

City of Plainfield, New Jersey
Charter Study Commission
Minutes
Minutes of Meeting of Thursday, April 11, 2013, 7:30 p.m.
Plainfield City Hall Library

Call to Order: Mr. Smiley called the meeting to order at 7:35 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. 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: 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 March 28, 2013 were approved in a unanimous vote with no dissents or abstentions.

Interviews: Mr. Smiley announced that Former City Administrator Jewel Thompson–Chin was interviewed prior to the meeting and that a recording can be played, time permitting. Live interviews were conducted of Mr. Rowand Clark, former Corporation Counsel and Mr. Henry Kita, former City Administrator and Member of the 1990 Charter Study Evaluation Committee. Attached as Exhibit A are the interview questions and a brief summary of the remarks of Mr. Clark and Mr. Kita. Attached as Exhibit B are the interview questions and a brief summary of the remarks of Ms Thompson Chin. A verbatim recording of the meeting is available upon request. After the live interviews, the decision was made to play the recording of Ms. Thompson–Chin's interview at another meeting, given the length of this meeting. Also, attached as Exhibit C are the questions posed to Ms. Donna Vose, former City Councilor, Planning Board Member and Member of the 1990 Charter Study Evaluation Committee, as well as her answers.

Correspondence to Commission: Discussion of Correspondence was deferred to the discussion of interviewees in New Business.

Treasurer Report: There was no Treasurer's report.

New Business:

–Discussion of interviewees for the next meeting: Mr. Martin Hellwig, Director of Public Safety, Honorable Cory Storch, City Council Second Ward and Honorable Rebecca Williams, City Council Second and Third Wards, are scheduled for interviews. Ms. Burgwinkle advised that she planned to send email letters to the existing City Councilors, the Mayor, the City Administrator, the Department Heads, Freeholder Carter and Assemblyman Green, advising them that CSC was commencing interviews of current elected and appointed officials and advising them of the approximate date and location of their interviews. In addition, the letter will advise that all persons who are candidates for office in the June 4 Primary Election will be scheduled for interviews after the election, as CSC does not want them to have to focus on an interview while campaigning.

–Discussion of Plan for April to August and adding meeting dates–Ms. Burgwinkle and Mr. Smiley held a subcommittee meeting on Sunday, April 7 to plan the work and meeting schedule for the final four months of the CSC study. They distributed a table of the existing scheduled meeting dates through August 6, when CSC Final Report is due, as well as a list of dates to be added, and a list of tasks to be accomplished at each meeting. The new dates are Thursdays, May 2, June 20, July 18 and August 1. Those meetings will be held in the Planning conference room on the second floor of City Hall, as the Library is not available those days. Ms. Burgwinkle advised that the City Clerk had

reserved the room, but had not sent Open Public Meeting Act Notices pending availability of Commissioners. She asked Commissioners to promptly advise if they cannot be present on any of the days. Mrs. Davis advised that she is on vacation the whole month of July. Mr. Smiley cannot be present on May 9 and May 30, which were regularly scheduled meetings. Ms. Criscione can be available on all of the dates.

–Other New Business–Ms. Burgwinkle announced that the May 23 and May 30 meetings would be dedicated to the study of other forms of government under the Optional Municipal Charter Law (Faulkner Act). Dr. Ernest Reock will join us at the May 23 meeting to give an overview of the Faulkner Act forms that are available to Plainfield (Mayor–Council, Council Manager and Mayor–Council–Administrator). Mr. Marc Dashield, former City Administrator and present Manager of Montclair, a Council–Manager government, has also been invited to appear on May 23rd, but has not responded and Ms. Burgwinkle will continue to seek a speaker regarding Council–Manager. Mr. Jim White of East Brunswick will address CSC on May 30 regarding Mayor–Council form. There are only three Mayor–Council–Administrator municipalities in New Jersey (Berkeley Heights, West Milford and North Brunswick). Ms. Burgwinkle has faxed a letter to Mr. Robert Lombard, City Administrator in North Brunswick, as that was the first community to choose M–C–A, and the choice was made via a Charter Commission, but has not heard back (immediately after the meeting, Ms. Burgwinkle discovered that she had received an email from Mr. Lombard, who will find persons to attend a meeting).

