

Re: PILOT and First Amendment Concerns

9 emails

jm < jm@nj21st.com >

John Migueis < jm@nj21st.com >

Wed, 22 Jul 2026 1:38:18 PM -0400

To "Margaret Illis" < mllis@bhtwp.com >

Cc "Scott Salmon" < ssalmon@jmslawyers.com >, "John Foster" < jfoster@bhtwp.com >

Thanks again for your response but I think it demonstrates the issue here as it did not answer my questions - and I think that is why the questions keep coming up.

I asked what plans are in place to share PILOT revenue (not just future PILOT revenue) and you responded with a statement that at some point, a position on FUTURE PILOTS will be communicated. I would like to know about any current plans, discussion on current plans or, when that discussion will take place if it hasn't already - on all PILOT revenue. IIRC it was an agenda item for the Council this year.

Secondly, I completely understand your position that there are no plans for future PILOTS. I am pointing out that the Terrace II agreement available to the public appears to track this clearly. I am asking you to please reconcile your position with what the agreement states as they appear to contradict each other.

Thank you.

John Migueis
Editor
NJ21st
Independent local journalism
nj21st.com

Proud member of



From: Margaret Illis < mllis@bhtwp.com >
To: "John Migueis" < jm@nj21st.com >
Cc: "Scott Salmon" < ssalmon@jmslawyers.com >, "John Foster" < jfoster@bhtwp.com >
Date: Wed, 22 Jul 2026 13:06:22 -0400
Subject: Re: PILOT and First Amendment Concerns

In answer to your question, I refer you back to my email message —

"We, the Council, received correspondence from the district regarding future PILOT arrangements. Any council position or action will be communicated appropriately to the public and the district. The council DID explain that there is no PILOT under consideration and when and if there is then our position or actions will be communicated."

Margaret

From: John Migueis < jm@nj21st.com >
Sent: Wednesday, 22 July 2026 13:01:46
To: Margaret Illis < mllis@bhtwp.com >
Cc: Scott Salmon < ssalmon@jmslawyers.com >; John Foster < jfoster@bhtwp.com >
Subject: Re: PILOT and First Amendment Concerns

CAUTION: This email has originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know

Thanks for the reply; in the future please understand the context. More than one council member saying it was inappropriate with the Township attorney citing the school ethics commission - along with the multiple interruptions. I am pleased to hear that you don't view it as an ethics or legal issue.

I would like to know what plans the Township has to share Pilot Revenue with the District and also, I've asked these questions in the past. Can you please reconcile what is in writing on Terrace II (clearly tracked for a PILOT) and the position Mr. Foster alluded to that this will not be a PILOT. Residents will be happy to hear that this isn't the case - clarity on that would be appreciated. Thank you.

John Migueis
Editor
NJ21st
Independent local journalism
nj21st.com

Proud member of

 NJ News Commons

 Society of Professional Journalists

From: Margaret Illis <mIllis@bhtwp.com>
 To: "John Migueis" <jm@nj21st.com>, "Scott Salmon" <ssalmon@jmslawyers.com>, "John Foster" <jfoster@bhtwp.com>
 Date: Wed, 22 Jul 2026 12:49:02 -0400
 Subject: Re: PILOT and First Amendment Concerns

I stated my discomfort in discussing or answering questions from Board of Education members regarding issues that are related to the Board of Education. I said the same thing to Natasha. I didn't not say she had no right to speak, I said I felt it was inappropriate.

It would be irresponsible for me, as a member of council in an open public meeting, to have answered the questions she asked. We, the Council, received correspondence from the district regarding future PILOT arrangements. Any council position or action will be communicated appropriately to the public and the district. The council DID explain that there is no PILOT under consideration and when and if there is then our position or actions will be communicated.

I don't have access to that video from my mobile device, so I am speaking from my memory the meeting.

