

**Charter Study Commission
City of Plainfield, New Jersey
Meeting Minutes, page 1 of 5
January 8, 2013 Meeting
Plainfield City Hall Library, 7:30 p.m.**

Call to Order: Mr. Smiley called the meeting to order at 7:28 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 Mary Burgwinkle, Secretary; Jeanette Criscione, Treasurer; Marie Davis, Assistant Secretary; Rick Smiley, Chair and John Stewart, Vice Chair were all present.

Minutes: On a motion made by Mrs. Davis and seconded by Mr. Smiley, the 12/11/12 meeting minutes were adopted unanimously by voice vote, with no objections or abstentions. Ms. Burgwinkle commented that she had done a summary transcription of Dr. Ernest Reock's comments at the meeting as he was a renowned guest, and that there is a complete recording of the comments for anyone who wants to hear his remarks verbatim.

Correspondence to the Commission: Ms. Burgwinkle reported email correspondence from Mr. Al Restaino and from David Minchello, Esq. and requested deferring discussion of the correspondence until the Budget Committee Report.

Treasurer Report: Ms. Criscione requested deferring discussion to the report of the Budget Committee.

Report on Blog: Mr. Stewart reported that the blog is up and live at <http://plainfieldcsc.blogspot.com>. No comments have been received on the blog to date, and Mr. Stewart has coverage for the blog while he is on vacation.

Report of Meeting Dates Committee: Ms. Burgwinkle reported that a meeting was held with the City Clerk on 12/14/12 to schedule meetings for the term of the Commission. The public notice of the schedule is on the Commission blog and the city website. Meetings will be at 7:30 on Thursdays in the Library.

Report of Budget Committee: Ms. Criscione reported that she was at the City Council meeting on 12/17/12 and was asked to address the council on the Commission budget, which had not yet been drafted. She and Ms. Burgwinkle, the other member of the Budget Committee, discussed the budget on 12/18/12, and Ms. Burgwinkle also discussed the budget with Mr. Stewart on 12/18/12. Ms. Burgwinkle reported that she drafted the budget, using consultant Dr. Reock's budget worksheet as a model, with adaptations. She explained that the budget contained both a requested amount, as well as a second column which factored into the budget estimates for in-kind and complementary services. She is contributing secretarial services, including recording meetings, preparing and copying meetings and agendas and report writing. Mr. Stewart is contributing blog creation and maintenance and report design and the commission is receiving consulting for no consideration from Rutgers. The budget also contains an estimated time when the expenditures would be made as well as

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notes for each line item which are critical to an understanding of the budget. The total budget request column is \$34,615.24. Of that amount, \$29,160.24 relates to printing, preparation for mailing, and mailing and distributing the final report. Ms. Burgwinkle reported that after submitting the budget via email to Mr. Berry's office on 12/19/12, the Commission was granted a meeting with Mr. Restaino on 12/21/12. At the meeting, Mr. Stewart and Ms. Burgwinkle explained that the estimate for the final report was a highest possible estimate, and that the Commission intended to deliberate on complying with the statute regarding distribution to all interested persons in the most cost effective manner. Mr. Restaino suggested that the City would ask Corporation Counsel for an opinion whether the report needed to be mailed to every household. Subsequently, Mr. David Minchello, City Solicitor, issued the following opinion which was read into the meeting record.

"At your request, I have reviewed whether the Charter Study Commission is required to mail its final recommendation to every resident in the City of Plainfield. In examining this question, I reviewed N.J.S.A. 40:69A-10 and any relevant case law. It is my opinion that there is no requirement that the Charter Study Commission mail a copy to every resident in the City. The language of N.J.S.A. 40:69A-10 specifically states that the Commission, "shall file with the municipal clerk an original signed copy of any final report containing said findings and recommendations made by any member of the commission. It shall also deliver to the municipal clerk sufficient copies of any such report to permit distribution to any interested citizen. The municipal clerk shall deliver a copy of any such report to each member of the governing body." Nowhere within this section is there an affirmative obligation on the part of the Commission to mail the findings to every resident.

If the Commission desires to make the final report available at various locations within the City (Library, City Hall, etc.), that is perfectly permissible. However, I recommend that the Commission speak with the City Clerk on this matter as it is ultimately his responsibility to disseminate the final report.

If you have any questions on this matter, or any other matter involving the Charter Study Commission, please feel free to contact me."

The Commission will continue to work on the budget to refine the expense for printing and distributing the final report to be as cost effective as possible. Ms. Burgwinkle read the following notes from the Budget Request into the record.

