

**City of Plainfield, New Jersey
Charter Study Commission
Minutes of Meeting
Thursday, June 13, 2013, 6:30 p.m.
Plainfield City Hall Library**

Call to Order: Mr. Stewart called the meeting to order at 6:37 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. Stewart took roll call. Chair Rick Smiley had advised the Commission of a late arrival for this meeting, arrived at 7:12 p.m. Secretary Mary Burgwinkle, Treasurer Jeanette Criscione, Vice Chair John Stewart and Assistant Secretary Marie Davis were all present.

Interviews: The Commission had invited City Council President Bridget Rivers, City Councilor Adrian Mapp, Freeholder Linda Carter and Assemblyman Jerry Green to interviews at this meeting. Ms. Rivers gave notice that she could not attend this meeting and has been rescheduled for a Subcommittee Meeting to be held on June 18, 2013 in the Planning Conference Room at 6:30 p.m. Ms. Carter and Mr. Green had conflicting meetings and could not attend. Mr. Mapp attended and was interviewed. A summary of his interview 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 30, 2013 were approved in a unanimous vote with no dissents or abstentions.

Correspondence to Commission: Dr. Reock contacted Ms. Burgwinkle via email to ask that any emails that we send him should be sent to both his office and home email addresses. Mr. Christopher Rath emailed for contact information for the Plainfield Youth Organization for Unity as he is inviting them to a council meeting in Roxbury if they would like to see that form of government in action. Mrs. Burgwinkle asked permission to send letters to his professional associations acknowledging his participation in the 5/30/13 meeting. The Commission also received email correspondence from former Corporation Counsel Rowand Clark containing his thoughts on a number of Charter related issues, and the Commission received a copy of Miller vs. Mitchell that it had requested from David Minchello, Esq.

Treasurer Report: No report.

New Business:

-Discussion of agenda for the next meetings:

There will be a subcommittee meeting (Mrs. Burgwinkle and Mrs. Davis) on 6/18/13 beginning at 5:30. City Councilor Brown, former City Councilor Elliott Simmons and City Council President Bridget Rivers will be interviewed in that order. The meeting is open to the public and will be recorded. The 6/20/13 meeting will be held in the Planning Conference Room on the second floor of City Hall at 6:30, an hour earlier than usual. The Commission has invited Director Restaino,

Director Jackson, City Administrator Berry and Mayor Robinson-Briggs to give interviews. After the interviews, the Commissioners will continue pre-deliberation discussions.

-Commissioner discussion of topics for upcoming deliberation after interviews

-The Commissioners discussed the court case from 1991, Miller vs. Mitchell, which generally held that special charter municipalities must assume that their provisions remain in effect unless general legislation expressly or clearly provides to the contrary. Corporate Counsel Minchello mentioned this opinion after a meeting that he attended and he provided us with a copy to read.

-Ms. Burgwinkle also asked Mr. Minchello, and will also ask the City Clerk, whether the provisions in the Plainfield Charter (1968) regarding reapportionment of wards is obsolete and whether other general law actually governs reapportionment.

-Ms. Burgwinkle pointed out to the Commissioners that the Administrative Codes of Roxbury and East Brunswick that we received at the last meeting actually look like our Charter. They have Faulkner Act charters, which provide the skeleton of the charter, with the Administrative Code providing the details that can be changed by ordinance. Our Charter has a lot of detail. She also pointed out that in both of those communities, the administrative code provisions on Corporation Counsel provide that the counsel represents the municipality, and provides legal services to both council and the executive branch. Neither discusses separate counsel for city council. It appears to work in those communities, so far as we know, and we need to examine why it is not working in our city. She also noted that in the Departments section of the East Brunswick Administrative Code, the departments are listed and it is clear that the departments have been amended from time to time via ordinance (East Brunswick operates under Faulkner Act Mayor-Council, which is very similar to our form of government under our charter). A discussion ensued over Departments and the role of Divisions.

-The Commissioners then began to examine a protocol for their deliberations. The draft procedure they looked at (and did not vote on) had three levels of voting and suggested that the Commissioners write out short lists of reasons for each vote. It was suggested that the Commissioners take a non-binding vote at the next meeting, to get started and measure consensus.

-The Commissioners discussed the Public Forum Meeting scheduled for 6/27/13. Ms. Criscione will prepare materials to demonstrate what we have done so far and will do the presentation at the meeting.

Announce date and time of next meeting: Thursday, 6/20/13 at 6:30 pm in City Hall Library (one hour earlier than our usual meetings). (Subcommittee meeting, also open to the public, 6/18/13 beginning at 5:30 pm in the Planning Conference Room, second floor City Hall.)

Public Participation: Members of the public were allowed to participate during the meeting. Also, during Public Participation, Mr. Robert Edwards asked the Commissioners if he could see a draft for the visuals for the 6/27/13 presentation when they are drafted.

Adjournment: The meeting was adjourned at 9:10 p.m.

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 summary of Mr. Mapp's answers.

1) Please briefly introduce yourself and describe your present or former role in Plainfield's government:

My name is Adrian O. Mapp, I am the councilor for the 3rd Ward and a former Union County Freeholder. I served as the President of the Council on two occasions.

