

## Judge rules Wildwood's wording of police referendum is 'biased and misleading'

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By TRUDI GILFILLIAN, Staff Writer |

ATLANTIC CITY - Superior Court Judge Valerie Armstrong ruled Tuesday afternoon that Wildwood's version of an interpretive statement for a May 10 ballot question on police staffing was "biased and misleading" and that an alternative statement should appear on the ballot.

City Commission approved its initial version of the statement in a resolution, and the Committee of Petitioners for a Referendum of Wildwood Ordinance 828-10 soon objected.

The city's version of the statement read: "A 'YES' vote to repeal the Ordinance will keep the existing structure ... in place with financial obligations to the City of Wildwood of nearly \$1,000,000.00 in additional salary, benefits and accruals, not including costs of equipment and maintenance. A 'NO' vote will reduce the number of senior police officers in the Police Department and result in a tax savings."

Attorney Colin Bell, representing the committee, told the judge that the city's first version and a later version, which said the cost of keeping the positions as is would be \$995,511, were both skewed in favor of the city's position, which is to enforce the ordinance and cut the number of supervisors in the department.

"The governing body does not get to come into the voting booth in an attempt to sway (the residents') votes," Bell said.

Bell said the city's figures were inaccurate because rather than being removed the people involved would be demoted, only reducing their salaries by a much smaller amount, about \$16,000 for a lieutenant demoted to sergeant.

"It absolutely lacks candor with the voters of the municipality," Bell said.

City Solicitor Daniel Gallagher said the wording was designed to tell the voters what the consequences of a yes vote or a no vote would be.

"I think the public, your honor, has a right to know what each position costs the municipality," Gallagher said. "The numbers aren't spin."

Bell disagreed, calling the numbers disingenuous at best and an attempt to deceive the public.

The judge agreed that both versions of the statement provided by the city were "biased and misleading."

"The interpretive statement should always be informative and fair," Armstrong said as she reviewed case law on the wording of ballot questions and their interpretive statements.

Armstrong found the city's version "actively advocates a reduction" in the number of supervisors.

"Including this language is tantamount to campaigning" by the city in the voting booth, Armstrong said.

Instead, she said the ballot should contain the language suggested by the committee with one minor alteration.

"This is another victory for citizens of Wildwood against a runaway municipal government. The judge correctly found that Wildwood's "biased and misleading" conduct was inappropriate. I hope the message that local elected officials cannot use government resources to advocate personal political agendas has finally gotten through in Wildwood," Bell said.

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### The ballot question will read:

Shall Ordinance 828-10, which revises staffing levels in the City of Wildwood Police Department, be adopted?

**The interpretive statement:**

If an interpretive statement is needed at all, we propose the following:

Ordinance 828-10 would revise the police staffing within the City of Wildwood. Currently, Wildwood's Code allows for the following positions within the Police Department: One (1) Police Chief, one (1) Deputy Police Chief, One (1) Captain, Five (5) Lieutenants. Seven (7) Sergeants and Thirty-eight (38) patrolmen.

A "Yes" vote would adopt Ordinance 828-10 and reduce the authorized positions within the Wildwood Police Department to: One (1) Police Chief, one (1) Deputy Police Chief, One (1) Captain, One (1) Lieutenant, Five (5) Sergeants and Thirty-eight (38) patrolmen.

A "No" vote would keep the current police structure in place

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