

# Advisory Committee Report

On October 15<sup>th</sup>, 2018, at the regularly scheduled township meeting, Middle Township committee passed Resolution 19, creating an advisory committee to study the current form of government in Middle Township.

19. RESOLUTION – CREATING AN ADVISORY COMMITTEE TO STUDY THE FORM OF GOVERNMENT IN MIDDLE TOWNSHIP – On motion by seconded by and passed on roll call, the following resolution was adopted.

*WHEREAS, Middle Township is currently organized and operates under the “Township Committee” form of government, now codified at N.J.S.A. 40A:63-1 et seq., with a three-member governing body, elected at large; and*

*WHEREAS, the Middle Township Committee has previously determined that it would be in the best interest of the Township to form an advisory committee to study and review the current form of its government to make non-binding recommendations to the Committee regarding both the size of the governing body and the form of government of the municipality; and*

*WHEREAS, the Committee has solicited township residents to serve as members of the advisory committee and a number of residents have volunteered to serve; and*

*WHEREAS, having reviewed those submissions, the Township Committee has determined to create the Advisory Committee and to appoint its membership,*

*NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Middle, Cape May County, State of New Jersey, as follows:*

1. *The averments of the preamble are incorporated.*
2. *There is hereby established the Advisory Committee to Study the Form and Structure of Municipal Government in Middle Township,*
3. *The Advisory Committee shall serve in an advisory capacity only, and it shall make its non-binding recommendations to the Township Committee at the conclusion of its work.*
4. *The Advisory Committee shall review the current form and structure of Middle Township municipal government, and shall, at its discretion, consider various alternatives to the current form of government, including but not limited to increasing the size of the Township Committee and altering the form of township government to one of the other forms permitted under New Jersey law. It shall also review and consider the various methods under New Jersey law for altering the size or structure of municipal government and, if it deems it appropriate, include its recommendation on that subject in its report to the Township Committee.*
5. *The following individuals are hereby appointed to the Advisory Committee:*

*Mark W. Logan, VMD  
38 Colonial Ave.  
CMCH, NJ 08210*

*Robert Matthews  
805 Poplar Ave.  
Rio Grande, NJ 08242*

*Josh McCarty  
25 School House Lane  
CMCH, NJ 08210*

*William Schenck  
18 Solar Way  
CMCH, NJ 08210*

*Florence O'Donnell  
226 Hand Ave.  
CMCH, NJ 08210*

*Michelle Salfi  
133 Holly Dr.  
Rio Grande, NJ 08242*

*John Lauricella  
111 Court House South Dennis Rd.  
CMCH, NJ 08210*

*Michael Butterfield  
33 Fishing Creek Rd.  
CMCH, NJ 08210*

*Chris Collett  
502 Bayberry Dr.  
CMCH, NJ 08210*

*Ed Taylor  
63 Wyndemere Ct.  
CMCH, NJ 08210*

Sandy Novick  
17 Avalon Woods Court  
CMCH, NJ 08210

Robert Springer  
327 Rt 47 N  
CMCH, NJ 08210

Sue Copson  
5 Kimbles Beach Rd.  
CMCH, NJ 08210

Shannon Feltwell  
17 Sand Dollar Dr.  
CMCH, NJ 08210

Lisa Mericle  
604 Hand Ave.  
CMCH, NJ 08210

Anthony Donofrio  
49 Springers Mill Rd.  
CMCH, NJ 08210

Barbara Cresse Fulford  
706 Dias Creek Rd.  
CMCH, NJ 08210

Robert Fineberg, Esq.  
208 N. Main Street  
Cape May Court House, NJ 08210

*a. 8. The Advisory Committee shall complete its work and render its final report and recommendations to the Township Committee no later than \_\_\_\_\_, 2019. The Township Committee shall have the discretion to extend that date, if so requested by the Advisory Committee.*

*6. Michael Butterfield shall serve as Chair of the Advisory Committee.*

*7. The Advisory Committee shall meet on a regular basis, on a schedule that it shall determine, and shall report periodically to the Township Committee on the status of its review.*

*9. This resolution shall take effect immediately upon passage, according to law.*

A summation of our responsibilities related to this endeavor, and our time spent, can be best outlined as three specific steps; due diligence, research and recommendation. Our first meeting as a collective advisory committee was on November 7<sup>th</sup>, 2018. We then met semi-monthly for approximately six (6) months. In addition, many board members engaged in extensive and truly valuable research on their own time.