Margaret

From: John Migueis <jm@nj21st.com>
 Sent: Wednesday, July 22, 2026 10:23 AM
 To: Angie Devanney <adevanney@bhtwp.com>; Margaret Illis <mIllis@bhtwp.com>; Alvaro Medeiros <amedeiros@bhtwp.com>; Andrew Moran <amoran@bhtwp.com>; Susan Poage <spoage@bhtwp.com>; John Foster <jfoster@bhtwp.com>; Bill Machado <bmachado@bhtwp.com>
 Cc: boe <boe@bhpsnj.org>; fire <fire@fire.org>; Laura Kapuscinski <lk@nj21st.com>; Shauna Williams <sw@nj21st.com>; bpeer@tapinto.net <bpeer@tapinto.net>
 Subject: PILOT and First Amendment Concerns

CAUTION: This email has originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the

Good Morning,

As a non-profit civic journalism organization, NJ21st has a vested interest in ensuring open public debate on policy matters and that all residents are able to ask questions without improper interference from their officials.

During last night's meeting Council meeting, Councilwoman Illis and Council President Foster strongly implied or even directly stated that it was inappropriate for Sai to ask whether the school district would receive revenue from Terrace (and eventually any PILOT) because she serves on the Board of Education.

Sai made clear that she was attending alone, speaking as a taxpayer and resident, was not speaking for the BOE and relying on publicly available information. She also asked the township attorney to identify the law or provision of the School Ethics Act that prevented her from asking the question. Instead of providing good counsel, the Attorney made a vague one line reference to the State's School Ethics Act.

To be perfectly clear: New Jersey School Ethics Commission guidance does not appear to support the position stated by Council members or their Attorney.

The Commission has specifically said:

* BOE members do not surrender their rights as private citizens, including their First Amendment rights.

* BOE member may speak personally as long as the member makes clear that the statements are not authorized by or made on behalf of the Board

The School Ethics Act also expressly states that a BOE Member is not prohibited from asking questions or for information on behalf of a constituent as long as no fee, reward or other benefit is involved.

Instead of making up more rules or trying to use bad interpretations of the law to intimidate and silence questions that make you 'uncomfortable' perhaps examine why they make you 'uncomfortable'.

You are elected representatives; **why aren't you able to answer questions about PILOT revenue sharing with our schools?**

I've sent you emails asking about this as well; what is the reason you are giving for not answering my questions?

Here are the relevant sources:

Reaffirms a board member's right to attend municipal council meetings in a private citizen capacity without violating the Act.
<https://nj.gov/education/legal/ethics/2005/c50-06.pdf>

Under SEC Advisory Opinion A03-07, a board member exercising their rights as a private citizen may clarify their status so long as they explicitly state they are acting in their capacity as a private resident and that their statements are neither authorized by nor made on behalf of the Board.
<https://www.nj.gov/education/legal/ethics/advisory/cat5/a03-07.pdf>

Code of Ethics for School Board Members, N.J.S.A. 18A:12-24.1:
<https://www.nj.gov/education/ethics/coe.shtml>

The Council was free to explain that no PILOT has yet been approved or that it was not prepared to discuss a possible future agreement. That is different from telling a resident that asking the question was inappropriate because she serves on the Board of Education.

Instead, members of the public had to ask Council Members to 'calm down' **at least four times**.

Is this good governance?

Please identify the specific statute, regulation, ethics provision, advisory opinion or legal authority supporting the statement that Sai could not ask this question as a resident. If there is no such authority, please clarify or correct the statements made during the meeting.

As for Terrace II, Mr. Foster, you indicated that despite what is in writing for anyone to see; that Terrace II is likely not going to be a PILOT. Instead of more vague and unclear references can you please provide clarity on why you believe this - it would be good to know that this will not be a PILOT but, as you can well understand, the public needs more than a one line 'I wouldn't bet on it' to have a clearer understanding.

Lastly, it appears to be your habit to interrupt speakers during public comment without any intervention from the township attorney. Members of the public have the right to express opinions and ask questions subject to reasonable, viewpoint-neutral rules. Council members can respond after a speaker has completed their allotted time. Repeatedly interrupting a speaker, characterizing her question as inappropriate and attempting to prevent her from pursuing it because of who she is or the viewpoint she expresses raises serious First Amendment concerns.

The video of the exchange is attached.