Short debriefing of interviews by Commissioners: The Commissioners passed this agenda item due to the length of the meeting.

Announce date and time of next meeting: Thursday, 4/25 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 10:03 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. Clark's and Mr. Kita'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. Clark: My name is Rowand Clark. I served as City Prosecutor between 1982 and 1985, as City Solicitor from early to mid 1990 and as Corporation Counsel from mid 1990 through 1993.

Mr. Kita: My name is Hank Kita, and I served three administrations in Plainfield. In 1986 and 1987, was deputy City Administrator under Mayor Taylor, reported to the City Administrator and the Mayor. I then worked in State Government and the private sector and returned as City Administrator in the Fury Administration, reporting to Mayor Fury. I then spent four months as Director of Public Works in the McWilliams administration.

2. To whom do you or did you report?

Mr. Clark: To the Mayor and Council.

Mr. Kita: See answer to Question #1.

3. How frequently do you or did you meet with members of the governing body?

Mr. Clark: Attended every City Council Meeting and Agenda Setting.

Mr. Kita: Weekly faces to face meetings and spent a lot of time on the phone with city council members, about constituent issues, resolutions and ordinances. Spoke with them multiple times per week.

4. If you are or were involved in budgeting for your department or division, describe the budget process.

Mr. Clark: No involvement in the budget.

Mr. Kita: As City Administrator, I took on the role of person orchestrating the budget process for the administration. I worked with the finance department to make sure that the right forms and instructions went out to the departments and spent time on internal budget interviews, went through the budget line by line many times, spent lots of time, hours days to try to reach a budget that everyone could live with.

5. Do you or did you have any contact with your counterparts in other municipalities? How often and in what context?

Mr. Clark: Some contact having to do with inter-municipal issues. Plainfield was at that time switching from the Joint Meeting (for sewer) to what ultimately became PMUA, Dunellen and North Plainfield involved. There was litigation over an archaic sewer system that was physically and legally broken down. Also, Plainfield had constructed a storm water discharge at the Scotch Plains border that caused flooding there when it rained, worked on that.

Mr. Kita: Sporadically had contact with other City Administrator types, there was a state association of City Manager/Administrators. County brought us together a few times. I sat on joint insurance fund for the City, and would talk to clerks, city managers about issues of mutual concern such as traffic, police, economic development.

6. Have you read Plainfield's City Charter?

Mr. Clark: Yes, many times over the years and also in the past few days.

Mr. Kita: Yes, many times, and read it again after 15 years in the last several weeks.

7. 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. Clark: Advantage is that it lays out a professional management system; disadvantage is the manner in which the council is elected, but that is separate from the government itself.

Mr. Kita: Pretty simple, does not seem to contradict itself, pretty straightforward. Simplicity is part of the beauty of it, compare it to the constitution. No need to get into a lot of interpretations of it. Disadvantage, we are sitting here 45 years later and it has not been changed, probably needs to be tweaked. I sat on the last Charter Study Committee in the early 90s. He hopes that our input is taken seriously, did not happen in 1990.

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

Mr. Clark: Not sure what that means, did not see it as a hindrance, his problem is the manner in which the City Council is elected.

Mr. Kita: No. Political tussles are another issue, but duties of City Administrator were OK.

9. If your answer to Question 8 was yes, were the provisions of the Plainfield City Charter the problem or do you believe that the Charter was being interpreted incorrectly?

Mr. Clark: N/A

Mr. Kita: N/A

10. 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. Clark: Had a private practice in Land Use, appeared before Planning Boards in the central part of the state, and sometimes local Councils, most were suburban communities with Common Council governments.

Mr. Kita: Has not had that experience, Plainfield only municipality he worked for directly.

