

## **Minutes of the Municipal Consolidation Subcommittee Meeting, 9 and 10 Feb '11**

The Municipal Consolidation Subcommittee met in room A of the Princeton Township Building on 9 and 10 Feb 2011. The purpose of the meeting was to consider options for the form of government that could be used by if Princeton Borough and Princeton Township were to consolidate and to recommend a form of government to be considered by the full Shared Services and Consolidation Study Commission at its next meeting on 16 Feb. Additionally, as permitted by time, the subcommittee planned to consider the possible use of service districts in the consolidated municipality.

The following participated in the meeting on both days unless indicated otherwise:

John Fry, CGR

Chad Goerner, Member of Municipal Consolidation Subcommittee

David Goldfarb, Member of Municipal Consolidation Subcommittee

Valerie Haynes, Member of Shared Services and Consolidation Study Commission (9 Feb only)

Anton Lahnston, Chair of Shared Services and Consolidation Study Commission (9 Feb only)

Ryan Lillienthal, Member of Municipal Consolidation Subcommittee

Eugene McCarthy, DCA Liaison to Shared services and Consolidation Study Commission

Bernie Miller, Chair of Municipal Consolidation Subcommittee

Pat Simon, Member of Municipal Consolidation Subcommittee

Alice Small, Member, of Shared Services and Consolidation Study Commission

Joe Stefko, CGR

In addition to the above, the public was represented by Victoria Hurley-Schubert of the Princeton Packet.

The starting point for the discussion of the options for the form of government was the working paper, Form of Government Options, prepared by John Fry and distributed to the member of the subcommittee in advance of the meeting (copy attached). Anton Lahnston suggested that we begin by considering the attributes of the forms of government available to the consolidated municipality as identified in the text of the working paper and as summarized by the table, Forms of Government Available after Consolidation. After discussion it was apparent that the members of the Subcommittee favored the Borough form of government as presently used by the Borough of Princeton. However, some members of the subcommittee were interested in exploring the possibility of modifying the Borough form of government to increase the size of the Council from six to eight members, and use a mix of Council members elected at large and from wards. As there was uncertainty as to whether these changes to the Borough form of government could be accommodated administratively by DCA or would require action by the NJ Legislature, Eugene McCarthy was tasked with investigating these possibilities and reporting to the continuation of the meeting on 10 Feb. If these changes were interpreted as requiring a Special Charter, the members of the

Subcommittee were concerned that the need for legislative action might introduce a delay that could not be accommodated in the planned schedule for a referendum on consolidation (if approved by Borough Council and Township Committee) in Nov '11.

On 10 Feb, Eugene McCarthy reported that he had discussed the proposed modified Borough form of government (expanded Council and wards) with the Director and Deputy Director of DCA, and had consulted with the State Attorney General's Office and the Office of Legislative Services. He reported that any changes to the Borough form of government, such as expanding the size of the Council from six to eight, or to use a mix of Council members elected from wards and at large, would require action by the NJ Legislature. On 10 Feb, Eugene McCarthy reported that he had discussed the proposed modified Borough form of government (expanded Council and wards) with the Director and Deputy Director of DCA, and had consulted with the State Attorney General's Office and the Office of Legislative Services. He reported that any changes to the Borough form of government, such as expanding the size of the Council from six to eight, or to use a mix of Council members elected from wards and at large, would require action by the NJ Legislature. Moreover, under existing law, the referendum on consolidation must proceed prior to action by the Legislature on the request for a Special Charter. Therefore, the form of government would be under a cloud of uncertainty until the Legislature acted. Furthermore, under existing law, in all options where the form of municipal government allows for wards, those wards are set up by the county, not by the Shared Services and Consolidation Study Commission or the governments of the separate or combined municipalities. Upon reviewing the implications of the need for Legislative action on a Special Charter, and the impacts of the uncertainty of Legislative action on the recommendations of the Shared Services and Consolidation Study Commission, and the limits present in the available options which allow for voting wards, the Subcommittee unanimously agreed to recommend the Borough form of government as practiced by Princeton Borough as the form of government for the consolidated Princeton municipality. Additionally, the Subcommittee recommended that the consolidate municipality employ a Chief Administrator (using the existing Borough ordinance) and that the position of Mayor be part time.

The Subcommittee requested that CGR prepare a detailed and expanded schedule of the actions necessary in the run up to placing the issue of consolidation on the ballot in Nov '11.