Thank you,

John Migueis
NJ21st

John Migueis
Editor
NJ21st
Independent local journalism
nj21st.com

Proud member of



Margaret Illis <mlllis@bhtwp.com>

Wed, 22 Jul 2026 1:06:28 PM -0400

To "John Migueis" <jm@nj21st.com>

Cc "Scott Salmon" <:ssalmon@jmslawyers.com>, "John Foster" <jfoster@bhtwp.com>

In answer to your question, I refer you back to my email message —

"We, the Council, received correspondence from the district regarding future PILOT arrangements. Any council position or action will be communicated appropriately to the public and the district. The council DID explain that there is no PILOT under consideration and when and if there is then our position or actions will be communicated."

Margaret

From: John Migueis <jm@nj21st.com>
Sent: Wednesday, 22 July 2026 13:01:46
To: Margaret Illis <mlllis@bhtwp.com>
Cc: Scott Salmon <:ssalmon@jmslawyers.com>; John Foster <jfoster@bhtwp.com>
Subject: Re: PILOT and First Amendment Concerns

CAUTION: This email has originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know

Thanks for the reply; in the future please understand the context. More than one council member saying it was inappropriate with the Township attorney citing the school ethics commission - along with the multiple interruptions. I am pleased to hear that you don't view it as an ethics or legal issue.

I would like to know what plans the Township has to share Pilot Revenue with the District and also, I've asked these questions in the past. Can you please reconcile what is in writing on Terrace II (clearly tracked for a PILOT) and the position Mr. Foster alluded to that this will not be a PILOT. Residents will be happy to hear that this isn't the case - clarity on that would be appreciated. Thank you.

John Migueis
Editor

NJ21st
Independent local journalism
nj21st.com

Proud member of



From: Margaret Illis <mIllis@bhtwp.com>
To: "John Migueis" <jm@nj21st.com>, "Scott Salmon" <ssalmon@jmslawyers.com>, "John Foster" <jfoster@bhtwp.com>
Date: Wed, 22 Jul 2026 12:49:02 -0400
Subject: Re: PILOT and First Amendment Concerns

I stated my discomfort in discussing or answering questions from Board of Education members regarding issues that are related to the Board of Education. I said the same thing to Natasha. I didn't not say she had no right to speak, I said I felt it was inappropriate.

It would be irresponsible for me, as a member of council in an open public meeting, to have answered the questions she asked. We, the Council, received correspondence from the district regarding future PILOT arrangements. Any council position or action will be communicated appropriately to the public and the district. The council DID explain that there is no PILOT under consideration and when and if there is then our position or actions will be communicated.

I don't have access to that video from my mobile device, so I am speaking from my memory the meeting.

Margaret

From: John Migueis <jm@nj21st.com>
Sent: Wednesday, July 22, 2026 10:23 AM
To: Angie Devanney <adevanney@bhtwp.com>; Margaret Illis <millis@bhtwp.com>; Alvaro Medeiros <amedeiros@bhtwp.com>; Andrew Moran <amoran@bhtwp.com>; Susan Poage <spoage@bhtwp.com>; John Foster <jfoster@bhtwp.com>; Bill Machado <bmachado@bhtwp.com>
Cc: boe <boe@bhpsnj.org>; fire <fire@fire.org>; Laura Kapuscinski <lk@nj21st.com>; Shauna Williams <sw@nj21st.com>; bpeer@tapinto.net <bpeer@tapinto.net>
Subject: PILOT and First Amendment Concerns

CAUTION: This email has originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the

Good Morning,

As a non-profit civic journalism organization, NJ21st has a vested interest in ensuring open public debate on policy matters and that all residents are able to ask questions without improper interference from their officials.

During last night's meeting Council meeting, Councilwoman Illis and Council President Foster strongly implied or even directly stated that it was inappropriate for Sai to ask whether the school district would receive revenue from Terrace (and eventually any PILOT) because she serves on the Board of Education.

Sai made clear that she was attending alone, speaking as a taxpayer and resident, was not speaking for the BOE and relying on publicly available information. She also asked the township attorney to identify the law or provision of the School Ethics Act that prevented her from asking the question. Instead of providing good counsel, the Attorney made a vague one line reference to the State's School Ethics Act.

To be perfectly clear: New Jersey School Ethics Commission guidance does not appear to support the position stated by Council members or their Attorney.

The Commission has specifically said:

* BOE members do not surrender their rights as private citizens, including their First Amendment rights.

