. Izaiah Thompson of Plainfield Youth Organization for Unity asked if the Mayor is elected under council manager. Mr. Raths indicated it can be done either way, elected by the public or appointed by council, but the mayor does not have much power either way. Mr. Thompson asked what is the point of having a mayor with no power. Mr. Raths indicated that the Mayor runs the council meetings which is a big responsibility, and the mayor can be a consensus builder. Under Council-Manager, the point is to shift running the community to the Manager. Mr. Thompson further asked whether the manager really stays non-partisan or caters to the council that appointed him or her. He was told that the ICMA (the International City Managers Association) has a code of ethics that you must be non-partisan, you can be sanctioned for taking part in political events. You do not register for any political party.

Mr. White addressed the students and told them that he has a 24 year old council member in his third year, that there is plenty of room for young people to get involved in elected politics. Ms. Criscione pointed out that former Councilor Annie McWilliams was elected to Council at age 23, and served as Council President very competently as a young person.

Ms. Isaac Wilkins of Plainfield Youth Organization for Unity asked if the council is elected by the citizens and the council is Democratic and if the mayor is Republican, is there bias in favor of the Democrats so that the Republican has no power. Mr. Raths said that under his form of government, he has never seen Democrats

appoint a Republican mayor. He believes that usually both parties want the lowest taxes and other local goals. Mr. White also believes that political parties at the local level have little to do with the agenda in his community, both parties in generally share the same priorities for the community.

No further questions were posed, and the Commissioners thanked the Speakers for their attendance.