## Due Diligence

During the due diligence process, we met with and engaged in open dialogue with both current and former township officials. Our goal was to gain a closer, first-hand perspective of how municipal government operates, any specific challenges that transcended tenures, as well as any recommendations. The conversations were open, without reservation, and honest. Everyone with whom we engaged was forthright, candid and spoke with no apparent reservation. Most conversations lasted about an hour. Some conversations tended to be general civic lessons on how government operates while other conversations were detail oriented and specific to Middle Township. We engaged in conversation related to a two-party system with three (3) elected officials and how this impacts our local government. Early on in our due-diligence process, we engaged in conversation related to equal representation throughout Middle Township. These conversations lead to additional questions related to ward systems, legislative and executive powers, electing a mayor directly and the efficiency of our current form of government.

In addition, advisory committee members engaged with various elected and appointed officials throughout the state. We spoke with mayors, business administrators and clerks. We researched and studied various townships to adequately compare them to Middle Township. We discussed the impact of a three (3) person committee related to professional appointments, changes in party control and the continuity of government. One extraordinarily interesting item that was noted was the packet containing the resumes of those who make up the advisory committee. The resumes were provided in a packet that was titled "Applicants for 5 man committee review". From the onset, there were certain advisory board members who questioned the intent and purpose of this endeavor and if a decision or opinion, internally, was already gleaned.

The following individuals met with the Advisory Board.

1. Dan Lockwood
2. Chuck Leusner
3. Mike Voll
4. Jeff DeVico
5. Susan Atkinson
6. Frank Corrado
7. Tim Donohue
8. Michael Clark

The guidance and assistance offered by these individuals cannot be overstated. They offered insight, direction and clarity. They shared experiences, successes and challenges. They spoke openly as to things that went well as well as challenges they faced. This advisory board is grateful for their time.

## Research

As a result of our due diligence process, we began to lay out a foundation of specific and individual topics that we felt would need to be addressed. These specific topics came to fruition as a result of our research and interview process.

1. The effectiveness of our current form of government. Does our current form of government operate in a way that lends itself to achieving the desired goal? This conversation expanded into how departments are run, how the public is served and the communication amongst the elected officials.
2. The efficiency of our current form of government. Can we run our township in a more productive manner? Would additional committee people sharing in responsibilities provide us with more efficiency?

3. Partisan versus non-partisan governments. Do municipalities with non-partisan forms of government tend to operate any more effectively?
4. The ability of the people to elect a mayor directly. Should the mayor be elected directly by the people? As importantly, what specific authorities or powers does the Mayor possess in our current form of government compared to other forms?
5. The annual election cycle. What impact does an annual election cycle have on our government? With the potential of constant changes in political parties due to annual elections, should we look at the impact that this has on our community?
6. Wards versus non wards. Is there equal representation throughout the township? In addition, is there an equal opportunity for individuals throughout the township to serve on Township committee?
7. Sunshine Act. With three (3) committee people, how difficult is it to engage in conversation with each other when discussing township business. What challenges if any, do they face, and would a change in the form of government address these concerns?

Although these topics outline specific themes or areas of discussion, they also served as springboards into other conversations. These discussions included topics related to sub-committees, transparency in government, employee turnover and talent acquisition. We engaged in conversation related to the completion of projects post-election and lost time and productivity due to transitioning professional service providers.