2) Have you read Plainfield's City Charter? Yes

3) What do you consider to be the most important advantages of Plainfield's present form of local government, the Plainfield City Charter? What are the disadvantages?

The clear and concise nature of the Plainfield City Charter and the stability that it provides are important advantages. It is easy to read and understand and interpretation is seldom if ever required. The disadvantages lie in the fact that significant/meaningful changes require the approval of the NJ legislature, and are not subject to local control.

4) Is there anything in the Plainfield City Charter that hindered you from carrying out your role in Plainfield's government? No

5) If your answer to Question 4 was yes, were the provisions of the Plainfield City Charter the problem or do you believe that the Charter was being interpreted incorrectly? N/A

6) If you have had experience with forms of municipal government other than Plainfield's City Charter, how did the operation of municipal government under those forms compare?

I have had experience working under the Borough and Faulkner forms of government. The Borough form diminishes the role of the Mayor and places significant administrative powers in the hands of the Council thereby rendering the mayor, at times, as a figurehead. The Faulkner form of government with which I am familiar is very similar to Plainfield's form of government. It is a strong Mayor weak Council form that places all administrative day to day responsibility in the hands of the Mayor; the Council is more of a policy making board with fiduciary responsibilities for the city's finances.

7) 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?

The number of council members is enough to meet the City's needs and to provide effective representation; the number is right for the City's current population. The current system of 1-4, 2-3 and citywide at large representation should remain unchanged, it serves the City well and it allows for more focused attention from council members resulting in better constituency service.

8) Should City Councilors be compensated or should they receive \$1 per year for their service as in some other municipalities? Should the council receive benefits?

Council members should be fairly compensated for their service; they should not receive benefits.

9) In your opinion, should the City Clerk, who acts as clerk to the City Council, be appointed by the Mayor or by the City Council? The City Clerk should be appointed by the City Council but should report to the City Administrator with a dotted line to the Mayor.

10) Do you think that the Plainfield City Charter could be improved in anyway that would enhance the working relationship between the Mayor and City Council?

Yes! The City Council should be allowed to appoint its own counsel on an as needed basis; such an appointee should not be on the city's payroll. The appointment should be a professional service made in full compliance with the Local Public Contracts Law. The person appointed should communicate with the council through the Council President and the Clerk to the Council.

11) 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?

No, the divisions are not appropriately assigned; the current structure is neither efficient nor effective.

(b) Should the Plainfield City Charter be changed to allow for between 3 to 6 departments, to be established by ordinance?

The Plainfield City Charter should be changed to allow for no more than 9 departments to be established by ordinance.

(c) Does Plainfield need the Department of Public Affairs and Safety in its current form?

The Department of Public Affairs and Safety should exist in its current form with the heads of Police, Fire and OEM reporting to the Director of Public Affairs and Safety.

12) Do you believe the Office of the 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?

The Office of the Corporation Counsel can, more often than not, represent both the Mayor and City Council. However, if the issue at hand puts the Mayor at odds with the Council, it is not possible for the Corporation Counsel to represent both parties. The same lawyer cannot represent the plaintiff and the defendant. Hence, the Plainfield City Charter should have a provision that allows for separate counsel for the governing body, chosen by the governing body, on an as needed basis; such an appointee should not be on the city's payroll; the appointment should be a professional service made in full compliance with the Local Public Contracts Law. The person appointed should communicate with the council through the Council President and the Clerk to the Council.

I believe there should be a fulltime in-house Corporation Counsel.

13) 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 initiatives and referendum under circumstances described in the law and 25% for recall? Should the recall percentage be less than 25%?

No, all percentages should remain as is. Initiatives, referendum and recalls should require significant effort by their proponents.

14) In your opinion, should Plainfield have more or fewer Wards? Would more or fewer Wards provide better representation for all constituents?

The current number of Wards is ideal for a city the size of Plainfield; all constituents can be adequately served under the current Ward structure. However, elections should be held every other year as opposed to every year, with the Mayor and Councilors for Wards 1,2 and 3 elected in an odd year, and Councilors for Wards 4 and the three at large seats elected in an even year. All elective offices should be for 4 years.

15) What is your opinion of non-partisan local elections (for mayor and City Council) rather than primaries and partisan local elections?

Given the voter demographics of Plainfield, non-partisan elections should be considered, by way of a referendum. Let the people decide.

16) 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?

In my opinion the Plainfield City Charter and the Plainfield Municipal Code have been used consistently.

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

The Plainfield City Charter should provide for no more than 9 departments, each with its own director. It should allow the City council to appoint the Municipal Clerk and to appoint its own counsel on an as needed basis. The title of City Administrator should be changed to the Business Administrator to be consistent with most NJ municipalities. The departments should be as follows: 1. Administration, 2. Corporation Counsel, 3. Finance, 4. Health and Human Services, 5. Municipal Court, 6. Planning and Economic Development, 7. Public Affairs and Safety, 8. Public Works and Maintenance

18) Do you have any other observations that you would like to share about provisions of the City Charter?

Yes! It should not require an act of the NJ Legislature to change the Plainfield City Charter. Changes should be approved by referendum at a general election.