



MINUTES OF THE MAYOR & COUNCIL REGULAR MEETING OF MARCH 23, 2005

The Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands was held on March 23, 2005 in the public meeting room of Borough Hall, 100 First Avenue, Atlantic Highlands, NJ.

Mayor Donoghue called the meeting to order at 7:30 PM. After a silent prayer and the Pledge of Allegiance, the following roll call was taken: Council members Archibald, Fligor, Ladiana, and Nolan. Borough Attorney Miller, Borough Engineer Elliott, Borough Accountant Thomas Fallon and Acting Municipal Clerk Harris were also present. Council member Niles and Spatola were absent.

Mr. Harris stated that notice of this meeting has been transmitted to the Asbury Park Press and the Courier, continuously posted in the Borough Hall on a bulletin board reserved for such announcements, and filed with the Municipal Clerk of Atlantic Highlands, on 1/5/2005. He read the "Open Public Meetings Act" compliance statement and stated that formal action would be taken.

Mayor Donoghue presented plaques to four individuals for long time service on Borough boards. Robert Creutzburg served 20 years on the Harbor Commission. John Zennario worked for 16 years on the Planning Board, most recently as Chairman. Donald Spencer served on the Shade Tree Commission for 6 years and Patricia Phair who devoted 14 years to the Planning Board.

PUBLIC COMMENT SESSION

No one came forward at this time.

ORDINANCE 10-2005, ORDINANCE TO EXCEED THE MUNICIPAL APPROPRIATIONS LIMIT AND CREATION OF A CAP BANK

This Ordinance was read by title. It was moved for Introduction and First Reading by Council member Ladiana, seconded by Council member Nolan and was approved by the following vote. It shall be published in an official newspaper and a public hearing shall be held on April 13, 2005.

AYES: Council members Archibald, Fligor, Ladiana, and Nolan

NAYS:

Borough Accountant and Auditor Thomas Fallon explained that although the Borough is well within the Municipal Budget Cap as promulgated by the State, actually the Borough is \$220,000 under the allowable CAP limitations. The State no longer allows automatic banking of the CAP so in order to receive banking to utilize the bank in future years you need to pass this.

Mayor Donoghue commented that he is thrilled to say it produces a tax increase of only 1.7 cents per \$100.00 of assessed valuation, and one cent of that comes from LOSAP approved by the voters in November. After incredibly hard work by the Finance and Personnel Committee the Governing Body is considering a budget that calls for 3.4 million to be raised in local taxes, just \$84,000.00 more than last year. On an average priced home which is 359,000.00, this equates to an additional \$60.00 extra a year. The total spent on Municipal purposes is 5.3 million, an increase of just 2/3 of one percent over last year. The budget processed started, by the finance committee trimming most of last years spending by 5%. Later this evening the Council will be introducing a Water and Sewer rate increase of 6%, which is half of what was feared when the budget writing process began. He thanked Mrs. Ladiana and Council members Nolan and Fligor, who spent many hours of reviewing and cutting proposed spending. After outlining many elements in the budget, the Mayor urged local residents to study the proposed budget and convey their views at a public hearing in one month, or at anytime between then and now.

RESOLUTION 54-2005, INTRODUCTION OF THE 2005 BUDGET

This resolution was offered and moved for adoption by Council member Ladiana and seconded by Council member Fligor.

Council member Archibald questioned the funding of the Mayors Council on the Arts and suggested that it is cut back to be more like what the Environmental Commission is receiving. Council member Ladiana explained that \$4,600.00 for Holiday decorations has been transferred to that committee because they would like to handle that and the balance is for a late summer, early fall festival. They will be looking for outside funding as well.

