

## Updating North Haven's Most Important Law

In towns throughout Connecticut, updating the Town Charter, a town's most important law, is a major issue. But in North Haven no one talks about it.

The last time North Haven updated its Charter was 25 years ago. For comparison's sake, here are the last times Connecticut town meeting towns the same size as North Haven considered updating their Charters:

Guilford - 2005  
Ridgefield - 2005  
Simsbury - 2004  
Windham - 2004

Why are other towns like ours talking about their Charters? Because Charters go out of date almost as quickly as clothing, but for more serious reasons. One is that state laws change, and Charters refer to and depend on state laws. When state laws change, the responsible thing is to amend the Charter to reflect those changes.

Another reason is that the ways we express things change. For example, our Charter refers only to the masculine gender. This was normal 25 years ago. But it's been years since this was considered acceptable.

A third reason is that things change. There are new demands on local government, and people learn that old setups don't work anymore. For example, some towns have decided that three selectmen are too few and have changed to five or seven. Or a town can outgrow its form of government entirely, and switch from a board of selectmen government (which was designed for small towns) to a town council or representative town meeting government.

Most towns in Connecticut feel that these problems are important enough to reconsider every few years. Some Charters even require this: for example, Ridgefield requires that it happen every four years. Experts in municipal government agree that a new look at the Charter should never be put off for more than 10 years.

But in North Haven it's been 25 years. The people who run this town have been negligent, both the Republicans and the Democrats. They have not fulfilled their responsibilities. The Town Attorney is responsible to the people of North Haven for the legal state of the town. The First Selectman, himself a lawyer, is responsible for the town's administration according to the Charter. And the Democrats are responsible for pointing out when the Republican leadership fails to protect the interests of town residents. All have let North Haven down.

Why? The Democrats tried and failed a few years ago, and now they're gun shy. But they should be worrying about the town, not about how it would look if they tried and failed again. As for the Republicans, they're worried that a fresh look at the Charter would lead to changing the form of government to something that works better and more fairly for a town our size. And this might mean a loss of power for their leaders. Selfishness all around.

## Forms of Government for a Town Our Size

North Haven is the largest town in Connecticut that still has the board of selectmen-town meeting form of government created hundreds of years ago for small towns.

In the original town meeting town, people knew everyone else and were willing and able to represent themselves in making the town's policies, while the board of selectmen, part-time volunteers, administered the town on a day-to-day basis. There was no need then for professional management skills, and everyone knew what was happening.

North Haven is now a large town that requires professional management. People don't know everyone else and don't know what is happening in the town government. Few North Haveners are willing or able to represent themselves, and they have no legislators to represent them.

The result is that our town does not have any legislative body to provide oversight over the executive branch. We have no checks and balances, except with respect to the budget.

There are several other forms of government that might be right for North Haven, each with their pluses and minuses. The most popular for towns our size has a town council determining town policies and a professional town manager administering the town. This is the same form we use in running our school system, where the Superintendent is not elected, but is responsible to elected members of the Board of Education. Several towns our size use this form, including Cheshire, Farmington, Glastonbury, and Wethersfield.

There are two principal advantages to this. A town manager is educated and trained to be a town manager. And his or her goal is to run such an efficient and effective government, that he or she can move up to managing a bigger town. It's not about power, party, or pals.

The minus is that voters do not directly elect the town manager. But this is offset by the fact that we would have elected representatives to provide the oversight over the executive that is completely lacking now.

Another form of government for towns our size is the representative town meeting (RTM). An RTM is a compromise between the town meeting and the town council. It has 20 to 60 members, each representing a neighborhood and therefore responsible to his or her neighbors. Anyone can go to town meetings and be heard, but only the representatives can vote. This form also allows for oversight over the town

executive, whether it be a first selectman or a town manager. Four of the six towns that use this form are our size: Branford, Darien, Waterford, and Westport.

The minus is that a large legislative body can take a long time to come to decisions. But this is far preferable to the way things are now, where the Board of Selectmen majority clearly has made up its mind before each meeting begins.

Finally there is the form of government people are most familiar with, from television and movies: the strong mayor form, which is similar to what we have now, only there is a council to provide oversight over the mayor's administration. A few towns our size use this form, including Ansonia, East Haven, and New Milford.

When a Charter Revision Commission meets to update the town Charter, these are the forms of government it would consider for the larger town of North Haven and its more complex government.

## A Participatory Democracy in Name Only

My last opinion piece looked at the different forms of government I feel North Haven should consider. This piece will look at how our form – the Town Meeting-First Selectman form – is working.

North Haven has a participatory democracy. Instead of electing representatives to sit on a town council, we are supposed to represent ourselves at town meetings. In a participatory democracy, everyone is allowed to have his or her say on the issues.

This is the ideal, but not the reality in North Haven. In reality, few people go to Town Meetings, and free debate is limited in several ways.

The most recent Town Meeting, on October 24, 2005, was a continuation of the August 8 Town Meeting about two land swaps that would make residential developments possible. That morning, the First and Second Selectmen held an admittedly illegal Board of Selectmen Meeting, voting to terminate the one controversial land swap agreement. At the Town Meeting, the Town Attorney and the Moderator, with the First Selectman's blessing, prevented the Town Meeting from discussing the major residential development North Haveners had come to talk about.

At the September 21, 2005 Town Meeting, resident Doug Wood was not permitted by Moderator David Monz to ask Public Works Director Richard Branigan whether or not he had brought an aerial map of the \$12 million bridge that was under discussion. The Moderator insisted that a Town Meeting is not a "question-and-answer session." Why not? Why shouldn't North Haveners be able to ask our department heads and elected officials relevant questions?

Over the last few years, North Haven's Board of Selectmen majority has called as many town meetings in August as all New Haven area towns put together. This is another way to prevent free debate: to hold meetings when most people are away on vacation.

At the August 18, 2005 Town Meeting, First Selectman Kevin Kopetz was unwilling to answer questions from the Town Meeting relating to the failure of the Town Meeting to be told, for three years, that it had the right to vote on a new Plan of Conservation and Development. At that meeting, town officials and their supporters prevented a full discussion of whether the First Selectman should be required to answer such questions. How dare the Town Meeting try to be a check and balance to the town's executive! It's only what American government is all about.

The August 8, 2005 Town Meeting was an information session prior to an

August referendum on the two land swaps. I tried to postpone the referendum, because I don't believe it is right to have referendums in August, when everyone is away. But the Moderator would not recognize my motion. Town officials, including First Selectman Kopetz, voted not to allow anyone to even speak about my motion. But town residents overruled the Moderator and the First Selectman by the necessary 2/3 majority. How did this happen? Solely because the administration did not think there would be any voting at all, so they failed to pack the meeting with enough town officials, employees, and friends, as they usually do.

North Haven has a participatory democracy in name only. Few people participate. And when people try to participate, they are often prevented from doing so. Effectively, our town's executive branch controls our legislature. That's downright unAmerican.

Robert Wechsler, a North Haven resident, recently completed a hundred-page report about Connecticut's forms of local government and the charter revision process, for the nonpartisan good government group Common Cause Connecticut.