

City of Plainfield, New Jersey
Charter Study Commission
Minutes
Minutes of Meeting of Thursday, May 16, 2013, 7:30 p.m.
Plainfield City Hall Planning Conference Room

Call to Order: Mr. Smiley called the meeting to order at 7:42 p.m.

Salute to the Flag: Commissioners recited 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, said 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 and Vice Chair John Stewart were all present. Mrs. Davis was excused.

Minutes: The Minutes of Meeting of May 9, 2013 were approved in a unanimous vote with no dissents or abstentions.

Correspondence to Commission: Ms. Burgwinkle has emailed Dr. Reock who will speak at our 5/23 meeting about Faulkner Act forms. She will also contact Councilor Brown and former Councilor Simmons about scheduling a subcommittee meeting for their interviews.

Treasurer Report: Ms. Criscione reported that she spoke to the Star Ledger about a cost estimate for publishing our final report in the event we decide to do that (another municipality's Charter Study Commission published its report in its official newspaper). In her initial conversation, the Star Ledger representative told her that it would cost 44 cents per line, and that we could get an estimate by sending a word document. This seems like an expensive option, and the Commissioners will compare this with other options prior to finally deciding how to distribute the report.

New Business:

-Discussion of agendas for the next several meetings

The Commissioners discussed questions to send to Dr. Reock in advance of his presentation on May 23rd. A list of questions was developed that Ms. Burgwinkle will email to Dr. Reock. The Commissioners looked at the inventory of forms of government used by New Jersey municipalities from the Rutgers Center for Government Services website and learned that approximately 133 of the 566 municipalities in New Jersey have one of the four Faulkner Act forms, which are Mayor-Council, Council-Manager, Mayor-Council-Administrator and Small Municipality (that form not available to Plainfield). The Plainfield Charter (1968) appears to have been drafted using many of the provisions of the Mayor-Council form, with a number of custom drafted provisions that appear to have been the result of negotiation. Currently, 71 municipalities use the Mayor-Council form, including Newark, Elizabeth and New Brunswick, which has similar population and population density as Plainfield, with many other differences. New Brunswick is the county seat, has the State University and the headquarters of Johnson and Johnson. The Commissioners could not readily identify a community that is very similar to Plainfield, in that Plainfield is landlocked (no major highways), has no major industry and a high population density

at 8,270 people per square mile. The Commissioners will ask Dr. Reock to explain the advantages and disadvantages of using a Faulkner Act form and whether there is any data on which forms work best with which types of municipality.

-Commissioner Working Meeting

The Commissioners continued the review of the Plainfield Charter (1968) provisions that they started at the 5/2 meeting. At that meeting the Commissioners were reviewing the Charter provisions line by line, and sharing their thoughts on each provision. That meeting, and this 5/16 meeting, were working meetings, in preparation for future deliberations and no votes were taken. In addition to examining the Plainfield Charter (1968) provision by provision, the Commissioners were given a hypothetical charter prepared by organizing the Faulkner Act Mayor-Council provisions into five articles, with some provisions amended to fit our city's purposes. One of our interviewees had suggested drafting an amended special charter, if we were considering that option, by adopting the Faulkner Act form provisions, with some customized for our purposes. The rationale was that it would be easier and we would get updated provisions from the Act, rather than needing to update and amend many provisions of our charter. During the discussion at this meeting, the Commissioners examined the provisions in both. The discussion of Departments in Article IV that was started on 5/2 resumed at this meeting. The provisions of the charter dealing with Departments are custom provisions that vary from the Faulkner Act Mayor-Council form in that the departments are specifically named and limited to three. Under the Faulkner Act, a Mayor-Council municipality can have between 2 and 9 departments (one of which must be the City Administrator), established by the Council via ordinance. Many of our interviewees suggested amending the Departments provision. There was a far reaching discussion regarding the possibility of a change that would make the provision more flexible for the future. The Commissioners went on to discuss the Budget and Control provisions in Article V. Several interviewees had opined that our budget process is completed so late into the year that proactive planning is not really possible. One suggested that the budget could be substantially done by the beginning of the fiscal year, for planning purposes, and then amended after the books are closed. The Commissioners compared the budget language in our charter and in the Faulkner Act. Regarding the Initiative, Referendum and Recall provisions of Article VI of the charter, they are almost verbatim versions of those provisions in the Faulkner Act. The most important distinction between the two sets of provisions is that the threshold number of voter signatures necessary for action is much higher in our charter. The Commissioners discussed the possibility of suggesting changes. Regarding the General provisions of Article VII, a number appear to be obsolete in that either case law or other state or federal law has changed since 1968. The Commissioners will do follow up work to confirm which provisions are antiquated or superseded by other law.

All of the Commissioners will review both forms of the charter on their own between meetings to form their opinions on possible changes to our charter.

Announce date and time of next meeting: Thursday, 5/23/13 at 7:30 pm in City Hall Library

Public Participation: Mr. Robert Edwards asked the Commissioners what the follow-up activity would take place after the final report was submitted. He was advised that if the Commissioners decided to recommend a Faulkner Act form, that they would ask the City Clerk to place the question of adoption on the ballot, and they would then campaign for adoption of the new charter. If the Commissioners recommend amending our special charter, they would ask City Council to send the requested changes to the legislature.

Adjournment: The meeting was adjourned at 10:07 p.m.