The Subcommittee then began a discussion of the possibility of Service Districts in the consolidated community. Some possible service districts that were identified are leaf, brush & log collection, trash pickup and parking. After discussion, it was tentatively concluded that the questions of expanded use of parking meters or parking structures would best be left to the governing body of the consolidated municipality. The discussion of trash and leaf/brush/log removal centered on the differences between the practices of the two municipalities and the possibility of extending the services currently

provided by the Borough to those parts of the Township that border the Borough and are similar to the Borough in density of housing and population. Questions were raised on how to fund these services. The Borough currently provides these services through property tax. Eugene McCarthy will research the question of whether other forms of paying for the services in a Service District can be used under existing NJ law. Chad Goerner and Pat Simon agreed to work with the municipal Tax Assessor and the Township CFO to identify those neighborhoods in the Township that are sufficiently similar to the bordering neighborhoods in the Borough to merit consideration for inclusion in an expansion of proposed Service Districts beyond the present borders of the Borough.

The possibility of Special Improvement Districts (SIDs) were also discussed. Eugene McCarthy was asked to explore the possibility of using parking revenues collected within the SID to pay for the services provided.

The consideration of Service Districts and SIDs will be continued at the next meeting of the Municipal Consolidation Subcommittee on 16 Mar '11.

Bernie Miller

# FORM OF GOVERNMENT OPTIONS

If two municipalities consolidate, the Consolidation Commission must recommend a form of government for the resulting municipality. The recommended form will be part of the referendum question for the voters on the proposed consolidation. A positive vote for consolidation will mean that the recommended form of government will be the form of the new municipality at its inception.

Forms of government have evolved from the original five available prior to 1900 (Township, City, Town, Borough, or Village Form) that were tied to the type of government. These five forms are among the available options to a consolidated municipality only if one of the pre-consolidated municipalities was organized under that form at the time of the approval of consolidation. In addition, the newly consolidated municipality can choose one of the forms described in the Optional Municipal Charter Law (OMCL), can choose the Commission form defined in 1911 or the Municipal Manager form defined in 1923, or may seek New Jersey State Legislature approval for a special Charter.

Hence, the Borough and Township of Princeton, should they choose to consolidate, may choose among the following eight forms:

- Borough
- Township
- OMCL Council-Manager (different than the 1923 version)
- OMCL Mayor-Council
- OMCL Mayor-Council Administrator
- Commission
- Municipal Manager
- Special Charter

Each form of government is described in detail below. It is important to realize that two of the available OMCL forms have flexibility within the form, represented by options that are part of the form. These options are elaborated in the detailed descriptions.

## Borough Form

The **Borough Form** is currently used by 218 municipalities in New Jersey, including the Borough of Princeton. Of the communities currently using this form, the mean population is 7,061, collectively representing 17.7 percent of the state population. The form is highlighted by a mayor-council structure and has the following characteristics:

- Direct election of the mayor, with a four-year term;
- Six-member council, elected at-large to staggered three-year terms using partisan elections;
- Mayor presides over council meetings, but votes only to break ties;

- Mayoral veto, subject to override by a 2/3 vote of the council;
- Mayoral appointment of subordinate officers, subject to council approval;
- Council has all executive responsibilities not specifically assigned to the mayor;
- No requirement for a chief administrative officer, although the council may delegate by ordinance some executive responsibility to an administrator; and
- No initiative and referendum.

## Township Form

The **Township Form** is used by 141 municipalities in New Jersey, including the Township of Princeton. Of the communities currently using this form, the mean population is 10,879, collectively representing 17.7 percent of the state population. The governing body is formed as a Township Committee, which annually selects a Mayor from among its members, and has the following characteristics:

- Appointment of one of the committee members to serve as mayor for a one-year term;
- Either a three- or five-member committee, elected at large to staggered three-year terms using partisan elections;
- Mayor presides over committee meeting and votes as a member of the committee, but has no other powers unique to the position;
- The committee as a whole exercises all legislative and executive powers, including appointment;
- No requirement for a chief appointed administrative officer, although the council may delegate by ordinance some executive responsibility to an administrator; and
- No initiative and referendum.