11. 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. Clark: Main problem in Charter is the way that City Council is elected. The 1968 Charter was fabricated by the then controlling downtown Republican interests to suppress the black vote, and it

did for a while. Now, downtown is gone and the Republicans have self-destructed and will not come back, and we are left with a shell that was designed to keep the downtown interests in power. The main problem is the ward configurations described in Section 2.3 setting out how the mayor and city council will be elected. In 1969, the Mayor was elected for 4 years and all Councilors were elected at once, with certain Council seats up for election each year after that as described. The next year (1970), the 1st ward seat and the 2-3 seats were up for election. The controlling interests did not expect to win in the first ward or the fourth ward, but were comfortable about 2-3, and so would not lose control and government would not change that year. The following year, 1971, the 2nd and 1-4, were up. Republicans did not expect to win 1-4, but expected to win 2, so they would continue to control. The following year, 3rd and at-large were up, and they expected to win both. In the end, it took 12 years to get them out of power. Problem now is that no one can change the government because the whole slate never comes up for election at the same time (despite that the Governor and all legislators come up every two years). It is possible to change the legislature in one day if there is pressing issue, cannot do that in Plainfield. Mayors care about getting four votes and maintaining that. It would take a much disciplined effort to effect change.

Mr. Kita: Number 7 is a good number, never should be smaller, too much power concentrated in too few people. Should be one councilor from each ward, thinks city has evolved since 1968, he likes that someone is at large and that two councilors are partly at large, and a good mix. Union County argument that since freeholders are elected at large, some towns are not represented at all, that is the problem with all at large.

12. 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. Clark: Has lost track of what they are paid, but whatever it is should not be so substantial that it is a full time job and persons have a vested interest in keeping the seat for the money or benefits, he does not think that is in the best interests of the City. He also believes that there is a statute that prevents

Mr. Kita: No reason why they should not be compensated, to defray costs of constituent relations, buy stamps, gas to drive around. Do not think that benefits are bad either, impose term limits to keep people out of lifelong office.

13. 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. Clark: That is covered by the charter, the Clerk of Council can be the City Clerk or someone else, that is up to the Council.

Mr. Kita: Charter provides that the City Council can choose, he thinks that it is OK the way that it is.

14. Do you think that the Plainfield City Charter could be improved in any way that would enhance the working relationship between the Mayor and City Council?

Mr. Clark: Right now, any Mayor is always trying to have four votes. When he was there, everyone was trying to cut everyone else off at the knees. We need a break from politicking every year to do some actual governing.

Mr. Kita: Short of making it a felony that they don't get along, don't know what to do. It is a people issue, always has been. I moved to Plainfield in 1978 and the Mayor and Council were fighting, and I moved out in 1998 and they were fighting. I understand that they are still fighting. I also wish that the US Congress and Executive could get along.

15. 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. Clark: (a) Cannot address the specifics now, but not good to have lots of Departments, views each as an empire. (b) No, 3 reduces the hierarchy. The best part of the charter is professional management, maybe need one more Department for a catch-all, but the fewer empires the better.

(c) Director of Public Safety is chief law enforcement officer, as compared to County Prosecutor and State Attorney General, he knows that there is no longer a Police Chief, otherwise cannot answer.

Mr. Kita: (a) Probably not at peak efficiency. (b) Probably not enough departments to make it work the way that it should. Maybe room for another Department to take on things City has taken on over the years and some core functions. Some Social Service functions could be in it, for instance, call it community affairs, community services. (c) Police Fire and Inspections are fair for that department, would keep it to enforcement areas, will leave Police Chief question to others who have been here over the past 15 years.

16. 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. Clark: There was a lot of animosity when he was there, like representing a husband and wife in a contentious divorce, hard to represent both. Hopes that Council does not need separate counsel, as that is asking for litigation. Once again, he believes that letting the whole government be elected at once would help. When he was Corporation Counsel, Councilor Miller sued Mayor Mitchell over appointments to Planning Board. He represented neither, assigned counsel for both sides. There is an opinion, Miller vs Mitchell. Mayor Mitchell believed that he could appoint Planning Board members without counsel approval under the charter. Court held that the Municipal Land Use Law took precedence over the Special Charter and that City Council approval was required. Important decision for Charter Study Commission to consider. Regarding full time corporation counsel, he believes that if you pay someone a living wage, from day one that person that the person will try to figure out how to keep the job, and the mayor appoints the person. He never became full-time in government jobs, tried not to take jobs that he could not afford to lose.

