

**These minutes are for informational purposes only, as they have not been formally approved by the Charter Study Commission due to the termination of its formal meetings.**

**HOLMDEL CHARTER STUDY COMMISSION  
MEETING MINUTES  
THURSDAY, MAY 12, 2022  
7:00 PM  
HOLMDEL TOWN HALL**

**Call to Order**

**Open Public Meetings Act Notice**

I hereby announce that pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice, which was sent to the Asbury Park Press, the Two River Times, and posted on the bulletin board in Township Hall and filed in the Township Clerk's Office.

**Roll Call**

Chairman Kin Gee, Vice Chairman William D. Kastning, Commissioners Janet M. Berk, Gerald Buffalino, Zachary Gilstein and Special Council Kevin Starkey were present.

**Pledge of Allegiance and Moment of Silence**

Chairman Gee: Can you please stand for the pledge of allegiance and remain standing for a moment of silence to honor our troops both here and abroad that work tirelessly to protect us each and every day.

**Approval of Minutes for March 3, 2022 and March 16, 2022 Meeting**

Chairman Gee ask for a motion to approve the minutes for the February 17th meeting. Commissioner Berk offered a motion, seconded by Commissioner Gilstein. A voice vote confirmed all in favor.

**Discussion of Referendum for the Recommendations**

Chairman Gee: At the last meeting, we all had reached a consensus that we would recommend changing of the charter and because of that there is a requirement that that be in the form of a public question and that public question will be placed on a ballot to be voted on by Holmdel residents. What I want to do is read a section of the law and the implication for us to decide, so this is from NJSA 40:69A-15, "If the charter commission shall recommend that the question of adopting one of the optional plans of the government authorized by this act shall be submitted to the voters of the municipality it shall be the duty of the municipal clerk to cause the question or adoption or rejection to be placed upon the ballot at such time as the commission shall in its report specify. The commission may cause the question to be submitted to the people at the next general or regular municipal election occurring not less than 60 days following the filing of the copy of the commission's report with the clerk, or at a special election occurring not less than 60 days or more than 120 days after the filing of the report, at such time as the commission's report shall direct."

So, we had open discussion and Commissioner Berk, do you want to summarize what you said?

Commissioner Berk: The question is whether we have a special election fairly soon, we have a minimum of 60 days after the recommendations are filed to 120 days or whether we wait till the November election, and on the side of going to November election, normally you get a larger turnout. The negatives are that the ballot will be full, there'll be midterm elections, there'll be candidates for local elections, for county elections, so it's going to be a ballot that's probably going to have two sides, you're going to have the Board of Ed, so it's going to be a busy ballot, which often, as we heard during the expert testimony, can be confusing and people may be confused whether they're voting for a change of government and also voting for candidates. It can be confusing, so in my mind, even though there may be less turnout, I don't know that's necessarily so, I think it'll be less confusing, and I think we can focus on this issue, and I think people will get out to vote. It's an important issue and it's just one thing that they can focus on while it's still fresh in their mind. Because we've just been doing this for six months, putting it off for another four or five months, I don't know what we gain from that. So, I think we should go ahead and go towards a special election once the recommendations are filed.

Chair Gee: Thank you. Commissioner Gilstein, I think you had some comments as well.

Commissioner Gilstein: Yes, I echo the sentiment that I think that this question is top of mind now because we've had a number of public hearings and we've heard a lot from the public and it certainly seems that there's a lot of interest in this question, given some discussions and postings I have seen here and there. So, I think people are ready to deal with this question and the sooner it happens the better because now is when it's top of mind and people are considering this and I think it'll just be lost if we waited five months until November.

Chair Gee: Thank you. Anyone else?