* BOE member may speak personally as long as the member makes clear that the statements are not authorized by or made on behalf of the Board

The School Ethics Act also expressly states that a BOE Member is not prohibited from asking questions or for information on behalf of a constituent as long as no fee, reward or other benefit is involved.

Instead of making up more rules or trying to use bad interpretations of the law to intimidate and silence questions that make you 'uncomfortable' perhaps examine why they make you 'uncomfortable'.

You are elected representatives; **why aren't you able to answer questions about PILOT revenue sharing with our schools?**

I've sent you emails asking about this as well; what is the reason you are giving for not answering my questions?

Here are the relevant sources:

Reaffirms a board member's right to attend municipal council meetings in a private citizen capacity without violating the Act.
<https://nj.gov/education/legal/ethics/2005/c50-06.pdf>

Under SEC Advisory Opinion A03-07, a board member exercising their rights as a private citizen may clarify their status so long as they explicitly state they are acting in their capacity as a private resident and that their statements are neither authorized by nor made on behalf of the Board.
<https://www.nj.gov/education/legal/ethics/advisory/cat5/a03-07.pdf>

Code of Ethics for School Board Members, N.J.S.A. 18A:12-24.1:
<https://www.nj.gov/education/ethics/coe.shtml>

The Council was free to explain that no PILOT has yet been approved or that it was not prepared to discuss a possible future agreement. That is different from telling a resident that asking the question was inappropriate because she serves on the Board of Education.

Instead, members of the public had to ask Council Members to 'calm down' **at least four times**.

Is this good governance?

Please identify the specific statute, regulation, ethics provision, advisory opinion or legal authority supporting the statement that Sai could not ask this question as a resident. If there is no such authority, please clarify or correct the statements made during the meeting.

As for Terrace II, Mr. Foster, you indicated that despite what is in writing for anyone to see; that Terrace II is likely not going to be a PILOT. Instead of more vague and unclear references can you please provide clarity on why you believe this - it would be good to know that this will not be a PILOT but, as you can well understand, the public needs more than a one line 'I wouldn't bet on it' to have a clearer understanding.

Lastly, it appears to be your habit to interrupt speakers during public comment without any intervention from the township attorney. Members of the public have the right to express opinions and ask questions subject to reasonable, viewpoint-neutral rules. Council members can respond after a speaker has completed their allotted time. Repeatedly interrupting a speaker, characterizing her question as inappropriate and attempting to prevent her from pursuing it because of who she is or the viewpoint she expresses raises serious First Amendment concerns.

The video of the exchange is attached.

Thank you,

John Migueis
NJ21st

John Migueis
Editor
NJ21st
Independent local journalism
nj21st.com

Proud member of



John Migueis <jm@nj21st.com >

Wed, 22 Jul 2026 1:01:48 PM -0400

To "millis"<millis@bhtwp.com>

Cc "Scott Salmon"<ssalmon@jmslawyers.com>,"John Foster"<jfoster@bhtwp.com>

Thanks for the reply; in the future please understand the context. More than one council member saying it was inappropriate with the Township attorney citing the school ethics commission - along with the multiple interruptions. I am pleased to hear that you don't view it as an ethics or legal issue.

I would like to know what plans the Township has to share Pilot Revenue with the District and also, I've asked these questions in the past. Can you please reconcile what is in writing on Terrace II (clearly tracked for a PILOT) and the position Mr. Foster alluded to that this will not be a PILOT. Residents will be happy to hear that this isn't the case - clarity on that would be appreciated. Thank you.

John Migueis
Editor
NJ21st
Independent local journalism
nj21st.com

Proud member of



From: Margaret Illis <mIllis@bhtwp.com>
 To: "John Migueis" <jm@nj21st.com>, "Scott Salmon" <ssalmon@jmslawyers.com>, "John Foster" <jfoster@bhtwp.com>
 Date: Wed, 22 Jul 2026 12:49:02 -0400
 Subject: Re: PILOT and First Amendment Concerns

I stated my discomfort in discussing or answering questions from Board of Education members regarding issues that are related to the Board of Education. I said the same thing to Natasha. I didn't not say she had no right to speak, I said I felt it was inappropriate.

It would be irresponsible for me, as a member of council in an open public meeting, to have answered the questions she asked. We, the Council, received correspondence from the district regarding future PILOT arrangements. Any council position or action will be communicated appropriately to the public and the district. The council DID explain that there is no PILOT under consideration and when and if there is then our position or actions will be communicated.

