

**Charter Study Commission
City of Plainfield, New Jersey
Meeting Minutes
March 14, 2013 Meeting
Plainfield City Hall Library, 7:30 p.m.**

Call to Order: Mr. Smiley called the meeting to order at 7:31 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 Jeanette Criscione, Treasurer; Mary Burgwinkle, Secretary; Marie Davis, Assistant Secretary and Rick Smiley, Chair were present. John Stewart, Vice Chair was excused.

Minutes: The 2/28/13 meeting minutes were adopted unanimously by voice vote, with no dissents or abstentions.

Interviews: Mr. Smiley announced that Ms. Laddie Wyatt, former City Clerk, was scheduled to be interviewed at this meeting but is attending the 3/28 meeting instead. As a result, this agenda item was deferred until the arrival of Mr. Rashid Burney, former City Councilor and City Council President and the first interview of the meeting. Former Mayor Mark Fury also gave an interview. Attached as Exhibit A are the interview questions and a 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 potential interviewees. Ms. Burgwinkle requested deferring that discussion to the agenda item dealing with future interviews.

Treasurer Report: There was no Treasurer report. Mr. Dan Damon asked a question about the status of the budget request CSC submitted. Ms. Burgwinkle and Ms. Criscione reported that they had not heard anything other than that a \$10,000 temporary budget had been assigned. Ms. Burgwinkle will call Mr. Restaino.

Discussion of list of interviewees for the next meeting:

Mr. Daniel Williamson, former Corporation Counsel and Ms. Laddie Wyatt are confirmed for 3/28. Mr. Walter McNeil was invited but has not responded. Mr. Smiley will contact Mr. McNeil. For the 4/11 meeting, Mr. Rowand Clark, former Corporation Counsel, Ms. Sandy Spector, Republican City Committee Chair, and Mr. Hank Kita, former City Administrator and member of the 1990 Charter Study Evaluation Committee are confirmed. Mr. Norton Bonaparte, former City Administrator, promptly responded to an email request, and asked to see the questions and ground rules prior to agreeing to participate. Ms. Donna Vose, former City Councilor, has agreed to submit answers via email. Annie McWilliams has not responded to email and a letter. Mr. Mark Dashield, former City Administrator and now the Municipal Manager in Montclair, has been contacted, but has not responded. Ms. Burgwinkle will pursue his invitation since he could address both the Plainfield Charter and a Faulkner Act form. In addition, Jewel Thompson-Chin, Lisa Love, Bibi Taylor and Tom Morrison have been contacted recently. Ms. Burgwinkle also reported that Mr. Ronald West, former Director of Finance, has accepted an interview, but must be finished by 7:00 pm. Discussion ensued over having a subcommittee of two commissioners conduct and record the interview and report back to the CSC. Ms. Burgwinkle moved that in some circumstances, when interviewees cannot be available to physically attend a meeting, that their interview be conducted by a subcommittee of a maximum of two Commissioners, that the substance be reported back to the Commission and recorded for our record, with any such interview approved by the Chair. The motion was seconded by Mr. Smiley. Discussion ensued and Mrs. Davis suggested an amendment to remove Chair approval from the motion. The motion passed as amended with no dissents.

Short Debriefing of Interviews: This agenda item was passed in Mr. Stewart's absence.

Next Meeting: The next meeting will be on 3/28/13 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 9:30 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 brief summary of Mr. Burney's and Mr. Fury's comments. A complete recording of the meeting and comments are available for review as described above.

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

Mr. Burney: Served 5 years on City Council, thanked all of us for this work, which is likely well due.

Mr. Fury: Born and Raised in Plainfield. In 1990s served on a previous Charter Study Committee, served as attorney for the Housing Authority, belonged to Frontiers and other organizations, served as Mayor, was a Vice Chair of the Democratic State Committee, among other things.

2. Have you read Plainfield's City Charter?

Mr. Burney: yes

Mr. Fury: 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 its disadvantages, in your opinion?

Mr. Burney: Has not worked with any other form of local government. Looking at ours in detail, he feels that the drafters created a significant balance of power that keeps each part of the government in check, and that this works when things are going well. On the other hand, it acts as an anchor when you are trying to move forward and one of the government partners will not go along with the others to get things done, you get stuck, can seem like too many checks and balances.

Mr. Fury: Remembers when Plainfield was a shopping destination, had four movie theaters, and remembers when the change came. From an African American experience perspective in NJ and America, there is no place like it in his opinion; it is the center of the universe. Evidence is that it is the birthplace of Parliament Funkadelic, and of Bill Evans of Jazz fame, of an Olympian, an attorney on the OJ team, a unique place. Advantage to form is that it is similar to the strong mayor Faulkner Act form, with a few special wrinkles that do not take anything away from the form. He is certain in hindsight that the charter was enacted after the changes in Plainfield so that some things did not change too fast, and he is OK with that. His theme throughout the interview will be that the problems in Plainfield are not in the charter.