Commissioner Buffalino: I'll just add my support to what Commissioner Berk and Commissioner Gilstein just said about having it sooner rather than delaying it another three or four months into the fall. I personally think this warrants a special election, given the topic that we're talking about here, and I think people will understand that when we announce the fact that there will be a referendum sooner than November. I'm not worried about the turnout; I think if we make the announcement, and we make sure it's well advertised that the turnout will be there. Now the summertime people do go on vacation, I get that, but there's always something going on, whether it's a pandemic or something else, that will cause things to happen. So, the report's going to be filed, we should do it within the time frame specified within the law, so I'm in favor of that as well.

Chair Gee: Thank you.

Vice Chair Kastning: Let me just say, I agree with everything that has been said, no sense my repeating it all.

Chair Gee: I agree with everything that's been said, I do think that this is too important, and it should stand alone. The normal November election, as most of you know this is midterm as well with a new congressional district, and I just think there's a lot of November politics that goes on there and lots of lawn signs, and this is too important, it should be standalone, this should be the

only question on the ballot. My guess is that again, this has been very topical, there's been a lot of things on the social media on this, so it is on people's minds, so I agree with that. I do think that by looking at this thing, let's set a time frame. I was just looking at the calendar and by law this cannot occur less than 60 days and obviously that is to allow all the County Clerk, the Board of Elections, the Superintendent of Elections, and so on, to make sure that they have sufficient time for preparation, and clearly the legislative intent when they put in not more than 120 days to me signals that there should be some sense of urgency, it doesn't have to be rushed, but it shouldn't go beyond 120 days. So, the general election is almost six months away, so I completely agree with what the other commissioners have said. Just quickly looking at the calendar it looks like today is May 12th, I expect to file the report tomorrow with the Holmdel Township Clerk and according to that the earliest election by law that you could have would be July 13th, but typically elections are held on Tuesdays, so the first Tuesday after that would be July 19th and what I would recommend is actually the week after that just to give it an extra week. They clearly stated that 60 days is the minimum and the 19th would be almost 66 or 67 days, so if you go to July 26th that would be roughly 74 days from the time the report would be filed, so if there's any discussion on that I will be happy to entertain, but my suggestion is to specify a special election on July 26th for the ballot to be placed there and with the recommendation of the public question to be on there. So, can I get a motion for that?

Commissioner Gilstein: Motion.

Chair Gee: Second?

Commissioner Berk: Second.

Chair: Counselor why don't you take a roll call on that? So, the motion is to have the special election on July 26th for the referendum for the recommendation.

Mr. Starkey: We have a motion and a second, so I'll take the roll call. Commissioner Berk?

Commissioner Berk: Yes.

Mr. Starkey: Commissioner Buffalino?

Commissioner Buffalino: Yes

Mr., Starkey: Commissioner Gilstein?

Commissioner Gilstein: Yes.

Mr. Starkey: Vice Chair Kastning?

Vice Chair Kastning: Yes.

Mr. Starkey: Chairman Gee?

Chairman Gee: Yes.

Mr. Starkey: Motion is approved.

Chair Gee: Thank you

**Approval of the Charter Study Commission Report to be Filed**

Chair Gee: As we said, all the work that the commission has done thus far in the recommendation is formalized in a formal report and that has to be filed with the clerk. At the last meeting, we did discuss a number of the rationales and we have a consensus. Once the report is adopted and filed, it will be public record, it will be available to anyone who would like to go to the County Clerk's Office, it will be posted on the Township's website, it will be posted on the Charter Study Commission's website. Anyone can get a copy of that, but for now let me just read the executive summary that is on there and it's fairly short.