It was also not lost on the advisory board that an election occurred during our meetings. The township went from a Democratic controlled committee to a Republican controlled committee. This resulted in a new mayor, new deputy mayor, a new business administrator and solicitor. In addition, the former mayor was moved to a position of committeeman while the newly elected committeeman was appointed deputy mayor. The advisory board discussed this in detail as to the impact this had on our Township, the continuity of government and the soft dollar cost associated with lost productivity and transition. We also acknowledged and recognized that this party shift could occur again next year as our elections occur every year. One must question the impact that this has on both the effectiveness and efficiency of our government.

However, one could also question the positive impact that this change could bring. With a new mayor, deputy mayor, solicitor and business administrator come new ideas, plans and vision. One of the specific and articulable challenges that we face is how to effectively measure the success of municipal government. Continuity of government, it can be argued, will have a direct impact on the safety of its residents, fiscal responsibility, a stable tax rate and solid, long term planning

We then examined all forms of government permitted in New Jersey. Our goal was to identify a form of government that best addressed the specific challenges we had previously identified. In New Jersey, regardless of their form of government, all 565 municipalities fall into one of the 5 types of government.

1. Borough
2. Township
3. City
4. Town
5. Village

There are twelve (12) forms of government in which they can operate.

1. Township NJSA:40A:63-1 et. seq.
2. Borough NJSA:40A:60-1 et. seq.
3. City NJSA:40A:61-1 et. seq.
4. Town NJSA:40A:62-1 et. seq.
5. Village NJSA:40A:63-8
6. Commission NJSA:40:70-1 et. seq.
7. Municipal Manager Act of 1923 NJSA:40:79-1 et. seq.
8. Faulkner Act (OMCL) Mayor-Council NJSA:40:69A-31 et. seq.
9. Faulkner Act (OMCL) Council-Manager NJSA:40:69A-81 et. seq.
10. Faulkner Act (OMCL) Small Municipality NJSA:40:69A-115 et. seq.
11. Faulkner Act (OMCL) Mayor-Council-Administrator NJSA:40:69A-149 et. seq.
12. Special Charters

Collectively and individually, we researched the twelve (12) forms of government and how Middle Township would be impacted by a change to a different form of government as well as a change to a five (5) person committee. (We were also aware that “no change” could also be recommended. After the research, the discussions and the fact-finding, there was a possibility that we could conclude that our current form of government is what is best for Middle Township.) We vetted the benefits of change as well as the challenges. We discussed the process of modification and the specific actions that would be required to implement any recommendation. Throughout the process, we remained focused on two (2) specific items.

1. The resolution that was passed by township committee outlining our responsibilities
2. What is best for Middle Township

Led by these two factors, and through open and candid conversation, we began to eliminate forms of government that we felt did not address the seven (7) specific issues we had identified. As a result, in addition to a vote of “no change” we agreed on three (3) forms of government that we feel best addressed our concerns.

## Options

- No change
- Expanding to a five (5) person committee
- Council Manager Form
- Mayor Council Administrator Form

## Township Form

*N.J.S.A. 40A:63-1 et seq.*

*The Township Form of government is one of the oldest in New Jersey. Although declining in popularity, it is still the second most numerous, with 141 townships serving 17.9 percent of the state’s population as of July 1, 2011. The Township Form of government law was rewritten in 1989.*

*The governing body is a township committee of three or five members who are elected in partisan elections from the township at large for three-year staggered terms<sup>2</sup>. There is an election of at least one member every year. The size of the committee may be increased from three to five or decreased from five to three through a petition and referendum procedure.*

*Committee members annually choose one of their own members to serve as mayor for that year. The mayor presides at committee meetings and votes as a member of the committee, but has no other special powers under the Township Form of government law. In general, all formal legislative and executive powers, including the power of appointment, are exercised by*



*the committee as a whole. However, some township committees continue a traditional practice of dividing themselves into subcommittees to supervise the administrative activities of the township government.*

