

**Remarks of Councilman Robert M. Bostock
Lawrence Township Council Reorganization Meeting
January 1, 2009**

Good afternoon and Happy New Year.

I regret that 2009 is not starting off on a very positive note for local government in Lawrence Township. Over the past two weeks we have witnessed what I can only describe as a deeply disappointing effort by my colleagues on the other side of the aisle to subvert proper process in selecting a person to fill the vacancy left by the resignation of our former colleague Mark Holmes.

Under the state law that applies to our form of local government, when a councilmember resigns, the party to which he belongs is charged with recommending to the township council three persons from that party to fill the vacancy. The party has up to 15 days following the effective date of the resignation to make its recommendation.

The township council then has the responsibility to select one of those three people. It has as long as 30 days after the effective date of the resignation to make a selection. Should it fail to do so, the party who made the nominations can then name one person to fill the vacancy.

The meaning of this is clear. The person who eventually fills the current vacancy will be a Democrat. I have no quarrel with that. Indeed, it is only right that if a Democrat resigns a Democrat should fill that seat, just as should a Republican vacancy occur, a Republican should fill that seat. But that's not all the law seeks to accomplish.

If we look at the law a little closer, it's obvious that it was written with two additional goals in mind. The first is to ensure that the vacancy is filled within a reasonable time frame. The second is to give the governing body – all of its members – a choice from among several candidates.

Contrary to what some have suggested, the governing body – the council – is under no obligation to select the one candidate that the party committee most prefers. If that were the case, the law would not require the naming of three candidates. It would allow the party committee to simply fill the vacancy. But it does not.

Rather, the statute and case law provided to the Council by Mr. Nerwinski make clear that members of the council are expected to use their independent judgment in reaching a decision after considering all three candidates. Assertions that Councilman Miller and I have no role to play in this decision-making process exhibit a profound lack of understanding of the law and a deep lack of respect for the democratic process.

So how does a responsible public official make such a decision? The answer seems clear, at least to me.

First, find out as much as you can about the candidates. That would include getting copies of their resumes and asking them to provide you with something in writing about why they want to serve.

Next, give the candidates a chance to talk with you – and to the public – about why they think they are the best candidate and to provide them with ample opportunity to answer any questions you might have. Listen with an open mind and give the candidates a fair chance to explain why they want to serve and why they should be selected.

Finally, deliberate with your colleagues about which of the three candidates would best serve the community and make your decision on that basis.

That is the process Councilman Miller and I have tried to put in place for filling the current vacancy. Regrettably, our efforts have been rejected out of hand. This is what has been offered instead.

Vote for a candidate without being provided with any information about them beyond their names.

Vote for candidate after a short, 15-minute interview, conducted in secret, hidden from the eyes of the public and the press.

And finally, don't expect your vote to make a difference, because no matter what you think, we're going to get who we want, one way or the other.

This is no way to discharge this responsibility. Filling a vacancy on Council is not speed dating; it's picking someone to represent the 30,000 people of our community and it should be done thoughtfully and deliberately.

I have to admit, I am somewhat mystified that my Democratic colleagues so categorically rejected our proposal to conduct public interviews with the three nominees. Mr. Kownacki, Ms. Gur, and Mr. Puliti are all public-spirited citizens. I would think that their fellow Democrats on council would jump at the chance to showcase these three individuals in open, public session. I certainly would if the situation were reversed.

Of course, I understand that my colleagues are having some trouble adapting to the current reality caused by Mr. Holmes' untimely resignation – untimely because he chose to make his resignation effective just days before this annual reorganization meeting, which left his Democratic colleagues in the quandary they now face.

As a result, the members of the once and future – but not current – council majority, seem positively unnerved by the very idea that they might actually have to work with Mr. Miller and me. I suppose, though, that's to be expected. After 13 years of

exercising their majority status as if it conferred upon them the divine right of kings, they find themselves on unfamiliar ground. It is painfully obvious that this is terrain they are having trouble negotiating.

But the reality is this: today, and for the next several weeks, neither party has a majority. Until the current vacancy is filled, they must reach across the aisle, in a truly bipartisan fashion, if they want to get anything done.

Bipartisanship is a two-way street; it requires consultation, communication, cooperation, compromise, and consensus. It means trying to find common ground. An attitude of “my way or the highway” is not what bipartisanship is about.

It appears to me that their desire to retain absolute control over such important matters as appointments to committees and boards – without even the slightest interruption – has led my Democratic colleagues to pursue a course that any reasonable person would immediately understand is profoundly undemocratic and unwise. This does not reflect well on them. I believe they will come to regret it.

I am eager to fairly and thoroughly evaluate all three of the nominees we have been presented. To accomplish that goal, Councilman Miller and I are asking them to provide us with a current and complete resume and a statement of candidacy. We also ask each of them to meet with us, in an open forum at a mutually convenient time, to discuss their desire to serve on the Council. I hope and trust that, as public-spirited citizens who are seeking the privilege of serving the people, they will agree to do so.

Selecting someone to serve on the town council is an important responsibility that I take very seriously. By insisting on a thoughtful and deliberative process, I am simply seeking to discharge my duty as I see it. If given that opportunity, I look forward to voting for one of the three nominees to serve our community as a member of this body for the balance of this year.

Thank you.