

**Charter Study Commission  
City of Plainfield, New Jersey  
Meeting Minutes  
February 28, 2013 Meeting  
Plainfield City Hall Library, 7:30 p.m.**

**Call to Order:** Mr. Stewart called the meeting to order at 7:30 p.m.

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

**Open Public Meeting Law:** Mr. Stewart announced that the Notice Requirement provided for in the Open Public Meeting Law had been satisfied. Notice was properly given, said notice having been transmitted to the Courier-News and the Star-Ledger on 12/26/12, as well as posting on the City website and on the City Clerk's bulletin board.

**Roll Call of Commission Members:** Mr. Stewart took roll call. Commissioners John Stewart, Vice Chair, Mary Burgwinkle, Secretary and Marie Davis, Assistant Secretary were present. Rick Smiley, Chair and Jeanette Criscione, Treasurer were excused.

**Minutes:** The 2/14/13 meeting minutes were adopted unanimously by voice vote, with no dissents or abstentions.

**Interviews:** Mr. Harold Gibson, former City Councilor, City Council President and City Administrator, Mr. Lawrence Bashe, former City Administrator and Mr. Donald Davis, former City Councilor, gave interviews. Attached as Exhibit A are the interview questions and a very brief summary of their remarks. A verbatim recording of the meeting, including all of their remarks, is available upon request.

**Correspondence to the Commission:** Ms. Burgwinkle reported that there was no correspondence to the Commission; there was correspondence from the commission to Annie McWilliams and Laddie Wyatt. Ms. Burgwinkle will follow up on contacting Ms. McWilliams and Mrs. Davis will follow up with Ms. Wyatt.

**Treasurer Report:** There was no Treasurer report.

**Discussion of list of interviewees for the next meeting:**

Mr. Rashid Burney, former City Councilor and City Council President, is confirmed for 3/14 at this juncture. Mrs. Davis will attempt to reschedule Mr. Mark Fury and Ms. Laddie Wyatt for 3/14.

**New Business:** Ms. Burgwinkle discussed homework for Commissioners, requesting that they continue to read the special charters of the other special charter municipalities in the state, with emphasis on South Orange and Englewood, comparing them to Plainfield Charter (1968). Also, Commissioners should volunteer to attend City Council Town Hall meetings, and should choose a Faulkner Act form to present to the group in Phase II.

**Next Meeting:** The next meeting will be on 3/14/13 at 7:30.

**Public Participation:** No members of the public requested to be heard (observers were allowed to ask questions during the interviews).

**Adjournment:** The meeting was adjourned at 9:45 p.m. by the Chair.

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

## Exhibit A

Following are interview questions and a very brief summary of Mr. Gibson's, Mr. Bashe's and Mr. Davis' responses. A complete recording of the meeting and comments are available for review as described above.

### Interview Questions-February 28, 2013

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

**Mr. Gibson:** 60 years of public service in Newark, Plainfield, Union and Essex Counties. Former Plainfield City Administrator and Public Safety Director (simultaneously for one salary), among other offices and positions. Degrees from Rutgers and Seton Hall Law School.

**Mr. Bashe:** Resident since 1971, MPA from Syracuse, trained to be a city manager, moved to Plainfield from Wisconsin to work in the Model Cities program, was Planning Director. Appointed as Deputy Administrator, then appointed as City Administrator by Mayor Paul O'Keefe in 1974, stayed briefly after Mayor Lattimore was elected. Left in 1982 to become an investment banker in the public finance area. Now works for Raymond James. Works with many municipal officials around the country in that capacity.

**Mr. Davis:** Former City Councilor, Electrolux franchise owner with two stores, proponent of Plainfield, one of the founders of the Plainfield Chamber of Commerce, among other activities and volunteer positions.

#### **2. To whom do you or did you report?**

**Mr. Gibson:** Reported to Mayor when employed as Public Safety Director and City Administrator.

**Mr. Bashe:** In Model Cities, Tom Parks. As Deputy Administrator and staff for Human Relations Commission, to Kennedy Shaw, first City Administrator after Charter was enacted. Then reported to Mayor Paul O'Keefe as Administrator and briefly for Mayor Lattimore.