Mr. Kita: In the best of all worlds Corporation Counsel can represent both, but we are dealing with people. City Council should not have its own attorney, but should be able to bring on special counsel without the express consent of the mayor. He did not have full time counsel as city administrator; he does not think that someone should be allowed to be in for four years without being subject to Mayor and city Council, that would create another, non-elected, situs of power.

17. 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. Clark: Higher percentages were designed by those in power at the time of the charter adoption to make it hard for the people not in power to make changes. Does not know the right percentages, should be at least 20%. Should not be too easy to get a recall petition going because that stops the governing cycle, if you are subject to recall you are fighting it, not governing.

Mr. Kita: Recall is a nuclear option, so to speak, mechanism that can be abused. Very disruptive, should have a very high standard for number of signatures you need to start it. Recalls disrupt everything, not good for anyone.

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

Mr. Clark: Close call, substantial divisions between 2 and 3 and 1 that existed when he moved here 40 years ago do not exist, but there are differences and there should be at least one council person from each ward, but he regards the 1-4, 2-3 seat as a gimmick.

Mr. Kita: Number of wards just right, Plainfield not a sprawling 50 square miles. Number right for the size. More would put too many people on the council.

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

Mr. Clark: He thinks we should be non-partisan, not only do you have to work your way through the staggered election system, but have to be nominated. Republican nomination is worth nothing, but the Democratic nomination is very hard to get, like a soap opera, we should try to get away from that. He wants to elect the whole government in the year that the governor is elected.

Mr. Kita: In last charter Study, I thought that non-partisan was a good idea, and 20 years later, I still believe that. It is expensive, elections don't come cheap, but I think that it would be easier for more people to put their hats in the ring.

20. 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. Clark: Not sure that the Municipal Code has been appropriately updated for years. If we are planning a substantial change to the charter, will need to recodify. Not easy to get it done when sides are not getting along.

Mr. Kita: Code was a hodge podge in his day and if it has not been neatened up it should be. Nonetheless, I did not see anything in the Code that was inconsistent with the Charter.

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

Mr. Clark: First, election cycle and partisan elections. Changes because of obsolescence should be taken care of. Example is changes in ward population can't be more than 10%. Baker vs. Carr, Supreme Court case, must be as close as possible. Change charter to reflect current law and fairness.

Mr. Kita: He likes simplicity and he finds the charter to be a good document in that regard. It all gets down to the execution and the ability of folks to work together. Not getting along is not a reason to change it, anymore that the US constitution.

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

Mr. Clark: Election of counsel and mayor is antiquated, designed by special interest group that does not exist, should be changed.

Mr. Kita: No, your questions were a good compilation of issues. I wish that my group 20 years ago had been more organized, it is a good thing to have this consistent battery of questions.

Exhibit B

Former City Administrator Jewel Thompson-Chin was interviewed in a CSC subcommittee meeting held at 6:00 pm on Thursday, 4-11-13. Commissioners Mary Burgwinkle and John Stewart were present.

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

My Name is Jewel Thompson-Chin, and I am presently Borough Administrator for the Borough of Tenafly. I was City Administrator of Plainfield from 1990 to 1993 in the administration of Mayor Harold Mitchell.

