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The Hometown Opinion

By [Katherine Frankel](#) | [Email the author](#) | May 8, 2011

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Government Of and For the People?

Representation from our "representatives" plays a critical role in local politics.

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I have been thinking a lot recently about whether our town governing boards—including the Council, which is elected, and the Planning, Zoning and Architectural Boards, which are appointed—should be responsive to an overwhelmingly clear community stance on any issue before them.

This question came up after I attended a recent Planning Board hearing where the board was presented with letters from a large local neighborhood association, a supporting presentation from the neighborhood environmental committee with over 1,000 local members, a petition with over 500 additional names on it, and a supportive statement from the Harrison Residents' Committee, which has representatives in every electoral district in town.

Against all odds, all of these organizations were united in their opposition to the issue before the Planning Board.

Knowing how hard it is to get just three family members to agree on what they want for dinner, I know from first-hand experience what it takes to gather that type of public support or opposition for any one issue.

So, recognizing that, how responsive should our governing members be?

Our board members at every level are called "representatives." At the town board level, the question is whether that title is earned simply by winning election at the polls, after which time council members should be free to impose their own thoughts, opinions and preferences, regardless of public opinion, or whether they have a duty to remain responsive to overwhelming public opinion on any issue before them.

The question becomes even more important—and potentially more troubling—when considering the purely appointed boards. These "representatives" have no limit to tenure and no election to face every two years.

So once appointed—very often by a mayor or town board that has since been ousted because their views are no longer representative of the majority town population—do these representatives have a duty to be highly responsive to a clear majority community voice raising itself on any issue before it?

I would argue that they do.

If an issue has been able to motivate community members to get out of their armchairs and rally huge community support to participate in the government process, then I believe that our representatives have a duty to take that very seriously. To my mind, apart from any decision that must be made purely on a legal stance, an overwhelming community voice should be the strongest determinant on the issue.

So strongly do I believe in this that I would love to see the next update to the master plan include a provision encouraging this public participation by stating that when certain numbers are reached on petitions, that that public voice should—unless going against an existing legal precedent—be the determining position on the issue. That number could be based on a percentage of the town's population at any one time, thereby remaining consistent in requiring it to be an overwhelmingly strong resident voice.

While this provision is already in existence to a degree by a community's referendum rights, the referendum process is costly, cumbersome and takes too much time to work efficiently on day-to-day issues before the boards. A provision, or even an amendment to town law, could be voted on and enacted to provide for this public voice more efficiently.

Such a provision would not only work to actively encourage resident participation in the governing process. It would also ensure that our government representatives remain truly our representatives.

There are many watching with great interest to see how the clear community voice presented at the last planning board meeting will be heard and responded to by that board. To my mind, the response will determine whether we do indeed have "representatives" sitting on our current governing boards.

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10:23am on Monday, May 9, 2011

I am sure you know that these boards have legal advice and don't just shoot from the hip as your article makes them appear to do. Often, people sign petitions while not even sure of what they are signing and its implications. An application goes through an exhaustive process with either the Zoning or Planning Board, gets all approvals, only to have the residents threaten the Town Board to vote it down or face being voted out. Most residents are very parochial and don't understand that any Board can't vote against an application just because the people are against it. There are legal issues and the lawsuits that can follow, costing the town millions of dollars in legal fees. Think Mormon Church and Duncan Donuts.

The Planning and Zoning Boards do a tremendous job balancing the rights of the applicants with the concerns of the residents. These people are volunteering their time while "taking their responsibility seriously." Just because the residents can't vote them out doesn't make them any more responsible than an elected official, being totally independent of the Town Board.

Planning and Zoning board members shouldn't be elected because they would be more concerned about re-election rather than being objective. They are not influenced by people or politics but rather be independent in order make intelligent, rational and legally correct decisions.

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[Katherine Franke](#)

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6:07pm on Tuesday, May 10, 2011

Thank you for your comment. Please know that I am as appreciative of the volunteer time our various Board members put in as anyone can be. Far from criticizing our hardworking board members, I applaud anyone willing to give valuable time and energy for public service. As you can see in the article, there is no criticism - I was simply writing the thought I had while watching that particular hearing -Parcel B- then asking myself the question that I am sure each Board member also asks in that situation. I reference in the article the legal realities that the boards have to work within and understand those restrictions. I hope that the voice of the community is already the determining factor-absent legal restrictions -and look forward to seeing the Boards and community work together in concert wherever possible for the betterment of the town. Thanks again for your interest and commentary. Kathy

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