**Mr. Davis:** Question not posed to Mr. Davis, who was an elected official.

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

**Mr. Gibson:** Met weekly when City Administrator and Public Safety Director, as meetings were held weekly at that time.

**Mr. Bashe:** No City Council staff, so lots of work with them regarding citizen groups or their legislative responsibility. At least one meeting a week. Lots of involvement with Block Associations and citizens and city council.

**Mr. Davis:** Question not posed to Mr. Davis, who was a member of the governing body.

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

**Mr. Gibson:** Department Heads were given a budget format to complete, would go over it with the Chief Finance Officer, and then presented to City Council and Mayor prior to formal presentation as part of Mayor's Executive Budget

**Mr. Bashe:** Budgets from bottom up at that time, by Division and Department Heads. There was a Budget Officer, who helped put together an executive budget. Budget process in NJ is unusual, as cities end up adopting a budget 3 months into the year, not optimum with severe financial problems, as city only gets the benefit of part of the year of cuts if necessary. Formed a citizen's advisory committee.

**Mr. Davis:** Question not posed to Mr. Davis, who was an elected official.

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

**Mr. Gibson:** Met at professional meetings, and on as needed basis otherwise.

**Mr. Bashe:** Goal of charter was professionalizing management, had been viewed as a part time government, not fully engaged. Lots of professional association involvement.

**Mr. Davis:** Question not posed to Mr. Davis, who was an elected official.

#### **6. Have you read Plainfield's City Charter?**

**Mr. Gibson:** Yes

**Mr. Bashe:** Yes

**Mr. Davis:** 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. Gibson:** Does not have a problem with the charter so long as it is adhered to, understands that he should not evaluate city officials in this interview and he agrees with that approach, but he has concerns about whether or not the city adheres to charter requirements. Has some issues with the three departments and the assignment of divisions to Public Safety, for instance. He does not believe that division of recreation, for instance, should have been part of Public Safety. He thinks that there are some changes that need to be made. Section 2.10, listing of separation of powers, for instance, and section 2.13 which mentions clerk of City Council but does not make it clear who should be the clerk.

**Mr. Bashe:** When you decide to create a unique Special Charter, there are many compromises along the way, and it is unfair to identify any one element and take issue with it, the element was probably the result of compromise. That having been said, he favors the separation of the legislative and executive functions for our kind of City. The basic professional model in his industry is a council and professional manager form, but that works best when there is a homogenous community with not a lot of basic issues, where it is just a matter of running the city operations. An elected executive and an elected legislature work best when there are many legislative issues to deal with, and so in each issue Charter Study is addressing, he falls under separation of powers. System works best when you set those boundaries and always have them to fall back on. There is no form of government that is really

better than any other form, you have to set the environment in which the work takes place. You can fall back on the structure, but success requires people working together. If it gets to the point where the City Council does not feel that the city administration and staff are not working to help them accomplish what they need, the system breaks down and you start getting requests for separate staff, etc.

**Mr. Davis:** Advantage is that it sets out everyone's role and there is a balance of power for all sides to stay in check. Disadvantage is also the separation of power when factions try to interfere with the other powers, whether executive, legislative or administrative. Everyone needs to learn their role.

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

**Mr. Gibson:** No

**Mr. Bashe:** No

**Mr. Davis:** No

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. Gibson:** n/a

**Mr. Bashe:** n/a

**Mr. Davis:** n/a

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. Gibson:** Was not involved in governmental operation in Newark, only other municipality where he worked

**Mr. Bashe:** In Plainfield during his tenure, he felt that we did things inefficiently on purpose. Spent lots of time on citizen issues, healing, citizen participation, not merely on running the operations of the city.

**Mr. Davis:** He had exposure to other forms in one of his professional association roles and believes that form is not the key, the key is people. We can have problems with personalities who want to change laws to suit their own needs.