Council member Archibald questioned \$5,000.00 for a planner/consultant and recommends doing away with that. Finally he recommended the cutting back of our legal services and the Other Expenses reduced from \$40,000.00 to \$20,000.00. He feels we have to watch our legal expenses this year. Last year we got billed for business that should have been included in our retainer. The five or six big cases last year added up to \$25,000.00 so for us to put in \$40,000.00 he does not understand, another \$15,000.00 for various Borough business is not OK to him. Mayor Donoghue pointed out that the original proposal was sixty and then reduced to forty, we cannot leave ourselves uncovered, and there is more legal work to be done. Council member Ladiana added that when the budget process started in November 2004, we were handed a budget asking for \$694,000.00 increase in taxes. Between herself, Carl and Lou they have gotten it down to \$84, 000.00 including \$65,000.00 for LOSAP, so we are talking about \$25,00.00 increase in taxes, and she thanked Lou and Carl for putting up with her lengthy e-mails and diatribes. Council member Fligor mentioned that the increase comes to about \$6.00 per house, per month.

Thomas Fallon commented that the Budget is with in the Local Budget Law; it is under the spending CAP and appears to be a sound and prudent spending plan.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Fligor, Ladiana and Nolan

NAYS:

RESOLUTION 55-2005, WAIVING THE RIGHT OF LOCAL EXAMINATION

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Fligor.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Fligor, Ladiana and Nolan

NAYS:

RESOLUTION 56-2005, AUTHORIZING LEASE-ATLANTIC OFFICE SYSTEMS

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Fligor.

Council member Fligor mentioned that the last contract was \$548.00 and this contract is for \$529.00. Council member Nolan mentioned that it was not a bad price, all things considered.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Fligor, Ladiana and Nolan

NAYS:

RESOLUTION 57-2005, AUTHORIZING NJ DOT GRANT APPLICATION PREPARATION - BIRDSALL

This resolution was offered and moved for adoption by Council member Ladiana and seconded by Council member Nolan.

Engineer Elliott explained that the DOT accepts application for funding of projects. This proposal is to prepare two applications, 1) to continue the Streetscape Project down to Route 36 and 2) to do a roadway improvement along E. Highland Ave.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Fligor, Ladiana and Nolan

NAYS:

RESOLUTION 58-2005, OPPOSING OPPOSITION TO THE FAST TRACK PERMITTING ACT

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Fligor.

Council member Ladiana explained that there is potential for Atlantic Highlands to be at risk for Fast Track rulings and this is a statement saying we are opposition to this type of ruling. Council member Nolan explained that in

'Centers of Place' areas, if the DOT does not act on an application within 45 days it would give developers the right to move forward with their plans.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Fligor, Ladiana and Nolan

NAYS:

RESOLUTION 59-2005, REAPPOINTING THE ACTING MUNICIPAL CLERK

This resolution was offered and moved for adoption by Council member Fligor and seconded by Council member Ladiana.

Mayor Donoghue commented that the acting clerk is close to receiving his certification and his original appointment lasted for one year and they wish to continue him in that position. One of the requirements for reappointment was to get permission for the Division of Local Government Services and they have granted that permission.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Fligor, Ladiana and Nolan

NAYS:

RESOLUTION 60-2005, CALLING FOR THE FULL AND FAIR FUNDING OF TEA-21

This resolution was offered and moved for adoption by Council member Ladiana and seconded by Council member Nolan.

Acting clerk Harris explained that since Atlantic Highlands has been the recipient of these grant funds in the past and desires to receive these funds in the future, then it would be appropriate to add our support to the continued funding of this funding program.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Fligor, Ladiana and Nolan

NAYS:

RESOLUTION 61-2005, AUTHORIZING CONTRACT TO PREPARE HOUSING ELEMENT/FAIR SHARE PLAN-BURGIS ASSOC

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Fligor.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Fligor, Ladiana and Nolan

NAYS:

RESOLUTION 62-2005, ACCEPTING GRANT FROM THE NJ DEP TIDELANDS RESOURCE COUNCIL

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Ladiana.

This resolution was adopted by the following vote.