I don't have access to that video from my mobile device, so I am speaking from my memory the meeting.

Margaret

From: John Migueis <jm@nj21st.com>
Sent: Wednesday, July 22, 2026 10:23 AM
To: Angie Devanney <adevanney@bhtwp.com>; Margaret Illis <millis@bhtwp.com>; Alvaro Medeiros <amedeiros@bhtwp.com>; Andrew Moran <amoran@bhtwp.com>; Susan Poage <spoage@bhtwp.com>; John Foster <jfoster@bhtwp.com>; Bill Machado <bmachado@bhtwp.com>
Cc: boe <boe@bhpsnj.org>; fire <fire@fire.org>; Laura Kapuscinski <lk@nj21st.com>; Shauna Williams <sw@nj21st.com>; bpeer@tapinto.net <bpeer@tapinto.net>
Subject: PILOT and First Amendment Concerns

CAUTION: This email has originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know

Good Morning,

As a non-profit civic journalism organization, NJ21st has a vested interest in ensuring open public debate on policy matters and that all residents are able to ask questions without improper interference from their officials.

During last night's meeting Council meeting, Councilwoman Illis and Council President Foster strongly implied or even directly stated that it was inappropriate for Sai to ask whether the school district would receive revenue from Terrace (and eventually any PILOT) because she serves on the Board of Education.

Sai made clear that she was attending alone, speaking as a taxpayer and resident, was not speaking for the BOE and relying on publicly available information. She also asked the township attorney to identify the law or provision of the School Ethics Act that prevented her from asking the question. Instead of providing good counsel, the Attorney made a vague one line reference to the State's School Ethics Act.

To be perfectly clear: New Jersey School Ethics Commission guidance does not appear to support the position stated by Council members or their Attorney.

The Commission has specifically said:

- * BOE members do not surrender their rights as private citizens, including their First Amendment rights.
- * BOE member may speak personally as long as the member makes clear that the statements are not authorized by or made on behalf of the Board

The School Ethics Act also expressly states that a BOE Member is not prohibited from asking questions or for information on behalf of a constituent as long as no fee, reward or other benefit is involved.

Instead of making up more rules or trying to use bad interpretations of the law to intimidate and silence questions that make you 'uncomfortable' perhaps examine why they make you 'uncomfortable'.

You are elected representatives; **why aren't you able to answer questions about PILOT revenue sharing with our schools?**

I've sent you emails asking about this as well; what is the reason you are giving for not answering my questions?

Here are the relevant sources:

Reaffirms a board member's right to attend municipal council meetings in a private citizen capacity without violating the Act.
<https://nj.gov/education/legal/ethics/2005/c50-06.pdf>

Under SEC Advisory Opinion A03-07, a board member exercising their rights as a private citizen may clarify their status so long as they explicitly state they are acting in their capacity as a private resident and that their statements are neither authorized by nor made on behalf of the Board.
<https://www.nj.gov/education/legal/ethics/advisory/cat5/a03-07.pdf>

Code of Ethics for School Board Members, N.J.S.A. 18A:12-24.1:
<https://www.nj.gov/education/ethics/coe.shtml>

The Council was free to explain that no PILOT has yet been approved or that it was not prepared to discuss a possible future agreement. That is different from telling a resident that asking the question was inappropriate because she serves on the Board of Education.

Instead, members of the public had to ask Council Members to 'calm down' **at least four times**.

Is this good governance?

Please identify the specific statute, regulation, ethics provision, advisory opinion or legal authority supporting the statement that Sai could not ask this question as a resident. If there is no such authority, please clarify or correct the statements made during the meeting.

As for Terrace II, Mr. Foster, you indicated that despite what is in writing for anyone to see; that Terrace II is likely not going to be a PILOT. Instead of more vague and unclear references can you please provide clarity on why you believe this - it would be good to know that this will not be a PILOT but, as you can well understand, the public needs more than a one line 'I wouldn't bet on it' to have a clearer understanding.

