

**Charter Study Commission  
City of Plainfield, New Jersey  
Meeting Minutes  
January 24, 2013 Meeting  
Plainfield City Hall Library, 7:30 p.m.**

**Call to Order:** Mr. Smiley called the meeting to order at 7:37 p.m.

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

**Open Public Meeting Law:** Ms. Criscione 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. Smiley took roll call. Commissioners Mary Burgwinkle, Secretary; Jeanette Criscione, Treasurer; Marie Davis, Assistant Secretary and Rick Smiley, Chair were all present. John Stewart, Vice Chair was excused.

**Minutes:** The 1/08/13 meeting minutes were adopted unanimously by voice vote, with no objections or abstentions.

**Correspondence to the Commission:** Ms. Burgwinkle reported email correspondence from Dr. Ernest Reock answering the question about forms of government posed after the last meeting, as follows.

In response to the questions raised about forms of government available to Plainfield- Leaving aside the possibilities of a special charter or amendments to the current special charter in Plainfield, the only "pre-packaged" forms of government that you, as a Charter Commission, can recommend and place on the ballot for a referendum are the forms in the OMCL: the Mayor-Council form, the Council-Manager form, and the Mayor-Council Administrator form (Plainfield is too big for the Small Municipalities form).

The Commission Form and the 1923 Municipal Manager Forms remain available to any municipality, and you could recommend one of them, but this would have to be an "advisory" recommendation, and the question of adoption could only be placed on the ballot by a petition process, not by the Charter Commission.

In terms of usage, the Commission form was very popular early in the 20<sup>th</sup> century, with adoption by about 65 places, including most of the larger cities. The form has been losing favor over the last 60 years, with the number of places using it down, as of 2011, to only 30 – mostly small seashore resorts. The main criticisms were that it placed all municipal functions in three or five departments, each headed by a very powerful commissioner, and there was little in the form to encourage any central coordination of the departments or to ensure that the departments received professional administration.

The 1923 Municipal Manager Form was never adopted by very many municipalities, although a few of those places have used it for many years, apparently with some success. The original major criticism of the form was that it created a very strong position of Municipal Manager and then provided tenure in office for that person after a brief period of years. Many communities did not want to place themselves in such a situation. The tenure provision for the Manager has now been eliminated but, by the time this was done, attention had shifted to the OMCL version of a Council-Manager Plan. Only seven places still use the 1923 version.

I hope this answers your questions.  
Ernest Reock

**Treasurer Report:** Ms. Criscione reported no new Treasurer report.

**Interview:** Dr. Harold Yood gave an extensive interview. Attached as Exhibit A are the questions given to Dr. Yood and a very brief summary of his remarks. A verbatim recording of the meeting, including all of Dr. Yood's remarks is available upon request.

**Discussion of persons to invite for interviews on the present form of local government:**

An extensive list of current and former elected and appointed officials and other involved citizens was developed at the 1/08/13 meeting. Mr. Thomas Morrison and Mr. Edward Santiago were added at a subcommittee meeting between Mr. Smiley and Ms. Burgwinkle on 1/19/13. Mrs. Davis added Mr. Albert Hendrix at the 1/24 meeting. Ms. Burgwinkle distributed a spreadsheet with interviewee contact information and requested that the Commissioners review it and add missing information. Ms. Burgwinkle received permission to send a letter from the CSC to existing elected and appointed officials that the interview process was beginning and letting them know that they would be contacted. For the 2/14/13 meeting, the Secretary and the Assistant Secretary will contact prior mayors and city councilors for interviews. There was discussion about asking some of the persons on the larger list to answer questions by email or in a manner other than an interview at a meeting.

**Discussion of questions to be asked of interviewees:**

The Commissioners reviewed the interview questions that each Commissioner submitted for consideration after the last meeting. Consensus was reached on a list of questions for former and current elected officials and employees and on questions that will be addressed by the Commissioners during their study and deliberations.

**Announce Next Meeting:** At the next meeting on 2/14/13, at 7:30 p.m., the Commission will attempt to conduct three interviews. It was suggested that the former mayors and former city councilors be approached. Ms. Burgwinkle suggested that the Commissioners read the South Orange charter and committee report and the Englewood charter as they compare to Plainfield's charter.

**Public Participation:** No members of the public requested to be heard (observers were allowed to ask questions during Dr. Yood's interview).

**Adjournment:** The meeting was adjourned at 9:38 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 Dr. Yood's responses. A complete recording of the meeting and comments are available for review as described above.

Thank you so much for agreeing to an interview with the Plainfield Charter Study Commission. Attached is a copy of the Plainfield Charter (1968) (the "Special Charter"). Following are the questions that we will ask at your interview. Please confine your responses to the form of government.