AYES: Council members Archibald, Fligor, Ladiana and Nolan

NAYS:

RESOLUTION 63-2005, AMENDING RESOLUTION 52-2005, TRANSFER OF FUNDS

This resolution was offered and moved for adoption by Council member Nolan and seconded by Council member Ladiana.

AYES: Council members Archibald, Fligor, Ladiana and Nolan

NAYS:

Myor Donoghue introduced the next series of Ordinances due for Public Hearings dealing with what is commonly known as the Pay-to Play Regulations.

These proposals would target undue influence to campaign donations by increasing public disclosure, identifying and eliminating potential conflicts of interest and placing campaign donation restrictions on people wishing to do

business with our town. This Governing Body must do everything it can to heighten confidence in the honesty of our public officials. He also feels we should still do the right thing even if State regulations supercedes our humble efforts. This Council takes seriously any possible conflicts and getting these proposals on the books will go some distance to convincing voters that your Council members believe in totally honest and above board government. He thanked Council members Ladiana and Fligor, Benson Chiles, Planning Board member and Borough Attorney, Janice Miller for their tireless and non-partisan efforts in formulating these proposals.

ORDINANCE 05-2005, ESTABLISHING CHAPTER IX ARTICLE III - REQUIRED CONTRIBUTION DISCLOSURE

This Ordinance was called up for Second Reading and Final Adoption and read by title.

A Motion to open the Public Hearing was moved by Council member Fligor, seconded by Council member Archibald and unanimously approved.

PUBLIC HEARING

Joseph Hawley-Ocean Blvd- spoke on all three Ordinances collectively and feels the proposed Ordinances do nothing to reform Pay-to-Play. They do nothing to reform the local electoral process and local elections will be conducted in the process of business as usual. Mr. Hawley suggested a possible replacement Ordinance and requested its inclusion in full in the minutes. His comments are attached.¹

Mary Wall- 79 Ocean Blvd- thinks if the Council is really seeking reform, the Council should review what Mr. Hawley has presented.

Fred rast-49 Eight Ave- an Ordinance passed by Atlantic Highlands is not going to correct the problem. The real problem is Government is too lucrative for people to become involved. You should consider having a reasonably larger salary for professional but have a clause that the professional cannot hit them for additional costs.

Benson Chiles-59 Third Ave- Thanked Council members Ladiana and Fligor and feels some comments made are worth considering and some are not.

Council member Archibald understands the intent but does not feel there is sever enough penalties for violation.

Mary Wall- her understanding is that contributors through elect laws is required to disclose their campaign contributions and this is like double tying your shoelaces.

Donna King-51Ocean Blvd- is truly for pay to play and if you give board members more knowledge, it just helps.

Council member Fligor commented that laws are made and broken daily, that is why we have jails. This is a start and if you are looking to go around them and if you are the maybe you should go to jail. Also we have been working on this for over a year and have referenced a lot of information and resources, and custom tailored them for Atlantic Highlands, and we are far from “jumping on the band wagon”.

A Motion to close the Public Hearing was moved by Council member Nolan, seconded by Council member Ladiana and unanimously approved.

FINAL ADOPTION was moved by Council member Fligor, seconded by Council member Ladiana and approved by the following vote.

AYES: Council members Archibald, Fligor, Ladiana, and Nolan

NAYS:

ORDINANCE 06-2005, ESTABLISHING CHAPTER IX ARTICLE I - CONFLICTS OF INTEREST

This Ordinance was called up for Second Reading and Final Adoption and read by title.

A Motion to open the Public Hearing was moved by Council member Nolan, seconded by Council member Archibald and unanimously approved.

PUBLIC HEARING

No member of the public came forward.

A Motion to close the Public Hearing was moved by Council member Nolan, seconded by Council member Ladiana and unanimously approved.

FINAL ADOPTION was moved by Council member Nolan, seconded by Council member Fligor and approved by the following vote.