*A township committee may, by ordinance, create the position of administrator and may delegate all or a portion of the executive responsibilities of the municipality to the administrator. Frequently, when this is done, the township committee no longer uses subcommittees, but functions as a committee of the whole.*

*The general powers of initiative and referendum are not authorized for the voters under the Township Form of governments.*

*<sup>1</sup> The power of recall, formerly authorized for only certain forms of municipal government, now applies to all elected officials in New Jersey.*

*<sup>2</sup> A township of more than 7,000 inhabitants formerly could be divided into two or three wards, with the township committee then to consist of two members elected from each ward for three-year staggered terms, and one committee member elected at large, to serve as mayor during a four-year term of office. Only the Township of Winslow used wards at the time this township law was rewritten in 1989. While Winslow was permitted to retain this pattern, the option is no longer available to other townships.*

*<sup>3</sup> The power of recall, formerly authorized for only certain forms of municipal government, now applies to all elected officials in New Jersey.*

*The Township Form of government is available only to townships. In past years, in order to gain some advantage under federal revenue sharing, a number of municipalities using other forms of government have used a name-change statute to insert the word "township" in their name. Thus, there may be such places as the "Township of Glen Ridge Borough," which continues to use the Borough Form of government, although calling itself a township.*

## OMCL Council-Manager Form

*N.J.S.A. 40:69A-1 et seq.*

*The second form of government made available to any municipality under the Optional Municipal Charter Law of 1950 is the Council-Manager Form. Members of the council are elected by the voters for four-year terms of office, and there may be five, seven, or nine members. The municipality has the option of holding elections at large or of dividing the community into wards and electing some council members at large and some from wards. The number of wards depends on the size of the council as follows:*

*At-Large*

*Size of Council Number of Wards Council Members*

*5 2 or 3 3 or 2*

*7 4 3*

*9 5 or 6 4 or 3*

*Elections may be on a partisan basis, with primaries in the spring and the general election in November, or on a nonpartisan basis in May or November. If nonpartisan elections are used, they may or may not be accompanied by run-off elections, to be used if no candidate receives a majority of the initial vote. Council terms may be scheduled to run concurrently for four years, or they may be staggered, so that there is an election every two years. If wards are*

*<sup>1</sup> See below, under Administrative Codes.*

*<sup>2</sup> The power of recall, formerly authorized for only certain forms of municipal government, now applies to all elected officials in New Jersey.*

*used, the terms must be staggered, with the at-large members running in one election and the ward council members two years later.*

*The council appoints a manager, a municipal clerk, and a tax assessor, and may provide for the method of selection of the municipal attorney, the zoning board of adjustment, a personnel board, and advisory boards and commissions. The council is limited to legislative duties and must act as a body. Individual members of the council are prohibited from dealing with the municipal administrative personnel except through the manager.*

*The mayor may be selected by the council from among its own members, in which case he or she will serve for a two- or four-year term until the organization meeting following the next council election. Alternatively, the mayor may be elected directly by the voters, serving four years in that office. In either case, the mayor is little more than a presiding officer for the council, with a voice in all discussions and a vote.*

*The manager is the chief executive and either appoints all subordinate personnel not otherwise provided for or delegates the appointive power to department heads. The budget is prepared by the manager, who submits it to the council for revision and approval. The manager must attend all council meetings, and may take part in discussions, but has no vote. The manager serves at the pleasure of the council and may be removed by a majority vote at any time, so long as prescribed procedure is followed.*

*Any municipality adopting an OMCL form of government is required to enact an ordinance creating an administrative code that specifies the municipal officers, departments, and agencies, and defines their responsibilities and procedures<sup>1</sup>. The OMCL Council-Manager Form includes the powers of initiative and referendum<sup>2</sup>.*

*It is possible for a municipality operating under this form of government, through a referendum, to change any of the optional aspects— the size of the council, partisan or nonpartisan elections, the use of wards, staggered or concurrent terms, the use of runoff elections, and the method of selection of the mayor — without undergoing a complete change in charter.*

*Any municipality adopting the OMCL Council-Manager Form of government may abandon that form and revert to its earlier form or may change to another optional form of government after three years if under 7,000 in population or after five years if larger. It may not revert to any form of government that it could not now adopt.*

*As of July 1, 2010, 42 places were using the OMCL Council-Manager Form of government, including 11.0 percent of the state's estimated 2002 population.*

<sup>1</sup> See below, under Administrative Codes.