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. Gibson:** Does not like "at large" concept; "at large" representative really does not have a defined group of people to represent. Instead of 7 councilors, he would prefer 9, two from each ward and an elected city council president. That way, City Council President can focus on operating City Council without any specific allegiances to other Councilors, and other Councilors can tend to constituents.

**Mr. Bashe:** Seven is a good number, thinks it could be less, maybe. One "at large", one for each ward and two hybrid "at large" seemed like a good compromise to him. "At large" is designed to let people focus on larger issues, not always be bound by very local issues.

**Mr. Davis:** Number is sufficient, perfect the way it is. Doesn't like all "at large" concept, could have all councilors from the same family in the worst case.

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. Gibson:** They should be paid, but not provided with a benefits package. He does not believe that persons in part time jobs should get benefits. Not meant to be negative, but City has a budgetary concern, benefits cost same as pay. Most Councilors have jobs where they should get the benefits. A person should run for office with the idea of serving, not being served.

**Mr. Bashe:** Should not create a financial disincentive, so some minimal compensation designed to cover expenses OK. Does not like the idea of elected officials depending upon their elected position for their livelihood, prefers part time concept.

**Mr. Davis:** Thinks that \$10,000 is an honorarium. Should not be full time, but should receive compensation to allow for gas and out of pocket expenditures, should be able to take courses to learn about the job since they are like a board of directors of a multimillion dollar corporation. Regarding benefits, he views it as a small part of the total, and not a big deal.

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. Gibson:** City Clerk should be appointed by Mayor. Under current governmental system, the mayor is the hiring and firing authority, should stay that way. The clerk serves both the Executive and Legislative branch of government, sometimes can be difficult, but the City Clerk works for both, should not be put in a position to have to take sides. If Council needs separate clerk, they should budget for that.

**Mr. Bashe:** Already stated that he favors separation of executive and legislative. City Clerk has responsibility that is outside City Council responsibilities. Should be appointed in the normal way provided in the charter. Three department heads was a compromise that limited advice and consent, bulk of hiring done administratively.

**Mr. Davis:** City Clerk should be appointed by council. Clerk of Council is main job. He believes that council should have aides or interns in the Clerk's office to assist council, even if unpaid from local colleges.

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

**Mr. Gibson:** Charter is not a device or document that could eliminate conflict between City Council and Mayor. Amending it to try to do that would not work out for the benefit of the citizens of the City.

**Mr. Bashe:** Charter has little to do with the working relationship between the Mayor and Council. He believes that Charter should set the boundaries between legislative and executive. Then the citizenry must elect quality officials and demand performance from them, Charter only sets the boundaries.

**Mr. Davis:** No charter or other law can make people work together. Voters need to hold officials accountable.

**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. Gibson:** Mr. Gibson does not believe this is a charter issue, but recommends a major evaluation of current division responsibility to see if current divisions best serve the citizens needs, as well as budgetary impact on the Departments that are covered by the Charter. Department of Public Safety should be only that, with Police, Fire and Emergency Management. There should be a Health and Welfare Department with code enforcement, Public Works (no urban development), a Department of Administration and Finance and a Department of Public Affairs (Senior service, recreation).

**Mr. Bashe:** Whatever form we choose should provide flexibility, and the three "super departments" does that. There is flexibility in assigning divisions and allowing for advice and consent by city council of the key employees while the actual work is done at lower levels. He thinks that there is enough flexibility to work across departments. People thought that Public Safety was too big, too many things under it. Public Safety, with fewer resources when federal money dried up during his tenure, is and has been a priority, should not have to deal with recreation and health.

**Mr. Davis:** Divisions should be assigned to meet the needs of the time. Does not think there should be more heads of divisions when people below are doing the work, should work within the budget. Three Departments are OK in his opinion. He agrees with Public Safety with director not police chief, voted as such when on council.

**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. Gibson:** Corporation Counsel should represent the City, both executive and legislative branches, and can assign special counsel when necessary. City Council should not hire its own attorneys. Plainfield is not financially capable of resolving in house disputes via outside counsel in courtrooms. City Council and Mayor should sit in a room and work things out. There should be a full time, in house, corporation counsel.