## OMCL Mayor-Council Form

The **Faulkner Mayor-Council form** is used by 70 municipalities in New Jersey. Of communities currently using this form, the mean population size is 46,309, collectively representing 37.3 percent of the state population. The municipality has flexibility at the time of selecting this form (and at any time after an initial waiting period) to choose the size of council; partisan or non-partisan elections; provision of run-off elections, if no majority is attained in non-partisan elections; staggered or concurrent terms; and use of ward representation in combination with at large representation. The mayor-council form is distinctly more of a “strong mayor” type, with the following characteristics:

- Direct election of the mayor, with a four-year term;
- A five, seven or nine-member council is elected, on either an entirely at-large or combined at-large/ward basis, to four-year terms (which can be concurrent or staggered), through elections that may be partisan or non-partisan;
- Mayor may attend council meetings (but is not required) with a voice but no vote;
- Mayoral veto, subject to override by a 2/3 vote of the council;
- Mayor is the chief executive and oversees all departments, including a required department of administration headed by a business administrator; appoints all members

of boards with the consent of council; and prepares the budget and presents it to council for review and adoption;

- Mayor appoints department heads (coincident with the term of the mayor but subject to council approval) and can remove department heads (subject to council disapproval by 2/3 vote);
- The council has only legislative authority, acting as a body, and deals with municipal personnel only through the mayor (the council does appoint the municipal clerk), but the council may require the mayor or mayor's designee to report before council;
- The council selects the president of council from among its members;
- Administrative officer is required, and may supervise the administration of departments subject to mayor's direction; and
- Initiative and referendum.

## OMCL Council-Manager Form

The **Faulkner Council-Manager form** is used by 43 municipalities in New Jersey. Of communities currently using this form, the mean population size is 22,720, collectively representing 11.2 percent of the state population. The municipality has flexibility at the time of selecting this form (and at any time after an initial waiting period) to choose the size of council; partisan or non-partisan elections; provision of run-off elections if no majority is attained in non-partisan elections; staggered or concurrent terms; use of ward representation in combination with at large representation; and selection of the mayor by public vote or by appointment from the council membership. It places significant authority in an appointed manager and has the following characteristics:

- Governing body may be five, seven or nine council members *or* a mayor and four, six or eight council members;
- The mayor can be elected directly by the voters on an at-large basis or through the council, and can serve a term of two or four years (if elected by council), or four years (if elected by voters);
- Council is elected on either an entirely at-large or combined at-large/ward basis to four-year terms (which can be concurrent or staggered), through elections that may be partisan or non-partisan;
- Mayor presides over council meetings with a voice and a vote, but has no other unique powers;
- Council as a whole appoints a manager, municipal clerk, and tax assessor;
- The council has only legislative authority, acting as a body, and deals with municipal personnel only through the manager;
- The manager acts as the chief executive with the power to appoint all subordinate personnel not otherwise provided for; prepares the budget and presents it to council for review and adoption; and attends all council meetings with voice, but no vote;
- A majority vote of the council may remove the manager at any time; and
- Initiative and referendum.

## OMCL Mayor-Council-Administrator

The **Faulkner Mayor-Council-Administrator form** is used by 3 municipalities in New Jersey. Of communities currently using this form, the mean population size is 26,890, collectively representing 0.9 percent of the state population. The form resembles the Borough form, except that it includes a charter-provided requirement for an administrator. Unlike other OMCL forms, it has few options. It has the following characteristics:

- Mayor is directly elected to a four-year term;
- Six-member council is elected to three-year staggered terms through partisan elections;
- Mayor presides over council, but votes only to break ties;
- Mayoral veto is subject to 2/3 council override;
- Mayor appoints clerk, administrator, attorney, tax collector, tax assessor, treasurer and department heads subject to council approval;
- Council has legislative authority and prepares the budget, but has no administrative duties or appointment power;
- Administrator supervises all departments and may be removed by the mayor or by a 2/3 vote of council;
- Chief administrative officer is required; and
- Initiative and referendum.

## Municipal Manager Form

The **Municipal Manager form** is used by 7 municipalities in New Jersey. Of communities currently using this form, the mean population size is 27,777, collectively representing 2.2 percent of the state population. Created in 1923, it has the following characteristics:

- No direct election of mayor – mayor is elected by the council to serve either a two-year term (if elections are staggered) or a four-year term (if elections are concurrent);
- Three, five, seven or nine-member council is elected at-large to four-year concurrent through non-partisan elections (or staggered three-year terms, if prior form of government used them);
- Council appoints manager, clerk, tax assessor, treasurer, auditor, and attorney, but otherwise functions as a legislative body;
- Mayor presides over council meetings and votes;
- Chief administrative officer/manager is required, with power to appoint and remove department heads; and
- Initiative and referendum.

