

City of Plainfield, New Jersey
Charter Study Commission
Minutes of Meeting
Thursday, May 2, 2013, 7:30 p.m.
Plainfield City Hall Planning Conference Room, Second Floor

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

Salute to the Flag: Mrs. Davis led 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.

Roll Call: Mr. Smiley took roll call. Secretary Mary Burgwinkle, Treasurer Jeanette Criscione, Assistant Secretary Marie Davis, Chair Rick Smiley and Vice Chair John Stewart were all present.

Minutes: The Minutes of Meeting of April 25, 2013 were approved in a unanimous vote with no dissents or abstentions.

Correspondence to Commission: Ms. Burgwinkle indicated that there is ongoing correspondence with representatives from other communities about coming to meetings but she will not discuss it at length so that we save time for the planned work session.

Treasurer Report: Ms. Criscione is waiting to hear from the City Clerk about his contacts at the newspapers when publishing meeting notices.

New Business:

-Discussion of agendas for the next several meetings.

Ms. Burgwinkle noted that Councilwoman Brown, Councilwoman Greaves and Councilman Reid have been invited for 5/9, have not responded as of 5/2. Ms. Burgwinkle will follow up. Also, some city officials who are candidates will be interviewed in June, after the primary. At the 5/23 and 5/30 meetings, we will be discussing Faulkner Act forms of government. Dr. Reock will join us on 5/23 and Mr. White, the business manager of East Brunswick, a Mayor-Council Faulkner form most similar to Plainfield's form, will join us on 5/30. We are in discussions with representatives of two other municipalities for interviews on those dates. We may consider going to two other communities in subcommittee to get more information on other forms. Meanwhile, the current (5/2) meeting will be devoted to reviewing Plainfield Charter (1968) provision by provision, comparing it to the Faulkner Act Mayor Council form and evaluating it for antiquated or provisions superseded by general law.

-Commissioner Working Meeting

The Commissioner were asked to bring to this meeting their copies of the Plainfield Charter (1968), the Faulkner Act that Dr. Reock gave to each of us at the organizational meeting, and the reports of the Hopewell Charter Commission of 2005 and the South Orange Charter Review Committee of 2011.

Mr. Smiley asked why South Orange's report was included in this meeting. Ms. Burgwinkle acknowledged that the South Orange special charter form of government is dissimilar to Plainfield's, however, that special charter was adopted in the 1970's and its form and general provisions are similar to Plainfield's. The South Orange Committee reviewed its charter for antiquated and outdated sections now covered by general law, and Ms. Burgwinkle thought that it would be useful to check our own assessment of those provisions against theirs. In addition, the method that the committee used to record and report on its votes was a useful form to consider.

Ms. Burgwinkle also indicated that Hopewell is dissimilar in form to Plainfield, but their Commission's report contained a concise and helpful summary of the features of the 3 Faulkner Act forms that would be available to Plainfield. Reading their lists of features may give each Commissioner a perspective on each of the forms prior to going to the statute, which can be difficult to read without context. Also, Hopewell's Commission made several advisory recommendations in their report, that did not rise to the level of charter provisions, but were suggestions about the management of the town. In addition to delivering its charter recommendations, this Commission should develop a list of advisory recommendations for the Mayor, Governing Body and City Administrator, based on the many issues that were raised to us in numerous interviews and our own observations.

Ms. Criscione offered that in reading the Faulkner Act statutes, all of the forms did not seem distinct from each other. A discussion ensued about the three Faulkner forms available to Plainfield. The Faulkner Act Mayor-Council-Administrator form has been described as the "Faulknerized" Borough form, and has only been chosen by 3 New Jersey municipalities since its adoption in 1981 (North Brunswick, West Milford and Berkely Heights.)

The Mayor-Council form is similar to Plainfield's form under the Special Charter, with some notable differences in appointment of certain offices, in departmental organization, and in distribution of City Council (a four ward municipality can have 7 councilors, one from each ward and three truly at large), among other things.

The Council-Manager form is widely used in New Jersey and elsewhere, and features an elected council (charter can designate all at large, or wards and at large), a mayor selected by the council from its ranks (or elected by the citizens, with one at large council seat being designated as mayor in the election), and a "CEO" who is the City Manager. The conventional wisdom on this form appears to be that it works best in municipalities that are heterogeneous and with few chronic problems. Former City Administrator Norton Bonaparte is the City Manager of Sanford, Florida. He was interviewed by Ms. Burgwinkle and Mr. Smiley in a subcommittee interview on April 30th to accommodate his schedule. He was very enthusiastic about Council-Manager form. He told us that the City is a corporation, the City Manager is the CEO, and the Council is the elected Board of Directors, dealing with policy and community relations, with a mayor generally selected by the councilors from their ranks. When questioned about his prior Council-Manager position in Willingboro, NJ, he told us that people moving to Willingboro from cities were dismayed to learn that they did not have "their" City Council member (all at large in Willingboro), and that they did not elect their mayor. He told a story about a frustrated mayor, speaking to citizens, telling them that he had no power to do anything, that they needed to talk to the City Manager.

The Commissioners then turned to the main task of the evening. They worked on a line by line discussion of the Plainfield Charter (1968), cross referencing each Charter provision with the Faulkner Act Mayor-Council form provision which was most similar to it, so that the Commissioners could compare the Faulkner approach to the approach taken by the drafters of the Charter. The Commissioners also cross referenced the work of the South Orange Charter Review Committee for language that they drafted to replace antiquated and superseded charter provisions, and for approaches that they took for our Commissioners to consider. Over the course of the next two hours, the Commissioners went through the first four articles of the Plainfield Charter (1968), identifying items that need to be updated (Gender Neutral, antiquated or superseded provisions, for instance), and comparing the applicable Faulkner Act provisions. There was a spirited discussion about departments when comparing the Faulkner approach to the Plainfield Charter (1968) approach, that will be continued. This was a working session, not a deliberative session and no votes were taken. At the next meeting, this discussion will continue after interviews have concluded. Ms. Burgwinkle offered that she will be working on reviewing the Plainfield Charter (1968) during the upcoming week, and invited individual commissioners to meet as a subcommittee of two with her to discuss Faulkner or Plainfield Charter (1968) issues.

Announce date and time of next meeting: Thursday, 5/9/13 at 7:30 pm in City Hall Library.

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 10:05 p.m.

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