***"Introduction:** Expenditures by Charter Study Commissions are contemplated by the New Jersey State Statute that governs the election and duties of Charter Study Commissions, N.J.S.A. 40:69A-1 et seq. Section 8 provides that Charter Commissioners shall serve without compensation but can be reimbursed for their necessary expenses incurred in connection with their duties. It further provides that commissions may pay reasonable compensation to consultants, clerical and other assistants, within the limits of such appropriations and privately contributed funds that are made available to them. Section 10 provides that commissions must deliver to the municipal clerk sufficient copies of their final report to permit distribution to any interested citizen. (The complete text of both sections are attached as Exhibit A). In the letter and spirit of the statute, the Plainfield Charter Study Commission submits its budget request for the calendar year 2013. Because there is no modern precedent for a Charter Commission budget in Plainfield, we modeled our budget after a worksheet provided by Dr. Ernest Reock of the Rutgers Center for Government Services at the Commission organization meeting held on 12/11/12, a copy of which is attached as Exhibit B. This budget is designed to estimate as much printing expense as possible, with further deliberation on the actual necessary amount as the Commission meets during 2013, with an emphasis on being as cost effective as possible. Please also note that Commissioners are volunteering to perform clerical, design, writing and public relations tasks that would customarily require expenditures, and using consulting at no cost from Rutgers in order to be as efficient as possible. Finally, please note that these notes are a material part of the budget request, which should not be read without referring to each line item note."*

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"Note 4: Final Report will be the largest expense of the Commission by far. Regarding layout and formatting, the Commission Vice Chair has volunteered to provide this service, conservatively estimated at 10 hours at \$75 per hour, for a \$750 savings. As previously noted above, Section 10 of the statute attached as Exhibit A requires the Commission to deliver sufficient copies of the final report to permit distribution to any interested citizen. A typical size for such reports is approximately 24 pages, either printed on one or two sides (Hopewell 2005 Report was 23 pages printed on both sides, Plainfield 1990 Charter Committee report was 21 pages, for instance). The report deadline is 9 months after the election, so delivery would be August 6, 2013 and distribution would happen after that. The interpretation of "distribution to any interested citizen" will be the subject of much discussion and deliberation as the Commission proceeds with its work. Interpretations can range from mailing a copy to every household, to mailing a copy to every registered voter, to mailing a copy to every household that contains a registered voter, to posting the report as a PDF on the city website, and delivering an undetermined number of copies to the public library or municipal clerk's office for citizens to pick up. The Commission is very conscious of the need to be cost effective, while respecting its responsibilities under the statute, and we believe that we will arrive at a responsible interpretation. Meanwhile, however, in order to give a budget estimate, we are giving the estimate that will result in the highest possible cost. We obtained an estimate from Mr. Alan Strober of Direct Mail Depot, formerly of A&E Mailers, and a vendor of the City of Plainfield. The estimate contemplates copying a double sided 24 letter size page report, inserting into envelopes, addressing, sorting and mailing to every Plainfield household (18,684, rounded up to 19,000 to allow for copies to public officials, Commissioners, Municipal Clerk, Public Library, community organizations.) The estimate is attached hereto as Exhibit C. Total is \$29,160.24."

Later in the meeting, Mr. Smiley requested a motion to approve the budget request, which was made by Ms. Burgwinkle and seconded by Ms. Criscione. The motion passed unanimously by voice vote with no objections or abstentions.

Discussion of first phase of study: Mr. Smiley and Ms. Burgwinkle made brief remarks on the phases of study for the Commission. The Commission is about to embark on Phase I, study and examination of the present form of government, as generally discussed in Change in New Jersey Municipal Organization, pages 12 to 17, by Dr. Ernest Reock.

Discussion of persons to invite for interviews on the present form: Phase I of Charter Commission study generally involves interviewing municipal officials and directors from the present and past on the operation of the government under the present form. Commissioners were assigned homework at the 12/11/12 meeting concerning a list of invitees. The inviting protocol followed by the 1990 Plainfield Charter Study Evaluation Committee was to interview representatives of the State Department of Community Affairs, then City Councillors and former Mayors and City Administrators, ending with the current mayor and the current heads of the Democratic Party and Republican Party, and Ms. Burgwinkle suggested following that protocol. The Commissioners held a roundtable brainstorming and the following names were suggested to be on the initial list (by the Commissioners and by observers in the audience), to be further refined, especially since the Commission is close to a month behind as a result of the storm.