AYES: Council members Archibald, Fligor, Ladiana, and Nolan

NAYS: Council member

ORDINANCE 07-2005, ESTABLISHING CHAPTER IX ARTICLE II – RESTRICTION ON PROFESSIONAL CONTRACT AWARDS

This Ordinance was called up for Second Reading and Final Adoption and read by title.

A Motion to open the Public Hearing was moved by Council member Nolan, seconded by Council member Archibald and unanimously approved.

PUBLIC HEARING

Joe Reynolds-E Highland Ave- thanked the governing body for showing leadership by adopting pay-to-play.

Robert Sutton-Washington Ave- asked for an explanation of what the restrictions are.

Council member Ladiana responded that it limits the amount that any professional service can contribute to any local party to \$400.00.

Benson Chiles- mentioned that 40 municipalities around the State have passed similar Ordinances and none have been overturned.

Mary Wall –79 Ocean Blvd- read an article in the Asbury Park Press that all of these Ordinances would be null and void in a year. You are making a broad statement that everyone is not honest, and then you are asking them to disclose all of this information.

Council member Archibald asked who was going to track all of this down.

The clerk and the CFO were mentioned in response.

William Eaton -commented that this legislation tonight is not the end all be all. He agreed with the comments made by Mr. Rast being that you don't offer enough to make this a full time job. We have had a really good, clean, well-run set of campaigns with checks and balances. There is a lot to be said about the way politics has been run in the Borough.

Jane Frotton- didn't see anything about elected officials disclosing monies they have in other accounts, "slush-funds".

Council member Fligor responded that is reportable information.

Council member Archibald commented that School Boards are not covered under these, and recommended that they be forwarded to the Board for them to adopt similar Ordinances.

Benson Chiles- mentioned that all of the stuff talking about here is legal stuff you can already do to manage campaign funds.

A Motion to close the Public Hearing was moved by Council member Nolan, seconded by Council member Ladiana and unanimously approved.

FINAL ADOPTION was moved by Council member Fligor, seconded by Council member Ladiana and approved by the following vote.

AYES: Council members Archibald, Fligor, Ladiana, and Nolan

NAYS: Council member

ORDINANCE 09-2005, AMENDING ORDINANCE 6-98 INCREASING WATER AND SEWER RATES

This Ordinance was read by title and was moved for Introduction and First Reading by Council member Ladiana, seconded by Council member Fligor.

Thomas Fallon, Borough Accountant, explained how the Water and Sewer has been running at a deficit of approximately \$27,000.00 and the State will not allow you to absorb that deficit into your surplus. They make you raise that deficit in the following year budget, so not only do you have to budget for your normal expenditures, you have to raise that \$27,000.00 deferred charge. The 6% increase is a stopgap measure that will get you through this year and recommends a rate study and develop a reasonable increase and set rates over a five-year period.

This Ordinance was approved by the following vote. It shall be published in an official newspaper and a public hearing shall be held on April 13, 2005.

AYES: Council members Fligor, Ladiana, and Nolan

NAYS: Council members Archibald

Approval of Minutes: February 23, 2005 Regular Meeting

The above item was moved by Council member Nolan, seconded by Council member Fligor and adopted by the following vote.

AYES: Council members Archibald, Fligor, Ladiana, and Nolan

Council member Niles arrives at 9:15pm

REPORTS - COUNCIL MEMBER, COMMITTEE, PROFESSIONAL

Mayor Donoghue reported that the Stormwater Management Plan, Master Plan Element was approved by the Planning Board on March 10th and will go to the County Planning board for review.

Council member Archibald reported that the Easter Egg Hunt with the Recreation Committee on Saturday was a success. Soccer sign ups are finished; if you missed them you can still sign up at the Highlands Community Center. He and Mrs. Spatola have finished reviewing Mrs. Miller's bills, and feels we need to set limits on what we entitle our professional to do. This Council has to start putting limits on it. Over the last year there have been \$1,000.00 in correspondence between Council member Ladiana and Mrs. Miller, routine phone calls are a part of the retainer.

