

**Charter Study Commission
City of Plainfield, New Jersey
Meeting Minutes, page 1 of 4
December 11, 2012 Organizational Meeting
Plainfield City Hall Library, 7:00 p.m.**

Call to Order: Commissioner Burgwinkle called the meeting to order at 7:00 p.m. and presided over the balance of the meeting as temporary chair, noting that all commissioners had been sworn in prior to the start of the meeting.

Salute to the Flag: Commissioner Davis led the Pledge of Allegiance.

Open Public Meeting Law: Commissioner 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 November 28, 2012, as well as posting on the City website and on the City Clerk's bulletin board.

Introduction of Commission Members: Commissioners Mary Burgwinkle, Jeanette Criscione, Marie Davis, Rick Smiley and John Stewart briefly introduced themselves to those present.

Adoption of Bylaws: Commissioner Smiley moved for adoption of the "By-laws of the Plainfield Charter Study Commission", contained in a document that had been reviewed and distributed to the Commissioners prior to the meeting. The motion was seconded by Commissioner Davis. The Chair asked for discussion items and hearing none, conducted a voice vote of five yes votes, with no objections or abstentions. The motion passed and the Bylaws were adopted.

Nomination and Election of Officers: Commissioner Stewart nominated the following slate of officers: Rick Smiley, Chair; John Stewart, Vice Chair; Jeanette Criscione, Treasurer, Mary Burgwinkle, Secretary; Marie Davis, Assistant Secretary. Each nominee separately verbally accepted his or her nomination. The Chair conducted a voice vote on election of the slate officers of five yes votes, with no objections or abstentions, and the officers were elected.

Discussion of Charter Study Commission Process: The Chair introduced two guests, Dr. Ernest Reock, Professor Emeritus at Rutgers College and retired Director of Rutgers College Center for Government Services, and Assistant Director Kathy Cupano. Dr. Reock's remarks are briefly summarized on Exhibit A to these minutes. A verbatim recorded transcript of the meeting and the remarks can be obtained by contacting the Commissioners on the Charter Commission blog, <http://plainfieldcsc.blogspot.com>.

Announce next meeting and Work Assignments for Commissioners: The Chair announced that the work planning meeting will be 1/8/13 at 7:30 pm at City Hall Library. Before then, all meeting dates will be set so that City Clerk can send out one set of Public Notice Ads. Regarding work assignments, Commissioners Burgwinkle and Criscione will be Budget Committee and will meet as soon as possible. Commissioners Burgwinkle and Davis will be the Meeting Schedule Committee. Meeting has been set up with City Clerk for

12/14/2012. Commissioner Stewart is constructing a blog, and he advised that it would be live on 12/20/2012. Homework for Commissioners for the next meeting is to make lists of prospective interviewees about our existing form of government, and lists of questions to pose to interviewees. Commissioner Smiley asked Dr. Reock if he had suggested questions and Dr. Reock agreed to forward a list of questions via email.

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Public Participation: The Chair read Article V, Section 4. of the By-Laws regarding Public Participation.

The following members of the public participated.

Honorable Adrian Mapp, President of City Council, greeted the Commissioners and Dr. Reock, advised the Commissioners that the administration was setting aside money for the temporary budget which will be acted on by the City Council in January. He further asked a technical question confirming treatment of reports under the Faulkner Act.

Honorable Cory Storch, City Council Second Ward, 705 Ravine Road, thanked Dr. Reock and the Commissioners for their service.

Dan Damon, 661 W. 7th St., asked whether a majority of Commissioners could conduct an out of town visit without violating the Open Public Meetings Act and Dr. Reock answered no. He further suggested that the Commissioners build a list of emails of persons who want to be notified about Commission meetings to use as a communication tool.

Robert Edwards, concerned citizen, asked if minutes, and hard copies of minutes would be made available to the public. He was told that minutes will be put on the blog and the City website to be available to the public.

City Clerk Abubakar Jalloh greeted and thanked Dr. Reock and offered his services to the Commission.

Adjournment: The meeting was adjourned at 8:00 p.m. by the Chair.

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

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Exhibit A–Brief Summary of the Remarks of Dr. Ernest Reock

Dr. Reock congratulated the commissioners on their elections, and told us that he was sure that we would find Charter Study Commission to be a time consuming but rewarding job. Dr. Reock proceeded to hand out copies of the Faulkner Act, updated to be current to his best knowledge, to each of the commissioners. He pointed out that Kathy Cupano, also in attendance, is assistant director of the Rutgers College Center for Government Services and that he is the retired director and that they operate as a tag team in trying to provide some assistance to Charter Study Commissions, at no cost, as a service of the university.