<sup>2</sup> The power of recall, formerly authorized for only certain forms of municipal government, now applies to all elected officials in New Jersey.

## **OMCL: Mayor-Council-Administrator Form**

*N.J.S.A. 40:69A-1 et seq.*

*The Mayor-Council-Administrator Form of municipal government was added to the Optional Municipal Charter Law in 1981. As of July 1, 2011 only three municipalities, the townships of Berkeley Heights, North Brunswick and West Milford, had adopted it. This is the newest plan of government made available. It is based largely on the Borough Form, but with the mandatory addition of a municipal administrator and a general strengthening of the mayor's powers.*

*Under this form, the municipal council consists of the mayor and six members of council who are elected in at-large, partisan elections. The mayor serves for a four-year term, and the other members of council serve for three-year terms on a staggered basis, with an election of two members every year.*

*The mayor presides in council meetings, but votes only to break ties. He or she has a veto over ordinances, which can be overridden by a two-thirds vote of the council. The mayor is directed to exercise the executive powers of the municipality and to enforce the charter, local ordinances, and general laws.*

*The mayor appoints an assessor, a tax collector, an attorney, a municipal clerk, a treasurer, and such other officers as are provided by ordinance, with the advice and consent of the council. All such appointments are for a one-year term unless required differently by some other statute. Other municipal personnel for whom no method of selection is provided are appointed by the mayor.*

*The council may provide by ordinance for up to six departments, each to be headed by a director appointed by the mayor with the advice and consent of the council. Department heads serve during the term of the mayor and may be removed by the mayor; they may also be removed for cause by the council. There is a municipal administrator, who is appointed by the mayor with advice and consent of council and serves during the mayor's term. He or she may be removed by a two-thirds vote of council. The municipal administrator is directed to administer the business affairs of the municipality and to supervise all of the departments.*

*The council is the legislative body and is responsible for preparing the municipal budget with the assistance of the municipal administrator and the treasurer. Council members have no administrative duties and no appointive power under this form of government. Any municipality adopting an OMCL form of government is required to enact an ordinance creating an administrative code that specifies the municipal officers, departments, and agencies, and defines their responsibilities and procedures<sup>1</sup>. The powers of initiative and referendum are available to the voters under this form of government<sup>2</sup>. Any municipality operating under the Mayor-Council-Administrator Form of government may abandon it and revert to its previous form or may adopt some other optional form after three years if under 7,000 population or after five years if larger. It may not revert to any form of government that it could not now adopt.*

*(New Jersey League of Municipalities website)*

In conclusion, the members of the advisory committee, as one could imagine, have opinions that vary with one another as well as opinions in concert with each other. Some feel as if our Township is being run well and that no change is needed. They are concerned that with more elected officials, there will be additional expenses, less transparency and “slower government”. In their opinion, our Township is well run, and no change is needed or recommended. They have voiced concerns related to the cost associated with a charter study, as well as the cost that may come with any special election or commission. They have also raised concerns with some of the social challenges we face in our community, (homelessness, drug addiction, affordable housing), and don’t feel that a change in our form of government would impact these issues in any capacity. For some on our advisory committee, the absolute and final recommendation is “no change”. These opinions are in the minority.

Most of the members on this advisory committee feel that a change, in some capacity, is in order.