Mayor Donoghue commented with the old adage that you get what you pay for, and it is judicious to seek the appropriate legal advice on any number of important subjects, and that is what we have done and it is unrealistic to expect that the attorney is going to work for nothing.

Council member Archibald feels that the Council as a whole should decide and give the Attorney instructions.

Attorney Miller commented that she has taken on a lot of the Administrators duties and she feels she is billing in accordance to her agreement. If there is a difference of opinion, she is willing to talk.

Mayor Donoghue asked Council member Archibald on the mold situation in Borough Hall.

Mr. Archibald responded that he and Mr. Niles have reached out to the PBA to set up a meeting on how to address this situation.

Council member Ladiana reported that the Water/Sewer bills have finally gone out. The Environmental Commission meets next week.

Council member Fligor reported that Kramer would be doing the work from Highway 36 to Highland Ave for NJNG. The water clarifier repairs are coming along. He and the Mayor met with the Sewer Authority regarding the connection fees on new buildings coming in to town. They voiced their concerns on the cost and asked them to take another look at it. He further reported Earth Day will be held April 23rd and 24th and a pamphlet is in the clerk's office that will give you all of the information you would need to know about Earth Day. They are also giving out Tee shirts to the children that come to Earth Day, while supplies last. He encourages all to come out. The

Historical Society is having a Victorian Tea Party and Fashion Show on April 9th at 1:00pm. Tickets are \$22.00 and will be at Central Baptist Church.

Council member Nolan reported they had an Emergency Harbor meeting to re-look at something they voted on at their regular meeting. He will begin working on getting the tennis courts resurfaced with Engineer Elliott. The NJ DOT will come in and present before the Council, their vision for the Harbor they had been working on, and would like to set up a Workshop prior to the next meeting.

Council member Nile had an enjoyable time at the St. Patrick's Day Parade in Highlands.

Fred Rast reported on recycling and outlined some beneficial changes that would make recycling more effective for the Sanitation Dept, by getting a dumpster and utilizing the single stream recycling, available at the recycling center.

Mayor Donoghue mentioned that the Bayshore Development and redevelopment is underway, inviting our Municipality to join in with others along the Bayshore, in the planning elements.

Council member Charles Niles apologized to the public for his lateness. Due to the fact that he has not been here on numerous occasions due to the fact that he is traveling and works in the Mid-West. As of tonight, he is resigning from Council. He regrets it, but every time he is away, the only place he wants to be is at home. He can't be here. With John Phair out, it is not fair that other Council members have to pull in the slack and he can't do it. He does thank the people of Atlantic Highlands for electing him twice. He may never have that honor again in his life and he really appreciates it.

All of the member of the Governing Body individually expressed their deep regrets for Charlie's resignation and acknowledge and thanked his efforts on behalf of this Borough.

A motion was made by Council member Nolan to accept the resignation of Council member Niles. It was seconded by Council member Archibald and was passed by the following vote:

AYES: Council members Archibald, Fligor, Ladiana, and Nolan

Council member Niles handed an official, written resignation to the Municipal Clerk.

Mayor Donoghue outlined the replacement procedure for Mr. Niles vacant seat.

PUBLIC COMMENT SESSION

Jane Frotton- Thanked Charlie for his contribution to the Harbor Commission.

Mickey Rast-49 Eight Ave- commented on the legal fees, and finds it upsetting that spending caps on legal fees were not in place on prior issues (Gate Cottage). Putting Mrs. Miller on public display at a meeting like this is not necessary. She also feels we are paying enough for water and sewer rates, and we need to find a solution.

Fred Rast-spoke on the proposed hook up rates by the Regional Sewer Authority. He feels that it would be detrimental to business investment in the Borough.

Joseph Hawley-Ocean Blvd- Thanked Charlie Niles for his service to the Borough of Atlantic Highlands. He thanked Mr. Fallon for serving our town. He also commented on Helen Marchetti 80th birthday on April 7th.