Lastly, it appears to be your habit to interrupt speakers during public comment without any intervention from the township attorney. Members of the public have the right to express opinions and ask questions subject to reasonable, viewpoint-neutral rules. Council members can respond after a speaker has completed their allotted time. Repeatedly interrupting a speaker, characterizing her question as inappropriate and attempting to prevent her from pursuing it because of who she is or the viewpoint she expresses raises serious First Amendment concerns.

The video of the exchange is attached.

Thank you,

John Migueis
NJ21st

John Migueis
Editor
NJ21st
Independent local journalism
nj21st.com

Proud member of



Margaret Illis <mllis@bhtwp.com>

Wed, 22 Jul 2026 12:49:07 PM -0400

To "John Migueis" <jm@nj21st.com>,"Scott Salmon" <:ssalmon@jmslawyers.com>,"John Foster" <jfoster@bhtwp.com>

I stated my discomfort in discussing or answering questions from Board of Education members regarding issues that are related to the Board of Education. I said the same thing to Natasha. I didn't not say she had no right to speak, I said I felt it was inappropriate.

It would be irresponsible for me, as a member of council in an open public meeting, to have answered the questions she asked. We, the Council, received correspondence from the district regarding future PILOT arrangements. Any council position or action will be communicated appropriately to the public and the district. The council DID explain that there is no PILOT under consideration and when and if there is then our position or actions will be communicated.

I don't have access to that video from my mobile device, so I am speaking from my memory the meeting.

Margaret

From: John Migueis <jm@nj21st.com>

Sent: Wednesday, July 22, 2026 10:23 AM

To: Angie Devanney <adevanney@bhtwp.com>; Margaret Illis <mllis@bhtwp.com>; Alvaro Medeiros <amedeiros@bhtwp.com>; Andrew Moran <amoran@bhtwp.com>; Susan Poage <spoage@bhtwp.com>; John Foster <jfoster@bhtwp.com>; Bill Machado <bmachado@bhtwp.com>

Cc: boe <boe@bhpsnj.org>; fire <fire@fire.org>; Laura Kapuscinski <lk@nj21st.com>; Shauna Williams <sw@nj21st.com>; bpeer@tapinto.net <bpeer@tapinto.net>

Subject: PILOT and First Amendment Concerns

CAUTION: This email has originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know

Good Morning,

As a non-profit civic journalism organization, NJ21st has a vested interest in ensuring open public debate on policy matters and that all residents are able to ask questions without improper interference from their officials.

During last night's meeting Council meeting, Councilwoman Illis and Council President Foster strongly implied or even directly stated that it was inappropriate for Sai to ask whether the school district would receive revenue from Terrace (and eventually any PILOT) because she serves on the Board of Education.

Sai made clear that she was attending alone, speaking as a taxpayer and resident, was not speaking for the BOE and relying on publicly available information. She also asked the township attorney to identify the law or provision of the School Ethics Act that prevented her from asking the question. Instead of providing good counsel, the Attorney made a vague one line reference to the State's School Ethics Act.

To be perfectly clear: New Jersey School Ethics Commission guidance does not appear to support the position stated by Council members or their Attorney.

The Commission has specifically said:

* BOE members do not surrender their rights as private citizens, including their First Amendment rights.

* BOE member may speak personally as long as the member makes clear that the statements are not authorized by or made on behalf of the Board

The School Ethics Act also expressly states that a BOE Member is not prohibited from asking questions or for information on behalf of a constituent as long as no fee, reward or other benefit is involved.

Instead of making up more rules or trying to use bad interpretations of the law to intimidate and silence questions that make you 'uncomfortable' perhaps examine why they make you 'uncomfortable'.

You are elected representatives; **why aren't you able to answer questions about PILOT revenue sharing with our schools?**

I've sent you emails asking about this as well; what is the reason you are giving for not answering my questions?

Here are the relevant sources:

Reaffirms a board member's right to attend municipal council meetings in a private citizen capacity without violating the Act.

<https://nj.gov/education/legal/ethics/2005/c50-06.pdf>

Under SEC Advisory Opinion A03-07, a board member exercising their rights as a private citizen may clarify their status so long as they explicitly state they are acting in their capacity as a private resident and that their statements are neither authorized by nor made on behalf of the Board.