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

Mr. Burney: Question not posed to Mr. Burney

Mr. Fury: He does not think so, had a reasonably responsive City Council at first, and got some minor changes done in Departments. He tried to treat Mayor as a full time job as long as he could. His goal was to reach down at least two levels, to directors and their immediate reports so he would know them if he needed something. Charter did not bar him from reshaping the government in a way that suited him.

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?

Mr. Burney: Question not posed to Mr. Burney

Mr. Fury: N/A

6. 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. Burney: Has not had experiences with other forms of government.

Mr. Fury: Would never recommend a strong council- weak mayor form. If you have to depend on 5 very different people to agree, nothing will get done. Need one person to point at if something does not get done.

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?

Mr. Burney: All councilors should not be elected at large. We are not a homogeneous city; there are large income disparities, at large only could result in one neighborhood having all of the representatives. He strongly disagrees with that outcome, must have representation from all geographic parts of the City. He does not see the current number and distribution of City Councilors as a problem.

Mr. Fury: Seven City Councilors is fine for a city of about 50,000 people, he cannot imagine less. Regrets that he could not get a census that totaled 50,000 when he was Mayor because he is convinced there are that many people in the City. Distribution is fine as it is, one from each ward, and three in at large roles. He does not like the idea of all councilors elected at large. He explained by talking about the effect of the closing of the Mack Truck plant on Plainfield. It had drawn African American and other residents of different races and ethnicities to live in Plainfield for employment at working class jobs. He believes that the closing of the plant started Plainfield's problems. Residents did not have jobs (hundreds of African American, and other families), merchants did not have customers. Three years after the plant closed, Plainfield had a race riot. Plainfield was the smallest city to have a riot in 1967 with Newark and Detroit, the year before it was "cool" and everyone had a race riot. This explanation was made to emphasize the importance of representation from every ward, because you want the separate voices. If the representative from the first and 4th ward and the representative from the 3rd ward can all shake their heads on something, that is probably a good policy.

8. 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. Burney: He does not know anyone who sought council seats for the purpose of compensation. He does not think that made a difference on how often they attended, how hard they worked. When he was on Council, they took a cut to demonstrate to unions that they would sacrifice as well. Times are hard, we should recommend the \$1. However, council members incur expenses, so, cut back on salary and give each a budget to attend local functions. Some discretion, can't use it to see movies, but for mail or local functions with constituents.

Mr. Fury: Tough question. In the days that he grew up in Plainfield, Plainfield was by far wealthier than other surrounding communities. Plainfield had three public pools, when no one had any. Plainfield was the first city on the east coast to have a fully enclosed sewer system. At that time, the City Council was not paid, but times have changed. Higher salary may attract better people, but he does not think that this is a big enough city to make City Council a career position. Small salary to make up for the inconvenience is appropriate. Not enough to attract someone to do it in the first place, which is OK.

9. 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. Burney: Thinks that appointment by City Council might be a greater tie between them, but larger issue is that City Council's work is to make laws, but everyone works full time, hard to find the time. He remembers late at night going onto a website where he could look at other City's codes to look for ordinances, on the Tree Commission, for instance. He cut and pasted from other communities and brought them to Corporate Counsel for "clean up". City Council needs some staff to research and make calls and help them with their work. That person would likely work in the Clerk's office. The Charter appears to give that help to the Mayor, but is silent on the City Council.

Mr. Fury: His disclaimer is that he is an acolyte of the school of Laddie Wyatt. It takes tremendous talent to serve at the pleasure of the mayor but at the will of the City Council. If Plainfield has someone remotely as talented as Laddie, he would not change a thing. Problem would be that if the City Clerk only works for the Council, the Mayor will be closed out of their deliberations completely and then you have non-cooperative government. He hopes that whoever serves is good enough and gets tenure, can then be independent of the Mayor.

10. 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. Burney: He does not know of any amendment that would help this, what matters seem to be the faction you are aligned with. When he was on City Council and Al McWilliams was mayor, it was easier because most of the Council and the Mayor were aligned together, for instance.

Mr. Fury: For this question, he suggested that maybe the salaries should be doubled, to draw the best talent for these part time jobs, and that is how you could make relationships better. When he was Mayor, he came to the opinion that every City Council person wants to be Mayor, every preacher wants to be a City Councilor, and every Mayor wants to be a community activist. This does not work, better to get people who want to do the job they have when they have it, so need to draw better talent. The challenge is always that the City Council gets asked to rule on 20-30 things a week. Mayor has an hour or so to think about each thing, with staff for briefing. He did not know how to manage sharing his thoughts when he was a young Mayor. City Council stands at a disadvantage of being not fully informed about any decision. His wish would be to draw a larger, more qualified pool of City Council persons who could make decisions faster on the limited info available or could be better politicians about why the mayor wants something done.

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?