Currently, our Mayor has no legislative or administrative authority outside of those granted to the entire committee. In addition, our Mayor is appointed by committee, and not elected by the people. It is interesting to note, he or she is also one of the two votes required for the appointment. There was a significant amount of conversation dedicated to providing for a government in which the people elect a mayor directly or to have a committee in which the number of seats exceeds three (3). In addition, we also discussed the value in a form of government in which the mayor possesses executive authority and whether that form of government is best for Middle Township.

Currently, Middle Township has no ward system and all candidates are elected at large. There was discussion of specific communities in our Township that may feel as if they are not represented fairly or properly. The argument swayed from the thought process that any elected official serves the entire community and does so fairly and justly, to the thought process of having a local representative “who lives in my neighborhood”. From this conversation, we began to discuss the complexity and uncharted waters of creating wards in Middle Township and where to draw ward lines. Although a feasible and possible undertaking, one must also question the probability of success; a ward system in which the entire community feels equally represented. The argument was raised that someone representing a specific ward may only focus on that ward. In addition, it was argued, that the potential for internal conflicting and competing relationships on Township committee would grow as now certain wards could potentially benefit while others may not. An alternative to this was discussed in the form of increasing the number of elected officials that represent the community. By increasing the number of individuals who can serve on Township committee, we increase, potentially, the representation throughout the Township.

## Methods of Changing the Form of Government

The laws of New Jersey permit two basic statutory methods for initiating a change in the form of municipal government. One is the direct petition method; the other is the election of a charter study commission,

The direct petition method is the oldest, having precedents going back into the nineteenth century. It is most appropriate when there is believed to be a consensus in the community as to the form of government that would be best for that municipality. The laws for each optional form of government establish the number of signatures that must be gathered on a petition in order to place on the ballot a question as to whether the existing form of government should be abandoned and replaced with a specified new form. A referendum is held according to a schedule contained in the law, and the decision of the voters prevails. More details will be presented below.

The second method of change is through the election of a charter study commission. This method is most appropriate when there is dissatisfaction with the present form of government, but there is no obvious consensus as to what form should replace it. The charter study commission approach is authorized only under the Optional Municipal Charter Law of 1950 (OMCL). The question of whether there shall be a charter study commission can be placed on the ballot either through a petition or through the enactment of an ordinance by the existing municipal governing body. At the same time that the voters decide whether there will be such a commission, they vote for the members, with the five persons receiving the highest votes becoming the members if the commission is authorized.

A charter study commission under the OMCL may recommend that the municipality change to one of the OMCL forms of government, in which case the question of whether that form should be adopted must be placed on the ballot for referendum of the voters. The charter study commission also may recommend a special charter, with further action being required, but

the study commission may not place on the ballot a question dealing with any other forms of municipal government that are not a part of the OMCL.

In general, the two approaches cannot proceed simultaneously; priority goes to the first official action that is taken. Thus, if a direct petition for change has been filed and has the proper number of valid signatures, an ordinance for a charter commission referendum has no effect.

Persons or groups considering a campaign for change in their form of government should be aware that expenditures intended to influence the vote on a public question, as well as the expenditures for charter commission candidates, come within the scope of the New Jersey Campaign Contributions and Expenditures Reporting Act. Accurate accounts must be kept from the beginning of such a campaign in case the total expenditures exceed the limit that will require the filing of official reports.

Another approach to change has been used in a number of municipalities in recent years. This is the appointment by the mayor or the governing body of a charter study committee as distinguished from a charter study commission. A charter study committee is strictly an advisory body, having no basis in state law. While its members may conduct the same kind of a study of the form of government as a statutory commission under the OMCL, the advisory committee has no authority to place its recommendations on the ballot. If such a committee concludes that a new form of municipal government is appropriate, it must proceed with the direct petition method or with action to initiate a statutory charter study commission, gathering enough signatures to place the question on the ballot.