"In the November 2021 general election, the voters of the Township of Holmdel approved a public question to form a Charter Study Commission and also elected the five commissioners to serve on the commission. The commission operates under the Optional Municipal Charter Law (OMCL) under N.J.S.A. 40:69A-1 et seq., also known as the Falkner Act, which states that, "it shall be the function and duty of the charter commission to study the form of the government of the municipality, to compare it with other available forms under the laws of the state, to determine whether or not in its judgment the government of the municipality could be strengthened, made more clearly responsive or accountable to the people or whether its operation could be more economical or efficient under a changed form of government." The commission interviewed experts and current and former elected municipal officials and received input from Holmdel residents. After studying the current form of government and the forms of government available under OMCL, the Charter Study Commission has unanimously concluded that Holmdel's current township committee form of government can be strengthened and made more clearly responsive and accountable to the people if it's changed to the OMCL council-manager form. The township committee form of government, which is over 200 years old, is similar to the council-manager form of government, except that the township committee form lacks three important features available to the council-manager form: 1) direct election of mayor, 2) initiative and referendum by petition, and 3) non-partisan elections. Under the township committee form of government, Holmdel residents do not have the power to elect the mayor directly, instead the mayor is selected by the township committee members. Under the township committee form of government, Holmdel residents do not have the power of initiative and referendum which would allow them to petition to place on the ballot a proposal for a new law or the repeal of an existing law. Under the township committee form of government, elections can be held only on a partisan basis which affords political party bosses who are not residents of Holmdel the power to select candidates to run on a party line for the township committee. Those selected candidates have a significant advantage to be elected over candidates who are not on the party line. By contrast, the more modern council-manager form of government allows for direct election of the mayor, initiative and referendum by petition, and non-partisan elections, while retaining the structure of the current township committee form of government. These features provide more power to the residents, encourage greater participation in local government by its citizens, and discourages outside influences. It is, therefore, the unanimous conclusion of the Charter Study Commission that Holmdel's township committee form of government be changed to the council-manager form. And it says the full report follows."

So, I've said it a couple of times now the recommendation of the Charter Study Commission is only a recommendation, it will be in the form of a public question that will be placed on the ballot. Let me read to you what the form of the public question would look like, "should the council-manager plan of the Optional Municipal Charter Law, providing for five council members to be elected at large for staggered terms at a nonpartisan election held in November with the mayor elected directly by the voters be adopted by the Township of Holmdel?" So, that would be

the question on the ballot and residents will get to vote yes or no on that. There will be an explanatory statement to that public question and it's very straightforward. In the report, we do have details of Phase One, Phase Two and Phase Three. Phase Three was the deliberation and the discussion we had at the last meeting, and I would encourage all of you to read it and it will be available publicly once we formally adopt the report and file with the clerk. Anyone else want to make any comment?

There were no other comments.

Chair Gee: With that, we have worked the last several weeks on preparing that report. A version of that has been filed and I'd like to entertain a motion to formally approve that report that will be filed.

Commissioner Gilstein: I'll move.

Commissioner Berk: Second.

Chair Gee: Counselor could you take a roll call please?

Mr. Sharkey: Commissioner Berk?

Commissioner Berk: Yes.

Mr. Sharkey: Commissioner Buffalino?

Commissioner Buffalino: Yes.

Mr. Sharkey: Commissioner Gilstein?

Commissioner Gilstein: Yes.

Mr. Sharkey: Vice Chair Kastning?

Vice Chair Kastning: Yes.

Mr. Sharkey: Chair Gee?

Chair Gee: Yes.

Mr. Sharkey: Motion is approved.

Chair Gee: Thank you. With that, I just want to take the opportunity to say thank you to a lot of people, especially to the elected officials who have so generously given their time to be interviewed and to the experts who have made presentations to this commission. I also want to thank a lot of people at the Holmdel Township Administration that really helped us behind the scenes, and I want to thank them that they allow us to run our meetings and to carry on with our duties. We also have two consultants on that really helped us immensely, the first one is Bonnie Thomas who is the Commission secretary and who worked very hard and diligently at getting us the minutes of these meetings, some of the meetings have been over three hours and very lengthy and with some interruptions, so we really appreciate her. Also, sitting right next to me is our counselor Kevin Starkey whose tremendous legal knowledge and expertise in a really arcane area has been a tremendous help in allowing to guide us through this whole process, so Kevin I want to say thank you very much, I think without your assistance this would be a lot harder journey for us. Last but not least, I really want to thank my fellow commissioners because not only have you stepped up to serve on the commission, your hard work and

dedication should be congratulated, and also at times, I think your forbearance and tolerance also should be really commended, so from the bottom of my heart I really want to thank you for the service and all your efforts. With that, do any of the commissioners want to say anything?