<https://www.nj.gov/education/legal/ethics/advisory/cat5/a03-07.pdf>

Code of Ethics for School Board Members, N.J.S.A. 18A:12-24.1:

<https://www.nj.gov/education/ethics/coe.shtml>

The Council was free to explain that no PILOT has yet been approved or that it was not prepared to discuss a possible future agreement. That is different from telling a resident that asking the question was inappropriate because she serves on the Board of Education.

Instead, members of the public had to ask Council Members to 'calm down' **at least four times**.

Is this good governance?

Please identify the specific statute, regulation, ethics provision, advisory opinion or legal authority supporting the statement that Sai could not ask this question as a resident. If there is no such authority, please clarify or correct the statements made during the meeting.

As for Terrace II, Mr. Foster, you indicated that despite what is in writing for anyone to see; that Terrace II is likely not going to be a PILOT. Instead of more vague and unclear references can you please provide clarity on why you believe this - it would be good to know that this will not be a PILOT but, as you can well understand, the public needs more than a one line 'I wouldn't bet on it' to have a clearer understanding.

Lastly, it appears to be your habit to interrupt speakers during public comment without any intervention from the township attorney. Members of the public have the right to express opinions and ask questions subject to reasonable, viewpoint-neutral rules. Council members can respond after a speaker has completed their allotted time. Repeatedly interrupting a speaker, characterizing her question as inappropriate and attempting to prevent her from pursuing it because of who she is or the viewpoint she expresses raises serious First Amendment concerns.

The video of the exchange is attached.

Thank you,

John Migueis
NJ21st

John Migueis
Editor
NJ21st
Independent local journalism
nj21st.com

Proud member of



 video_sai.zip

1 Attachment(s)

video_sai.zip
130.2 MB

John Migueis <jm@nj21st.com >

Wed, 22 Jul 2026 11:06:47 AM -0400

To "Katie Stalcup"<katie.stalcup@fire.org>

ty- dont think its big- just a broader pattern of whats going on in the state - thought it could be helpful context somewhere down the road for you guys - be well

John Migueis
Editor
NJ21st
Independent local journalism
nj21st.com

Proud member of



From: Katie Stalcup <katie.stalcup@fire.org>
To: "John Migueis" <jm@nj21st.com>
Cc: "media" <media@thefire.org>
Date: Wed, 22 Jul 2026 11:05:25 -0400
Subject: Re: PILOT and First Amendment Concerns

Hi John, thanks for forwarding! I'll send it along to our team keeping track of things in New Jersey.

On Wed, Jul 22, 2026 at 10:46 AM John Migueis <jm@nj21st.com> wrote:

John Migueis
Editor
NJ21st
Independent local journalism
nj21st.com

Proud member of



==== Forwarded message =====
From: John Migueis <jm@nj21st.com>
To: "adevanney" <adevanney@bhtwp.com>, "millis" <millis@bhtwp.com>, "amedeiros" <amedeiros@bhtwp.com>, "amoran" <amoran@bhtwp.com>, "spoage" <spoage@bhtwp.com>, "jfoster" <jfoster@bhtwp.com>, "bmachado" <bmachado@bhtwp.com>
Cc: "boe" <boe@bhpsnj.org>, "fire" <fire@fire.org>, "Laura Kapuscinski" <lk@nj21st.com>, "Shauna Williams" <sw@nj21st.com>, "bpeer" <bpeer@tapinto.net>
Date: Wed, 22 Jul 2026 10:23:07 -0400

Subject: PILOT and First Amendment Concerns
===== Forwarded message =====

Good Morning,

As a non-profit civic journalism organization, NJ21st has a vested interest in ensuring open public debate on policy matters and that all residents are able to ask questions without improper interference from their officials.

During last night's meeting Council meeting, Councilwoman Illis and Council President Foster strongly implied or even directly stated that it was inappropriate for Sai to ask whether the school district would receive revenue from Terrace (and eventually any PILOT) because she serves on the Board of Education.

Sai made clear that she was attending alone, speaking as a taxpayer and resident, was not speaking for the BOE and relying on publicly available information. She also asked the township attorney to identify the law or provision of the School Ethics Act that prevented her from asking the question. Instead of providing good counsel, the Attorney made a vague one line reference to the State's School Ethics Act.

To be perfectly clear: New Jersey School Ethics Commission guidance does not appear to support the position stated by Council members or their Attorney.