(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. Burney: Needs to be a greater outreach in Public Affairs. That seemed to languish in both administrations that he has seen. Not sure if we need more department heads or different breakout. He does not understand how that would help. There may be disparate functions under departments, but they all have allocated funding to do specific jobs and their activities are laid out, so may not require a lot of time from the department head. If our study finds that the department head is spending more time than if the divisions were organically aligned, then consider change. Regarding Public Safety, agrees that Fire and Police should be under equal footing (as opposed to Fire reporting to Public Safety Department Head), as Fire always seems to run well. In a 2006 budget study, only Fire of all Plainfield divisions was at the top of efficiency level when compared to other municipalities. Others were 4th or 5th out of 5 as far as money spent per capita. Never got a complaint about Fire in 5 years. Opposite for police, not necessarily efficiency, but morale issues, inconsistency, huge battles between rank and file and whoever was in charge, whether it was a chief of police or the Public Safety Director. If someone can be devoted only to Police, that would likely be better, as public safety is the number one priority in his opinion, and our largest expenditure. The police and fire heads, whoever they are, should be accountable to the mayor, not a blockage as under the police chief scenario. Public expects the Mayor to be able to seek change when things are going badly. The people chose the civilian government, and they expect that the mayor can make changes, and in many cases, the police chiefs are not receptive to that.

Mr. Fury: Does not make a difference, good people in their positions will get their jobs done. Regarding Department of Public Affairs and Safety, it was borne of the 7 years of bad relationships between the African American community and the essentially white police department in 1968. The Department of Public Affairs and Safety was created to get African American blood into the police force, which has now happened. Director of Public Safety is just a politician who carries the police message to the community.

12. 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. Burney: Absolutely not. The Corporation Counsel works for the Mayor, period. When confronted with legal questions, the Council got very narrow legal responses, needs better service. He does not blame Corporation Counsel, can't work for two bosses sitting in front of you. Need a full time counsel for mayor, council could use part time. Would not be different if the Mayor had a business background, this current situation stems from politics.

Mr. Fury: Against separate counsel, if that happens, the result will be constant lawsuits between the mayor and the governing body. Does not have an opinion one way or the other on full time 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 initiative and referendum under circumstances described in the law and 25% for recall)? Should the recall percentage be less than 25%?

Mr. Burney: Recalls are very distracting, do not want one of these every election, but 33 1/3% is too high. Referendum is people trying to change a law, percentage should be lower, should be 10% so that it is more accessible.

Mr. Fury: He does not have the slightest idea about this. Being that this is his home town, he feels qualified to point out that Plainfield is a contentious city on a good day, and that there are factions in Plainfield that fight for the sake of fighting. This all depends on how easy we want to make it for people to fight.

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

Mr. Burney: No, just make sure that local people in the wards are active.

Mr. Fury: He does not think that the number of wards is important. He noted that there are people who have lower incomes who need more services, people who commute and want to be left alone, and people who live in wards with beautiful housing that they want to preserve. They all need to be represented. He mentioned that better schools are the key issue, and noted his inability to get control of the school board when he was mayor.

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

Mr. Burney: I think that it is a nice idea, but if you look at Newark and Hoboken, same people are in charge regardless and it does not change anything.

Mr. Fury: The only difference is the election is at a different time of year. The parties will still spend what they have to spend to get control of the seats that they need to give out contracts.

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?

Mr. Burney: They were used together to the letter consistently, but the spirit may have been inadequate. The budget for instance, is just too late. This is the single biggest action City Council takes, introduced when at least ¼ of the year has gone by. This leaves few options to really change anything, weighs in the administration's favor to do it this way. He does not believe that there are dramatic changes in the city budget year to year. Must clear snow, pick up leaves, we have an idea what is going to happen, does not change that much in City Hall. Most changes are decimal points, so no reason that the budget should not be promptly done to allow for figuring out the right workloads and priorities, making the changes that we need. Charter should say that the Mayor should

introduce the budget on December 1 as a working budget, clean up decimals in January, if financial people think that we could do this. Books aren't closed until March, but why not do the working budget before the end of the year, pending the books closing.

Mr. Fury: he paid a lot of attention to the charter, not much to the ordinances

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

Mr. Burney: Change the charter to give the Mayor a date to submit the budget.

Mr. Fury: Every provision could be improved, charter should be reviewed periodically. Hard to say where the review will go, but never a wasted process.

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

Mr. Burney: Don't know if the Charter can solve this issue, but Council and mayor are good at execution, or getting things done, when there is a task in front of them, but the planning is very short in our city government. Organically, it is not happening so maybe it can be legislated. There have been citizen budget committees; however, administrations have not liked that process. He does not know why, as citizen involvement, with ward captains going back to constituents to explain their budget cut recommendations would let the administration off the hook in a way. Planning is very short, in any event. His other advice, Charter Commission should think 15 years out, when none the current leaders will be key players. Don't let our opinions of current leaders influence our decisions, we need recommendations that will stand the test of time. Believes that terms for Mayor and Council should be 4 years, terms should be 2 terms for mayor and 3 terms for council. Thinks that full time mayor would be a good idea, for planning purposes, and to sell the agenda, does not like the Council-Manager form, sees City Administrator as someone who executes, not plans.

Mr. Fury: The City Charter is unique, thought it was a pain when he first read it, but after studying it, he came to believe that it is part of the City's heritage. While it is inconvenient not to be able to change it when you want to, getting the right people in the city council seats and in the political positions are more important than changing the charter. In his opinion it is not dramatically different from the strong mayor-council form under the Faulkner Act.