## Commission Form

The **Commission form** is used by 30 municipalities in New Jersey. Of communities currently using this form, the mean population size is 11,768, collectively representing 4.1 percent of the state population. Originally popular after its introduction in 1911, this form has declined in use. It has the following characteristics:

- No direct election of mayor – mayor is elected by the board of commissioners to serve a four-year term;
- Five-member board of commissioners (three members in towns with less than 12,000 population) is elected at-large to four-year concurrent terms through non-partisan elections;
- Mayor presides over board of commissioners, but has few powers beyond those of any other commissioner;
- Board of commissioners exercises legislative power, and each commissioner acts as a department head;
- There is no requirement for an administrator, and, although the position can be established by ordinance, it is seldom done since each commissioner has administrative authority over his/her department; and
- Initiative and referendum.

## Special Charter

The **Special Charter** is used by 11 municipalities in New Jersey. The mean population size of those municipalities is 15,340, collectively representing 3.4 percent of the state population. Special charter forms are variants of the standard forms presented above.

The table on the following page presents a summary of the major provisions of each form available to a consolidated Princeton. The second table displays information on usage of the various forms available in New Jersey.



<b>Form</b>	<b>Borough</b>	<b>Township</b>	<b>OMCL Mayor-Council</b>	<b>OMCL Council-Manager</b>	<b>OMCL Mayor-Council-Administrator</b>	<b>Commission</b>	<b>Municipal Manager 1923</b>
<b>Elect Mayor</b>	Yes	No	Yes	Optional	Yes	No	No
<b>Mayor Vote</b>	Tie, veto	Votes	Voice, no vote, veto	Votes	Tie, veto	Votes	Votes
<b>Mayor Term</b>	4	1	4	4 or 2	4	4	4 *
<b>Governing Body Size</b>	6	3 or 5	5, 7, or 9	5, 7, or 9	6	5 if pop. > 12,000	3, 5, 7, or 9
<b>Governing Body Preside</b>	Mayor	Mayor	Council President	Mayor	Mayor	Mayor	Mayor
<b>Governing Body Term</b>	3	3	4	4	3	4	4 *
<b>Executive</b>	Mayor – appts	Committee	Mayor – appts & budget	Manager – budget & appts	Mayor –appts Council budget	Divided	Manager – budget
<b>Require Chief Administrator</b>	No	No	Yes	Yes	Yes	No	Yes
<b>Limit Staff Contact</b>	No	No	Council	Mayor & Council	No	No	No
<b>Wards</b>	No	No	Optional	Optional	No	No	No
<b>Non-Partisan</b>	No	No	Optional	Optional	No	Yes	Yes
<b>Staggered Terms</b>	Yes	Yes	Optional	Optional	Yes	No	No *
<b>Initiative and Referendum</b>	No	No	Yes	Yes	Yes	Yes	No
<b>Comments</b>	Council – some executive			Council appts Mgr, Clerk, Assessor	Administrator oversees departments	Commissioners control departments	Exceptions. Council appts

**Forms of Government Available After Consolidation**

Note: A Special Charter is also available, but its components are not defined.

	<b>Borough</b>	<b>Township</b>	<b>OMCL Mayor-Council</b>	<b>OMCL Council-Manager</b>	<b>OMCL Mayor-Council-Administrator</b>	<b>Commission</b>	<b>Municipal Manager 1923</b>
# of municipalities	218	141	70	43	3	30	7
Total population	1,539,353	1,533,990	3,241,600	976,961	80,669	353,040	194,437
Average population	7,061	10,879	46,309	22,720	26,890	11,768	27,777
% of statewide population	18%	18%	37%	11%	1%	4%	2%
Largest example	Sayreville (42,208)	Lakewood (70,983)	Newark (278,980)	Franklin Twp (59,417)	N. Brunswick (39,586)	Union City (62,183)	Clifton (78,219)
Smallest example	Rockleigh (388)	Walpack (39)	Avalon (2,093)	Beach Haven (1,391)	Berkeley Hts. (13,344)	Pine Valley (24)	Teterboro (17)