Council member Ladiana made a motion declaring April 7, 2005 as Helen Marchetti Day in Atlantic Highlands. It was seconded by Council member Nolan and passed by unanimous consent.

Paul Barbado- 22 Lawrie Rd- would like a sign that gives direction to Bayside Drive.

RESOLUTION TO ENTER EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act provides that the Mayor and Council may go into Executive Session to discuss matters that may be confidential or listed in N.J.S.A. 10:4-12; and,

WHEREAS, it is recommended by the Borough Attorney and Administrator that the Mayor and Council go into Executive Session at this time to discuss matters set forth below which are permissible for discussion in

Executive Session;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Atlantic Highlands to go into Executive Session to discuss the following items. Minutes will be kept and once the matter above no longer requires confidentiality the minutes will be made public.

- 1) Police Grievance-Patrolman Harry Murtha
- 2) Personnel Issues- John Phairs pending retirement
- 3) Personnel issue- David Palamara

Mr. Harris read this resolution in full. It was offered and moved for adoption by Council member Nolan at 10:00pm PM, seconded by Council member Fligor and adopted by the following vote.

AYES: Council members Archibald, Fligor, Ladiana, and Nolan

NAYS:

RECONVENE - At 10:20 PM the meeting was resumed.

ADJOURN - There being no further business before the Mayor & Council, Council member Fligor moved to adjourn the meeting at 10:30 PM, the motion was seconded by Council member Archibald and unanimously approved.

The Governing Body approved these Minutes at their meeting on April 13, 2005.

Dwayne M. Harris
Acting Municipal Clerk

i PROPOSED ORDINANCE FOR PUBLIC FINANCE MUNICIPAL ELECTIONS IN ATLANTIC HIGHLANDS

I would like to take this opportunity to comment about the proposed "Pay to play" and other reform ordinances, which are the subject of a public hearing this evening. Recently, on the state level, the New Jersey State Legislature, passed several pieces of legislation, which they say, is true "Pay to Play" reform. However, under the legislation that the legislature passed with great fanfare does nothing to reform "Pay to play". Their recently passed legislation is filled with so many loopholes that even the prime sponsors of the state measures have said the passage of these bills will do little to reform "Pay to Play ." There are also serious concerns that the measures passed by the State of New Jersey concerning "Pay to Play" reform is unconstitutional. This seems to be the sentiment of the leaders of both political parties in the New Jersey State Legislature with them predicting that the "Pay to Play" reforms that the' have adopted will be overturned in the Courts.

As with the state attempts for "Pay to Play" reform, the proposed ordinance on the agenda here this evening does nothing to reform "Pay to play." If these ordinances are adopted, they surely will be deemed unconstitutional. Even if they ever remained in tact, these oces would do nothing to foster reform of the local electoral process and local elections would still be conducted in the manner of "business as usual ." Granted, the proposed ordinance here than states that an individual seeking a professional position in local government would be limited to a donation of \$400.

This ordinance, does not , for example, prohibit family members or business associates fro m donating to a local political party. To continue this example, if attorney John Smith has his eyes on becoming the borough attorney here in Atlantic Highlands and attorney Smith has ready made his \$400, donation to the respective political party who is planning on naming him through attorney

Should they win, what would stop attorney Smith form giving his business associate and or family members \$400 each to donate to the political campaign. Further, what would prevent attorney Smith from giving his son-in-law, or his cousin a large sum of money to purchase tickets to a political fund raiser that would benefit the political party who would appoint him as the borough attorney? I would suspect nothing can stop attorney Smith from engaging in such a Process . If one tried to use the provisions in this proposed "Pay to Play" ordinance to stop Attorney Smith, hi s business associates and family members from donating this money to a political Campaign, the n Throughout the past year the subject of "Pay to Play" has become some kind Of "buzz" word for governmental reform on the municipal level of government . It has become politically correct for

elected officials from both the Democratic and Republican parties to jump on this l andwagon and proclaim that they are supporting this misguided notion which, in fact does nothing , to reform the local governmental process .

those who you are attempting to stop, can claim that their rights have been violated and our boroug h

could end up with a lawsuit on their hands. Has anyone really fully thought out the ramifications of adopting such an ordinance? I do not think that you have .