The brainstorming list included:

All current City Councillors, current City Administrator and Division Directors, current Mayor, current City Democratic Party Chair. Past Mayors Harold Mitchell and Mark Fury. Past City Administrators Larry Bashe, Jerry Harris, Bibi Taylor, Al Smith, Hank Kita, Mark Dashield, Harold Gibson, Jewel Thompson Chin. Past City Councillors Annie McWilliams, Rashid Burney, Harold Gibson, Elliott Simmons, Elizabeth Urquhart, Donna Vose, Don Davis, Jon Bramnick, Linda Carter, Faheemah El-Amin, Gwen Crews. Past Corporation Counsel Rowand Clark, Dan Williamson, Harold Hamlette, Jackie Drakeford, Lisa Love, Siobhan Teare. Past Division

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Directors Ron West, Priscilla Castles, Michael Lattimore, Siddeeq El-Amin, Norton Bonaparte, Peter Sepelya, Walter McNeil. Former City Clerk Laddie Wyatt. Current Republican Party City Chair. Bloggers who have expressed a point of view on city government and charter study, such as Dr. Yood.

A short discussion ensued about civic organizations such as neighborhood watch groups and other neighborhood associations, unions, senior citizen groups. Ms. Criscione suggested that those groups be extended a formal invitation to appear at the public hearing/town hall at the end of the first phase of study. The list of interviewees will be discussed and refined at future meetings. There was also discussion about establishing a two person outreach committee to attend meetings of the various civic associations to talk about the process.

Discussion of questions to be asked of interviewees: The Commission discussed questions for interviewees. Dr. Reock's consulting topics do not include drafting our questions, but he supplied a set of sample questions for us to see. The questions are comprehensive, but general in subject matter and not necessarily relevant to our charter or to a large community with a Mayor and City Administrator in place. Looking at the questions/issues discussed by the 1990 City Charter Evaluation Committee, the approach to questions was very specific to the articles of our charter. The Commissioners generally agreed that the questions we use should be specific to the charter, and that more work needs to be done on the questions. Each Commissioner will draft 5 or more questions by Monday, January 14 and email them to the Secretary for compiling and distributing. There was also discussion about the forms of government that Plainfield is eligible to use. Ms. Criscione suggested that the Municipal Manager or Commission forms were possible, other commissioners believed that the Special Charter or three of the Faulkner Act forms were our options. A decision was made to contact Dr. Reock via email to ask for help with that question.

Announce Next Meeting: At the next meeting on 1/24/13, at 7:30 p.m., the Commission may begin interviews. It was suggested that either Dr. Yood or former mayors or city clerk could be possible subjects.

Public Participation: The following members of the public participated.

Alan Goldstein, 939 Madison Avenue. Mr. Goldstein suggested that the City should have nine smaller wards rather than four wards. He believes that smaller wards would make them more representative, that it would be easier for a city councillor or candidate to canvass or communicate and that more people may be interested in running. He also suggested changing to non-partisan elections and sending Commissioners into the schools for a civics lesson with the idea that parents may become more involved.

Dr. Harold Yood, 1353 Cushing Road. Dr. Yood approved of questioning interviewees how the charter helps or impedes their jobs. He also favors tweaking our special charter rather than getting locked into a Faulkner Act form. He believes that Corporation Counsel provisions of the Charter should be amended, as it is a conflict for Corporation Counsel to represent the legislative and executive branches. He also suggested that a larger number of divisions should be considered. He asked if Dan Damon could place the Charter Study Commission blog on his blog and he was told that it had been done.

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Bernice Paglia, 124 E. Seventh St. Ms. Paglia suggested that we consider how the charter could better fit the functions of the City regarding the divisions. For instance, for Public Affairs and Safety, high level public safety officers may not need to have someone over them. That was a remnant of the civil disturbances of the 1960's which are no longer an issue.

Robert Edwards, concerned citizen. Mr. Edwards suggested that we should consider reducing the % of signatures for recall to 25% (the Faulkner Act percentage) rather than the 33 1/3% in our charter.

Dan Damon, 661 W. 7th St. Mr. Damon suggested that we should settle the issue of the choices that we have and compare them to the current charter now. He fears our amassing a "mishmash" of information with no compass. He suggested devoting more energy to specific questions and knowing how our charter differs from existing state law. He suggested asking possible interviewees who cannot be physically present to fill out a form with questions so that we get their input. He also warned the Commissioners against violating the Sunshine Law by copying each other on emails.

Adjournment: The meeting was adjourned at 9:20 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/>.