2. To whom do you or did you report?

Mayor Mitchell. Supervised by the Mayor and on a "dotted line" reporting basis to the City Council

3. How frequently do you or did you meet with members of the governing body?

4. If you are or were involved in budgeting for your department or division, describe the budget process.

My Background was finance, and I was intimately involved in the budget process. I worked with an excellent Director of Finance, Nathan Bean, and we worked closely together. Every year, we came up with a budget package, which was slightly different every year depending upon priorities and state statutes. We would then send a request to Department Heads, which they would fill out and return to her and to the Finance Director. They separately reviewed everything and then came together to agree on a joint recommendation to the Mayor, then worked with the Mayor on the final budget to go to the City Council. Her borough's budget is done by 1/1, we all know that the state date is 1/15 and will be extended, should be done for planning purposes by 1/1.

5. Do you or did you have any contact with your counterparts in other municipalities? How often and in what context?

Yes, fairly frequently on a monthly and at least quarterly basis. She was a member of the Municipal Manager's Association that met monthly and of a Union County Administrator's group that met about quarterly, unless they held a special meeting at the request of a community that wanted advice or help with something. She was also involved in regional transportation and attended meetings related to that.

6. Have you read Plainfield's City Charter?

Yes.

7. 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?

The advantage is the breadth and width of responsibilities assigned to government. It is well written, mostly well thought out, but contains a few provisions that end up thwarting working together collaboratively. For instance, Section 3.4 makes it clear that the Mayor is in charge of Administrative functions, but then there is language describing what items the mayor must provide to individual councilmen upon request. Minor sentences that seemed to undermine the powers they were describing.

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

I can't say that it hindered it to the point that you threw your hands up and stopped working, but there were things that made it more difficult at times, time spent on political wrangling that detracted from doing administrative work.

9. If your answer to Question 8 was yes, were the provisions of the Plainfield City Charter the problem or do you believe that the Charter was being interpreted incorrectly?

It was interpretation, mostly people had the tendency to liberally interpret their powers under the charter, lengthy discussions and debates about requests and where the request was supported in the charter, a lot of those discussions.

10. 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?

She has operated in Faulkner forms, now in the borough form, a little easier to navigate. No requests can be made by individual councilors, only by the council as a whole, so less time spent wrangling with council people, less distraction when attempting to do your administrative tasks.

11. 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?

She thinks that at large is good, she finds wards to be limiting. Wards not global, limiting to the thoughts of your own neighborhood. Opens the door to unnecessary controversy.

12. 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?

Should not be full time, should be paid, council can decide that for themselves, no benefits.

13. 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?

Council should appoint. She sees the Municipal Clerk as the administrative office of the council, same as Administrator is the administrative arm of the Mayor. Even though the clerk has mandated duties by the state, should be appointed by the council,

14. 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?

She thinks that if the few phrases and sentences that give power and take it back or make it less clear were removed and that clarity and clear lines were the goal, that would serve to help a lot, but in the end, the words and provisions are only as good as the people who follow and adhere to them.

15. 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?

For a government the size of Plainfield, three departments is too few, even a fourth would be beneficial. Separate Public Affairs from Public Safety.

(b) Should the Plainfield City Charter be changed to allow for between 3 and 6 Departments, to be established by ordinance? Needs to be more than three, maybe not six, large financial impact in adding Department Heads.

(c) Does Plainfield need the Department of Public Affairs and Safety in its current form? goes in too many directions, take public affairs out.

16. 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?

Majority of places she has worked, Corp counsel reps both and it worked. Must choose the right corporate counsel, it is about integrity and not playing politics it is to serve the City. Dueling Corporation Counsel is a recipe for disaster, does not serve the City well and opens up to more liability, not less. More cost effective was in-house corporation. Full time can be defined by hours, choosing someone who does not have outside legal offices is not realistic. Council

17. 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%?

She likes I&R, glad that we have it, it is for the people. Recall is more serious, should not be less than 25%.

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

Wards are anachronistic, as a society, we have moved to a more holistic view, and compartmentalizing people into wards is counter to that, prefers at large. She thinks that wards set up the city for fights between the neighborhoods. She thinks that you should plan by segments, but not govern by segments.

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

I don't have a problem with partisan elections, 99% of the time that we talk about politics, we talk about parties. Tough to have an election where you are not supposed to think about parties.

20. 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?