When it comes down to it, the adoption of these ordinances this evening would do nothing to clean up the money that fuels elections. The passage of these ordinances does nothing to level the so called "playing field" when it comes to local elections . A very wealthy citizen could file for local election and spend as much of their own money as they wished to get themselves elected . Meanwhile, your average middle class citizen could not raise the necessary funding to compete against the wealthy candidate because the middle class candidate would have to comply with an unconstitutional "Pay to Play" local ordinance .

The passage of this "Pay to Play" ordinance also has overtones of racial discrimination. As we all know, political candidates of color raise a tremendous amount of their campaign money from political, social and fraternal organizations which are supportive of them . The National Center of the Study of the Electorate has found that political candidates of color receive their campaign funding from fellow citizens of color. While 84% of citizens of color have donated to campaigns of their fellow Caucasian candidates, only 5% of Caucasian citizens have made a contribution to a political campaign of a person of color.

I really did not know that we had a real problem here in Atlantic Highlands which would serve as the catalyst for the adoption of these proposed ordinances . During my years as the chair of *the* Atlantic Highlands Democratic Party, I fully complied with the rules and regulations of the New Jersey Election Law Enforcement Commission . During my 12 years as the party chair, I have returned many campaign donations and I have never accepted any donations from any business who is regulated by the Borough of Atlantic Highlands . I am confident that the local Republicans have done the same. Had they not, [would have used it against them. These proposed "Pay to Play" ordinances would do nothing to prevent the spectacle we all witnessed these past weeks, with elected officials from both the Democratic and Republican parties being taken off to jail by the FBI, as a result of allegedly taking bribes. For those officials who are advancing their "Pay to Play" agenda to suggest as such, are not being truthful with the public that they represent. "Pay to Play" has nothing, whatsoever, and could not have prevented, what these disgraceful office holders took part in

The passage of these ordinances this evening will do nothing to promote real and meaningful election reform here in Atlantic Highlands . All these measures will do is to perpetuate a cruel hoax on those few in our local electorate who believe that these measures will bring about true reform . In my opinion, the only true way to bring about real and meaningful reform in our local electorate process and to level the playing field in our local elections is through the public financing of our local municipal elections. What I would like to propose here this evening is for the governing body to scrap these empty and unconstitutional "Pay to Play" proposals and enact a local ordinance providing for public finance of municipal elections in Atlantic Highlands . The proposed ordinance is as follows :

CANDIDATES FOR LOCAL MUNICIPAL OFFICE IN ATLANTIC HIGHLANDS

Any local citizen who is eligible under the New Jersey State Constitution to seek public office would be eligible for local public financing to conduct their respective political campaigns .

Democratic and Republican Candidates for municipal office -

Those Democratic and Republican Candidates who were nominated by their respective political parties in their annual Primary Elections would be eligible for public financing . It would include all candidates for Mayor and the Borough Council .

Any replacement candidate of the major political parties would also be eligible for public campaign financing if they met state statute requirements .

Independent candidates for municipal office-

Any Independent candidate for the Mayor and Council would be eligible for municipal campaign financing if they successfully meet all state statutes in obtaining a position of the General Election Ballot.