## The Direct Petition Method

It is possible for the citizens of any community to use a direct petition and referendum approach to change their form of government to an optional form under the Commission Form of Government Law of 1911, the Municipal Manager Form of Government Law of 1923, or the Optional Municipal Charter Law of 1950. The requirements, procedures, and schedule vary slightly among the three laws.

### **Commission Form of Government**

A question may be placed on the ballot to change to the Commission Form of government by a petition signed by at least 20 percent of the number of registered voters at the last preceding general election. If this is done, the municipal clerk must call an election for this

purpose on the third Tuesday following the date on which the petition is filed. In order to effect the change, there must be a favorable majority for the change, and the number of affirmative votes must total at least 30 percent of the total number of persons voting in the municipality at the last general election. If the change is authorized by the voters, an election for the first board of commissioners is held on the fifth Tuesday following the referendum, and the newly elected members of the governing body take office on the first Tuesday following their election. If the proposal is defeated, no additional petition for adoption of the Commission Form of government may be filed until after the beginning of the last year of the term of office of the mayor elected at the election following defeat of the original proposal.

### **Municipal Manager Form of Government**

Procedures under the Municipal Manager Form are similar to those under Commission government, but with a few variations. The process is started by a petition signed by a number of voters equal to 15 percent of the number of persons who voted in the municipality at the last general election for General Assembly. The referendum on the question then is held on the fourth Tuesday following filing of the petition, but not within four weeks of a regular municipal election. As with Commission government, there must be a favorable majority for the question, and the number of affirmative votes must total at least 30 percent of the number of persons voting at the last general election. If the change in form of government is approved, the first election of members of the council is held on the fourth Tuesday following the referendum and the new council members take office on the fourth Tuesday after their election. If the proposal is defeated, there is a two-year waiting period before another petition for adopting the Municipal Manager Form may be filed.

## **Optional Municipal Charter Laws**

Provisions for a direct petition approach are somewhat different under the Optional Municipal Charter Law. The number of signatures necessary to place a question of change on the ballot varies with the size of the municipality:

25 percent of the registered voters in municipalities of 7,000 or less . 20 percent in municipalities over 7,000, but less than 70,000 . 10 percent in municipalities of 70,000 or more  
The registered voters are counted as of the date that the petition is filed. If a valid petition is filed, the municipal clerk must place the question on the ballot at the next general or regular municipal election, if there is to be one, at least 60 and no more than 120 days after the petition is filed. If there is no regularly scheduled election during that time, the clerk must arrange for a special election within that period. A simple majority is required for approval.

Election of the first governing body members depends upon the plan proposed. If it is a partisan form of government with elections at large, the first election takes place at the next general election at least seventy-five days after approval in the referendum. If wards have to be drawn, the first partisan election would be held at the next general election at least 120 days following the referendum. In nonpartisan forms, the time of the first election is at the regular municipal May election, respectively 75 and 120 days after the referendum, depending upon whether the plan is for at-large or ward elections. The first elected officials take office on January 1 following their election in partisan forms of government and on July 1 following election in nonpartisan plans.

If a proposal for change initiated by direct petition under the Optional Municipal Charter



Law is defeated on referendum, no subsequent direct petition for change may be filed under this law until four years after the referendum'. However, this waiting period does not apply to a petition or an ordinance for a charter study commission, which may be filed or enacted immediately after the referendum on the first petition.

*(Center for Government Services, Edward J. Bloustein School of Planning and Public Policy Rutgers University June 2006)*

It is the consensus of most of this advisory board that a change in our current form of government would be best for Middle Township. At a minimum, to increase the number of seats from the current three (3) would provide for more oversight, avoid communication challenges related to the Sunshine Act and provide for greater representation and opportunity throughout the Township. In addition, by increasing the number of seats to five (5) or more, the probability of party change tends to decrease. With greater oversight, one would garner, comes greater efficiency and communication. As outlined above, any change to our current form of government will ultimately be decided in the most revered and honored way; by the people, of the people and for the people.

Michael Butterfield  
On behalf of this advisory committee