They really had to be used together, but sometimes the charter was not clear enough and a lot of discussion ensued to get an accurate interpretation.

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

Separation of powers are clear, with some little provisions that undermine the powers given that should be taken out.

22. Do you have any other observations that you would like to share about the provisions of the Plainfield City Charter? City Administrator qualifications said that the person does not have to be a resident of the State at appointment, not true anymore.

Exhibit C

Ms. Donna Vose, former City Councilor, Planning Board Member, and Member of the Charter Study Evaluation Committee of 1990, submitted the answers to her questions via email. Her message to the Commission and her responses follow:

Members of the Plainfield Charter Study Commission:

Thank you for the opportunity to respond to an interview by mail. I will answer the questions in the order you have posed them.

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

I am Donna Vose and was on the Council in the early 90s and later on the Planning Board. I was also on the informal Charter Study Commission during the McWilliams administration.

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 its disadvantages, in your opinion?

Since it is a charter specifically mandated by the legislature for Plainfield, we were able to avoid many state mandates that applied to other municipalities.

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 the municipal government under those forms compare?

I have had experience in Massachusetts with a Town Meeting form of government. Plainfield is too big and too heterogeneous for that.

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 and distribution of Council members is appropriate. At-large representation would result in under-representation of the 4th Ward and over-representation of the 2nd.

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?

Councilors should receive no compensation, benefits or other emoluments. They should be reimbursed for expenses. (Incidentally, cell phones should be reimbursed a set amount per month, e.g. \$25.00, for city business until cell phones become like land lines and do not bill by the minute.)

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?

Now that the City Clerk position is tenured and has educational requirements by statute, it will become less politicized. This means there will be fewer conflicts than there were in my time (Oh, the stories I could tell!) So appointment by the Mayor with advice and consent of the Council should work. Of course the Council can also have its own clerk according to the current Charter, but the coordination problems would be great.

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

When I was on the previous Charter Revision Study, DCA (Department of Community Affairs) sent us a consultant who said that no change in content or form would change politics or personalities.

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?

Not necessarily. But that is subject to ordinance as times change. It's not a charter issue.

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

Probably not, because department heads are political appointments which are for a term of office. It's hard enough to get 3 qualified people for short-term jobs, let alone 6. Now if you are talking about these Department heads becoming civil service, then the City Administrator would control. That radically changes the political calculus.

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

The original rationale for the position no longer exists. There needs to be a professional fire chief and a professional police chief. That does however set up for turf battles between the 2, but for the most part those have already been worked out.

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?

Corporation Counsel represents the city, not the Mayor or Council. Easy to say. If all he did was advise on the implementation of Title XVIII, deal with outside regulatory agencies, review proposed ordinances for "form and sufficiency", and parcel out litigation to other attorneys, this all would be a non-issue. And he could work on a retainer as he does in other places. However, the culture in Plainfield has developed differently. He is a "player" in the system. Unless that culture changes, each team will want its own player.

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%?

I don't favor I&R (See California). It weakens representative government. So it should not be casual. Recall tends to be destabilizing to government, so should also not be easy.

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

Four wards is fine. The boundaries change every 10 years to reflect changing demographics.

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

I have lived under both. Partisan works better. Argument is made that Plainfield has only one party. Semantically speaking, that is true. But there are 2 factions in the one party, both of which are quite stable and broadly representative. In non-partisan elections, there are narrow interest groups, e.g., real estate, small business, or unions, etc., that dominate.

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?

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

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

17 & 18. I used to oppose charter change because we could lose the prohibition against dual office holding for which we were almost unique. That is now moot since there is a state statute to that effect. However, I still have concerns: 1. It will go to the legislature which is huge crap shoot. One cannot predict the outcome and it is unlikely to be precisely what you want. 2. The Assembly does not introduce local legislation unless the local assemblyman is in favor. Is he? 3. The legislature

has said it wants the municipalities to have Faulkner Act charters, so it is unlikely to approve a tweaking of an old non-conforming one.

Thank you for this opportunity to contribute to your work.