FUNDING SOURCES AND THE AMOUNT OF PUBLIC FUNDS EACH MUNICIPALITY IS ELIGIBLE FOR

Any Democratic, Republican or Independent candidate, who successfully gains access to the November General Election ballot, would be entitled to receive a total of \$5,000 .00 to conduct their local political campaign. For example a Republican ticket consisting of a candidate for Mayor and two Borough Council seats would be eligible for \$5,000.00 each for a total of \$15,000 .00. This same amount would be afforded to the local Democratic ticket . Independent candidacies would also receive the same amount. In the years when only two Borough Council seats are up for election , each candidate would be eligible the \$5,000 .00 per candidate.

Other funding sources for Democratic and Republican Municipal Candidates -

1. Each Democratic and Republican municipal candidate would be eligible to receive an additional \$2,500 in campaign funding from their local respective political parties.
2. Each candidate could raise another \$2,500.00 on their own. Any person, or persons, who seek or persons, who seek appointment as a professional in the Borough of Atlantic Highlands would be limited to a donation of no more than \$200 .00.

Other funding sources for Independent Municipal candidates -

1. Each Independent candidate would be eligible to receive an additional \$2,500 .00 from their campaign committee .
2. Each Independent candidate could raise another \$2,500 .00 on their own. Any person , or persons, who seek appointment as a professional in the Borough of Atlantic Highlands would be limited to a donation of no more than \$200 .00

ADMINISTRATION OF ATLANTIC HIGHLANDS MUNICIPAL CAMPAIGN FINANCE PROGRAM

The Administration of the Atlantic Highlands Public Campaign Finance program will be overseen by a board named the Atlantic Highlands Public Finance Board . This board shall consist of five members; one member appointed by the Atlantic Highlands Democratic and Republican parties . The members of the board who are appointed by their respective political parties could only serve a term of one year. The other three members of the board would be appointed by the Mayor and Council to three year terms. These members must not be members of any political party . The chair of the Atlantic Highlands Finance Board will serve a term of one year . The chair must be one of the independents appointed by the Mayor and Council. The Atlantic Highlands Borough Administrator would have the responsibility of appointing the chair of the board .

Board membership -

Five members :

- One appointed by the Atlantic Highlands Democratic Party for a term of one year. Appointee limited to one term .
 - One appointed by the Atlantic Highlands Republican Party for a term of one year . Appointee limited to one term.
 - Three members appointed by the Atlantic Highlands Mayor and Council . All appointees must be independents-not a member of any political party .
- Initial Mayor and council appointments will be one person for a term of one year, one appointment for a term of two years and one appointment to a term of three years . Those who were appointed to an initial term of one, or two years by the Mayor and Council could be re-appointed to another term of three years . The appointee appointed to the initial three year term could only serve for one term .

Terms-

Each term shall commence on January 1st of each year and expire on December 31st .

Board Officers-

The Atlantic Highlands Finance Board shall consist of a Chair, Vice-Chair, and Secretary . The Chair must be an independent member of the board and will be appointed by the Borough Administrator ,

The board Vice-Chair and Secretary also must be independent members of the Board and will be elected by the board's full membership to a term of one year .

Responsibilities of the Atlantic Highlands Campaign Finance Board -

1. All local candidates who participate in the Atlantic Highlands Public Finance Program must file an account of their respective campaign donations and expenditures with the Atlantic Highlands Public Finance Board as well as with the New Jersey Election Law Enforcement Commission.

2. The Board shall sponsor and oversee two public debates of all candidates who participate in the public campaign program.

Responsibilities of Candidates who participate in the Public Campaign Finance Program -

Under this program a team of two candidates could spend no more than \$20,000.00 on their campaign and a team of three candidates could spend no more than \$30,000.00 from the combination of funding sources. Each candidate who participates in this program must file a full accounting of their campaign expenditures with the Atlantic Highlands Finance Board and must participate in the two public debates that the board will sponsor. The candidates who participate in this program will also be given the opportunity to have their biography, qualifications and vision for Atlantic Highlands published in the Borough's newsletter. Candidates would not be able to transfer any left over campaign money to any future campaign.

Excess campaign money-

Any campaign money left over from those participating in this program would be donated to local charity.

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