1. Please state your name and address, and give us a brief explanation why you are interested in Charter Study in Plainfield.  
*Harold Yood, MD, of 1353 Cushing Rd. Dr. Yood has an extensive CV, is a lifelong Plainfield resident, whose family roots in Plainfield go back to 1868. Dr. Yood has followed the City Council for 20 years, writes a blog on City issues and takes a serious interest in the well being of the City.*
2. Have you read the Special Charter?  
*Yes, and have publicly referred to it several times.*
3. What do you consider to be the most important advantages of our present form of local government, the Special Charter?  
*Present charter represents the purest efficient form of local democratic government.*
4. What do you consider to be the most important disadvantages of our present form of local government, the Special Charter?

*Major disadvantages of the charter are that City Council does not have independent legal support and the Department structure is illogical and inefficient.*

5. How can the present form of local government be improved, in your opinion?

*The past 7 years have demonstrated a weakness in the strong mayor concept. That is not necessarily fatal, but perhaps the Mayor/Council/City Administrator format with the Administrator responsible to the Council would be more efficient, although I do not feel that we need such a change.*

6. Are you aware of any provisions of the Special Charter that may be obsolete based on revised state law? Regardless of state law, are there provisions of the Special Charter that seem obsolete to you? Which provisions?

*There may be some provisions that are obsolete about which I am unaware.*

7. What is your opinion on the number of City Council members under the present form of government? Is the City Council too large or too small? *Seven members of sufficient quality are sufficient to conduct council functions. Five members are too few in Dr. Yood's opinion. Nine members may be better with a rearrangement of the selection process. Possible that a larger body would result in a greater percentage of strong members.*

8. Should City Council members be elected for four year terms every other year, rather than our present system of electing council members every year? *Dr. Yood believes that 4 year terms are too long for City Council, but 4 year term for Mayor should not be changed, but there should be a term limit. City Council should be 3 year terms with maximum 3 terms. If 9 city councilors, should have three elected every year.*

9. Are the Wards (as presently drawn) representative of our overall community, in your opinion? Should there be more or fewer wards? *Dr. Yood believes that there is demographic inequality under our present 4 ward system, believes that 6 wards with a councilor per ward and three at large should be considered.*

10. What is your opinion of non-partisan local elections (for mayor and council) rather than primaries and partisan local elections? *Dr. Yood believes that there should be no place for political parties at the local level, however, there is no such thing as a non-partisan election. It is too easy for small power groups that can have a greater impact on the makeup of the council to be elected. As a result, he believes that we should retain the party primary election format.*

11. In your opinion, should the City Clerk be appointed by the Mayor or the City Council?

*Dr. Yood believes that the clerk is the Secretary of the Council and should be appointed by the Council.*

12. Do you think that the Special Charter could be improved in any way that would enhance the working relationship between the mayor and council? *No*

13. Do you believe that the Office of Corporation Counsel can properly represent both the Mayor and City Council as provided in the Special Charter? Should there be a provision for separate counsel for the governing body? Should there be full time in-house Corporation Counsel? *Dr. Yood does not believe that counsel appointed by and serving at the will of the Mayor will represent the Council's interest in a dispute and that the Council should have separate counsel. No need for full time corporation counsel.*

14. The Special Charter describes three departments of government.

A. Do you believe that three departments are sufficient?

B. Do you believe that the current city divisions are assigned to the departments described in the Special Charter for peak efficiency?

C. Should the charter allow for between 3 and 6 Departments?

D. Does Plainfield need the Department of Public Affairs and Safety in its current form?

*Dr. Yood does not believe that the three departments are workable, that there is no rhyme or reason for the assignment of divisions to departments. He suggests 5 departments, Administration, Finance, Public Safety, Public Works, Urban Development. He believes that there should be a Police Chief.*

15. If you are familiar with any other forms of government in New Jersey, how do they compare to the Special Charter?

*Dr. Yood believes that a more powerful City Administrator form would not work in our single party environment as too much political pressure could be placed on the Administrator and that Weak Mayor/Strong Council forms only work in smaller, homogenous municipalities.*

16. Do you have any other observations that you would like to share about the provisions of the Special Charter? *Dr. Yood believes that the charter worked well in times of civic minded individuals, that there should be a provision that allows council to fill critical vacant positions that exist over a time period to be determined, and that nepotism should be prohibited. He also believes that the percentage of voters needed for Recall is much too large at 33 1/3%, suggests 25% of the number of voters who voted in the last election or 10% of the registered voters.*