**Mr. Bashe:** Corporation Counsel represents the City, not the mayor or the City Council. If Corporation Counsel is uncomfortable, corporation counsel can appoint special counsel to deal with a special issue. Does not believe that everyone should have their own legal staff.

**Mr. Davis:** Personally speaking from his experience, would want council to have its own lawyer, but realizes that corporation counsel can represent City, use special counsel if necessary. City should have full time corporation counsel.

**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. Gibson:** Believes they are adequate as in current charter. Does not believe that you can pick and choose among Faulkner Act provisions, does not believe that recall is generally beneficial to the government, and so prefers current percentage.

**Mr. Bashe:** There was a referendum that overturned an ordinance that he supported when he was Administrator. He recognizes that there needs to be some power for people to take action, but in his opinion the bar should be set as high as possible since, after all, we elected these people in the first place to do the governing and legislating.

**Mr. Davis:** Favors no change.

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

**Mr. Gibson:** Retain four wards but amend boundaries when population requires it.

**Mr. Bashe:** Plainfield is only six square miles with fairly distinct neighborhoods, likes 4.

**Mr. Davis:** Fine as it is.

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

**Mr. Gibson:** Not in favor of non-partisan. May open up the electoral process to more people, but if you look at non-partisan municipalities, such as Newark, it is not successful in his opinion. He believes that there should be a two party system. Non partisan elections are also more expensive because of runoff elections if candidates do not get the required percentage of votes to be elected.

**Mr. Bashe:** The people who propose nonpartisan are the people who are on the minority side. He is not a fan. Parties create discipline and participation; citizens should make them do that. Look at the Plainfield school board elections, non partisan elections do not have as much voter involvement.

**Mr. Davis:** Likes present system.

**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. Gibson:** He can't fairly answer, has been out of government for a while and does not have a copy of the code.

**Mr. Bashe:** Code is more detailed, from time to time he recalled discussion about what the Charter meant, but he does not remember a time when there was a big debate about the Code.

**Mr. Davis:** They have to work with one another, no issues.

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

**Mr. Gibson:** 2.10 separation of powers, both are strong and both sides have to be cognizant and respect each other.

**Mr. Bashe:** Keep in mind that the Charter was a compromise, not fair to isolate one or two things that were the subject of compromise to criticize. Also, Charter Study should recommend things that we think we can get passed, have to keep that in mind, must compromise. He recalls a Charter Study when he was administrator where there was a recommendation to have two more at large council seats, and it did not gain traction because it did not have support at the time, viewed as political. An example of compromise under the Charter is that the mayor appoints the City Administrator and the three department heads who work for the City Administrator. He believes that was a compromise aimed at giving city council advice and consent of all of the department heads, but with a smaller number of departments. Under some Faulkner act forms, there are a lot of departments with city council advice and consent of all of the department heads. He prefers the concept of an elected mayor, and the concept of the citizen politician for all elected officials, that is, citizens with jobs outside their elected positions who govern part time, with professional people to manage operations. City administration must be willing to work with elected officials to get things done. He perceives that charter study is concerned about the executive and legislative branches not getting along. We should acknowledge that right now, political process is bad everywhere, everything is a moral issue, people taking positions and backing into the facts, very hard to get people to compromise. The process is not just breaking down here in Plainfield.

**Mr. Davis:** Charter is OK, we must keep elected officials accountable, no document can get them to work together.

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

**Mr. Gibson:** Vacancies provisions, acting mayor provisions where City Councilor gets the job of mayor. Does not like the conflict of interest when a legislative branch person acts as executive branch person at the same time.

**Mr. Bashe:** If you are going to try to do a special charter, that is a very tough job, must do every little issue, and debate and compromise. Consider looking at the Faulkner Act forms, and if you don't like any of them, use one of them with a few adjustments to get to a special charter.

**Mr. Davis:** Charter not perfect, but OK. Many issues can be dealt with by ordinance if necessary.