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Shadows amid sunshine in towns with three-person governments

By Matt Katz

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A Haddon Township man is suing the township, alleging the governing body had illegal, secret meetings.

Five Medford Lakes residents are trying to recall the mayor, accusing him of a deal, hammered out behind closed doors, to disband the police force.

And in Bordentown City, a candidate for local office is using her campaign Web site to explain to voters how, when, and where decisions are made in their little city.

These three municipalities, all facing accusations or questions about government transparency and operations, have something else in common: They have three elected officials, one of whom serves as mayor. Only two are needed for a quorum.

Some residents, political observers, and politicians say that with modern government-transparency laws and political issues that 1950s farm towns would have never encountered, such triumvirates are increasingly susceptible to criticisms of secrecy.

Because of the way the law is written, things can get a little fuzzy.

Consider: Two buddies in a small town walk their dogs together, notice a pothole, and decide that it must be fixed. If those buddies happen to be the mayor and deputy mayor - two-thirds of town government - then that conversation is, by one interpretation, illicit, unless a public notice was printed in advance notifying citizens about the dog walk and inviting them along.

"There are some real practical issues involved in this that need to be addressed," said Ingrid Reed, professor at the Eagleton Institute of Politics at Rutgers University. "It really is an impediment to the functioning of government, never mind the fact of violating the Public Meetings Act."

Thirteen relatively small municipalities in Burlington and Camden Counties have this form of government. There are none in Gloucester County, and only a few dozen estimated in the rest of the state.

Most towns have five council, commission, or committee members. Some have seven. Tiny Beverly in Burlington County has nine, plus a mayor.

Some three-person governments have changed to five-person through voter referendum (such as Medford Lakes, which makes the move next year). But a few, like Haddon Township, which voted against such a change in 2005, remain doggedly three-person. And that has made for some colorful politics.

The previous Haddon Township commissioners, though they were elected on a nonpartisan basis, were divided 2-1. Only two members are needed for a quorum or to pass laws.

The official in the minority, Kathleen V. Hogan, argued meetings were held behind her back, decisions were made in secret, and documents were hidden from her. She unsuccessfully sued the town, saying her First Amendment rights were violated.

"This three-commissioner form of government can be good theoretically, but unfortunately in New Jersey, with the problem we have with corruption, if it's one guy running the township . . . it doesn't matter how hard the person on the outside - in this case me - tries to clean things up, you end up getting outnumbered," she said.

The mayor at the time, William Park Sr., described Hogan as an obstructionist. But he said a three-person government could still succeed in making things happen quickly.

In 2007, three new commissioners were elected, and there was an apparent change of tone. But just as discord in Haddon Township made citizens roll their eyes, too little discord raises at least one set of eyebrows.

On Friday, local gadfly Tom Cassel filed a lawsuit alleging secret meetings between the township solicitor and the commissioners.

Legal bills show that the township solicitor charged Haddon Township for at least six meetings and one phone conversation with multiple commissioners. Cassel says at least two commissioners were in on those meetings, which would be illegal because they were never advertised to the public, as required, and minutes were not taken.

The commissioners say the solicitor had met with each of them individually in their own offices, never together.

When hanging out with each other, the commissioners try not to talk township business, "because we're around it so much," said Mayor Randy Teague.

Commissioner Paul Dougherty, a lawyer, said that the Open Public Meetings Act, known as the Sunshine Law, relates to laws that are passed without the public in attendance, and that Cassel had failed to cite an example of that happening.

"Have they done some good things for the town? Yes," Cassel said. "But they don't know how to run good government."

A Bordentown City candidate for commissioner in the May election, Heather Cheesman, agrees that good government is harder in a three-person system. She is using part of her campaign Web site just to explain the city's system to voters, because residents have "no idea what kind of government we have."

In Collingswood, Mayor Jim Maley, who has led a three-person government for two decades, said there hadn't been a "no" vote in years.

Maley said that under the Sunshine Law, certain discussions are kosher. Maley, who ran on a nonpartisan ticket with the other two commissioners, likens these conversations to party caucuses, where Democrats and Republicans meet separately to discuss issues.

"We'll argue about stuff ahead of time and come up with a consensus," he said, adding he also writes a blog to share information with the public. "We'll be together at times and talk about stuff. It's not like we have any kind of formal meetings other than the public meetings."

Town gadflies disagree with this interpretation of the law, and they want all discussions held at public meetings. Commission meetings shouldn't be as short as 15 minutes, they said.

"When you're looking at three [commissioners] vs. five, you lose some thought leadership," resident Mike Halpern said. "New ideas tend not to come to the surface, and there are no competing agendas."

Mayor Paul Weiss of Medford Lakes is facing similar allegations about decisions made in secret after he contacted neighboring Medford about possibly merging police forces.

"I understand that there's a perception that something was done in a nefarious way," Weiss said. "We asked a question. We're duty-bound to do this."

He said the three-person governing body was the least likely to do things in secret because of the Sunshine Law. His view of the law appears to be stricter than Maley's.

"You're not going to have secret meetings, because we can't," he said. "I can't have a discussion with one of my colleagues about borough business because it's against the law."

A former Medford Lakes mayor, Dave Wasson, is leading a campaign to recall Weiss from office. He said if he was at the same banquet as his fellow commissioners, they would all sit separately.

"Any two people can meet together anywhere they want, decide what happens, and get one or two people to agree with them," he said. "And they say that doesn't happen. Well, it happens all the time."

Local Trios

These towns have three-person government bodies:

Burlington County

Bass River

Bordentown City

Chesterfield

Medford Lakes

Washington Township

Woodland

Camden County

Audubon

Collingswood

Haddonfield

Haddon Township

Mount Ephraim


Pine Valley

Tavistock

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