Commissioner Buffalino: I'll just add my thanks to everybody that you mentioned, a lot of work, a lot of time, a lot of effort, even though we did finish a little bit earlier than the time allotted to us. I personally developed a lot of insight and information that I had not known about the whole political system, not just municipality wise, but from the state down, so this was a learning experience for me, and I hope it was for everyone else that can now clearly see the designs of our political system, the ballot designs, how things get done. We've tried to be as responsive as we could to those issues, I think we have in terms of the recommendations we've made. I do hope the voters will see it that way and I think from this learning experience everybody will get something out of this at the end. Thank you so much.

Commissioner Gilstein: I certainly echo thanking everybody and especially my fellow commissioners. I've been a resident of Holmdel for 36 years and I think it's a wonderful town, I've really enjoyed living here, and when we embarked on this, my thought was always it's not about whether there's something wrong it's about whether we could be something even better and I think that's really exactly the mission we were set out to do was whether the municipality could be strengthened and made more clearly responsive and accountable to the people and I think through these analyses that we've done and all the people we've listened to and in particular like a lot of the public hearings, it's clear that it is possible for us to be better and I think the recommendations that we've unanimously come to will really strengthen our town. I'm very proud of the work we've done and I'm very appreciative of the professionalism that all my other commissioners have come with in executing this commission, so I am proud of the work we've done, and I thank you all.

Vice Chair Kastning: I'll echo everything that's been said, no need to repeat it, but Bonnie did an outstanding job. I would not have liked being that person because those minutes are critical to this whole process and they capture everything that was said and done as well as the recordings obviously, which were verbatim, so thank her for us and Kevin, thank you for your guidance here, it's been valuable, and it's been a learning experience for me as well. Janet and I have been elected officials before, so perhaps we didn't have as heavy a lift in terms of the learning, but nonetheless I did learn a lot and I went into this with an open mind, as I've indicated once before, and the decision that has been rendered here unanimously is the one that I wholeheartedly support. I'd be remiss if I didn't thank Kin Gee for his leadership here, he's done an outstanding job of moving this whole process along. I've watched Red Bank do their process and it's lumbering along and that's not to say they aren't doing the right thing, but I'm sure they'll reach a conclusion that's beneficial to them in terms of a referendum, but we didn't need any more time, we covered everything and it's because we did it effectively and efficiently and I thank everybody for that.

Commissioner Berk: There's a lot of echoing today, so I will echo what everybody has to say. I do want to thank all of you, it's been a pleasure working with everybody. I want to give special thanks to Kin, especially over these last five weeks working on the report, you're an incredibly hard worker, you are meticulous and I am very proud and pleased with the final product and I'm really in awe of how much work you do and how you've led us through this whole process, I want to thank you deeply for that. I also do want to thank Kevin, you've guided us through this process, this was totally new to all of us and there were times when I really felt we had to make

sure that we're doing everything correctly and you always responded quickly and gave us really good guidance in going through. It's now going to be a public question, I hope people get out to vote, I hope everybody is talking about it, I hope that they will accept our recommendations, if they don't, I will be happy to see the people go out and vote and become more engaged in the whole governmental procedure. If we get nothing else but that, I will be pleased, I definitely would like the recommendations and the question to pass, but I will be happy if people really are interested in this and passionate about it, I think that's a great thing. So, once again thank you, and thank you to the people that have come every single time expressing your opinions, they're important, and we have to hear from everybody. There are always different sides to every issue and that makes us better as a community, so I appreciate everybody coming and thank you.

Chair Gee: On that note, I'll entertain a motion to adjourn the meeting.

Vice Chair Kastning offered a motion to adjourn the meeting, seconded by Commissioner Gilstein. A voice vote confirmed all in favor.

Respectfully submitted,  
Bonnie K. Thomas, Commissioner Secretary