He described his role as strictly neutral, he will not make recommendations on the findings of the Charter Study Commission, but calls on their considerable experience to help charter study commissions that request their help. They will attend meetings occasionally, be available by phone and will provide materials that could help in the work of the commission. He commented that previously, consultants attended every meeting, but consulting of that type has gone out of style.

He pointed out that the Faulkner Act tells commissioners what to do, but not how to do it, there are very few specific ground rules in the law. He pointed out that the Act mandates organizing, selecting a chair, adopting rules, setting meeting dates within 15 days of the election. He pointed out that none of the three Charter Study Commissions elected in the 11/6/12 General Election had organized in 15 days due to the Hurricane (referring to the fact that the General Election was not certified until 11/26/12 due to the complications from the storm). Duties of Charter Study Commissioners enumerated in the statute are to study the government that we have now. Then, we compare our form of government to the forms of government that are available to Plainfield in order to determine if our government could be strengthened, made more clearly responsive or accountable to the people, or made more economical or efficient. He emphasized that we should keep our eye on the target, that we were not elected to reexamine or audit policies that have been adopted or actions of our city council in the past. We are looking at the form of city government and whether it helps the city operate efficiently.

He further noted that there are four types of reports that we can make, ultimately. One type would be to examine our form of government and the others available and come to the conclusion that the present form is best and that there should be no change. If that report is made, the Commission is discharged upon making the report and work is finished. The next type of report would be a recommendation that our present form should be changed to one of the forms available to us under the Faulkner Act. According to Dr. Reock, that recommendation would lead to the form being placed on the ballot for a vote of the

citizens. The third type of report would be that having examined our present form and the Faulkner Act forms, we do not believe that the pre-packaged Faulkner Act forms are appropriate for us, so we would draft a new special charter or amendments to the special charter that Plainfield already has. That report would go directly to the state legislature, would need 2/3 vote of both houses and a signature of the governor. If that is accomplished, the legislature would send it back to the City for either a referendum of the people or a vote of the governing body, whichever the legislature required. The fourth and final type of report would be advisory recommendations on city government, but if that type of report is made, the Commission has no power to put the recommendations into place.

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Exhibit A–Continuation from page 3

He pointed out that we need to operate under the Open Public Meeting Act and make and keep minutes. We must also hold public meetings where we allow citizens to come to tell us what they think. He pointed out that we have 9 months from the election to finish our work, that we do not need to take the entire 9 months, but we have already lost time due to the storm. He brought handouts including a timetable for charter study commissions, not mandated for following, but helpful. Generally, he told us that Commissions divide their work into phases, and usually take the first month to organize and plan out the rest of the work time. First phase would be reading our charter and talking to people who work in government to find out everything we can about how it works now. Second Phase would be looking at other communities' forms of government, reading about them and interviewing people so that we can compare them. After that, we will deliberate, make a decision and write a report. He passed out a handout with a list of activities that consultants may help with, in order to illustrate that they will not write our report. He pointed out that in the past, consultants, including himself, had written the reports and that the reports are better now that most commissions are not hiring consultants for that purpose. He emphasized that it is work and a big job to write a report, but worth it, and better because we know our community. Report will be due in early August.

Dr. Reock then handed out a budget worksheet, and told us that we need to prepare a budget and submit it to our city council. The budget worksheet does not contain numbers, it contains categories based on what other Charter Study Commissions have done in the past. In past years, consultants were the largest expense, but that has gone out of vogue. Otherwise, the biggest expense is generally the final report (what does it look like, how large is it, how is it reproduced, and most importantly, how do you get it out to the people). Regarding getting the word out, it is tough, can try moving meetings around town, most people have, unfortunately, likely completely forgotten about charter study commission. Our job to drum up interest.

Dr. Reock ended his formal remarks and took questions from the Commissioners about a variety of topics, including distinction between public hearing and public meeting, very

limited reasons to go into executive session. He does not believe that we can have working meetings not under the Open Public Meetings Act, at least not if we have a majority. Two of us can get together to work, two of us can attend neighborhood meetings to talk about Charter Study. Regarding dissemination of information, we must give the City Clerk a copy, must file copies of report for each elected official as well, and we need an undetermined amount of reports for citizens. Some municipalities have mailed a copy to every household, must find out how much we can spend and how many we might want to send. Dr. Reock has never heard of charging for a report. Some municipalities have distributed by hand, or put a pile of reports in a public place. Email is possible, or a link. We cannot send a summary, if you can email the entire report, that should be acceptable.