The Commission has specifically said:

* BOE members do not surrender their rights as private citizens, including their First Amendment rights.

* BOE member may speak personally as long as the member makes clear that the statements are not authorized by or made on behalf of the Board

The School Ethics Act also expressly states that a BOE Member is not prohibited from asking questions or for information on behalf of a constituent as long as no fee, reward or other benefit is involved.

Instead of making up more rules or trying to use bad interpretations of the law to intimidate and silence questions that make you 'uncomfortable' perhaps examine why they make you 'uncomfortable'.

You are elected representatives; **why aren't you able to answer questions about PILOT revenue sharing with our schools?**

I've sent you emails asking about this as well; what is the reason you are giving for not answering my questions?

Here are the relevant sources:

Reaffirms a board member's right to attend municipal council meetings in a private citizen capacity without violating the Act.

<https://nj.gov/education/legal/ethics/2005/c50-06.pdf>

Under SEC Advisory Opinion A03-07, a board member exercising their rights as a private citizen may clarify their status so long as they explicitly state they are acting in their capacity as a private resident and that their statements are neither authorized by nor made on behalf of the Board.

<https://www.nj.gov/education/legal/ethics/advisory/cat5/a03-07.pdf>

Code of Ethics for School Board Members, N.J.S.A. 18A:12-24.1:

<https://www.nj.gov/education/ethics/coe.shtml>

The Council was free to explain that no PILOT has yet been approved or that it was not prepared to discuss a possible future agreement. That is different from telling a resident that asking the question was inappropriate because she serves on the Board of Education.

Instead, members of the public had to ask Council Members to 'calm down' **at least four times.**

Is this good governance?

Please identify the specific statute, regulation, ethics provision, advisory opinion or legal authority supporting the statement that Sai could not ask this question as a resident. If there is no such authority, please clarify or correct the statements made during the meeting.

As for Terrace II, Mr. Foster, you indicated that despite what is in writing for anyone to see; that Terrace II is likely not going to be a PILOT. Instead of more vague and unclear references can you please provide clarity on why you believe this - it would be good to know that this will not be a PILOT but, as you can well understand, the public needs more than a one line 'I wouldn't bet on it' to have a clearer understanding.

Lastly, it appears to be your habit to interrupt speakers during public comment without any intervention from the township attorney. Members of the public have the right to express opinions and ask questions subject to reasonable, viewpoint-neutral rules. Council members can respond after a speaker has completed their allotted time. Repeatedly interrupting a speaker, characterizing her question as inappropriate and attempting to prevent her from pursuing it because of who she is or the viewpoint she expresses raises serious First Amendment concerns.

The video of the exchange is attached.

Thank you,

John Migueis
NJ21st

John Migueis
Editor

NJ21st
Independent local journalism
nj21st.com

Proud member of



 [video_sai.zip](#)

< katie.stalcup@fire.org >

Wed, 22 Jul 2026 11:05:48 AM -0400

To "John Migueis" < jm@nj21st.com >

Cc "media" < media@thefire.org >

Hi John, thanks for forwarding! I'll send it along to our team keeping track of things in New Jersey.

On Wed, Jul 22, 2026 at 10:46 AM John Migueis < jm@nj21st.com > wrote:

John Migueis
Editor
NJ21st
Independent local journalism
nj21st.com

Proud member of



===== Forwarded message =====

From: John Migueis < jm@nj21st.com >
To: "adevanney" < adevanney@bhtwp.com >, "millis" < millis@bhtwp.com >, "amedeiros" < amedeiros@bhtwp.com >, "amoran" < amoran@bhtwp.com >, "spoage" < spoage@bhtwp.com >, "jfoster" < jfoster@bhtwp.com >, "bmachado" < bmachado@bhtwp.com >
Cc: "boe" < boe@bhpsnj.org >, "fire" < fire@fire.org >, "Laura Kapuscinski" < lk@nj21st.com >, "Shauna Williams" < sw@nj21st.com >, "bpeer" < bpeer@tapinto.net >
Date: Wed, 22 Jul 2026 10:23:07 -0400
Subject: PILOT and First Amendment Concerns
===== Forwarded message =====

Good Morning,

As a non-profit civic journalism organization, NJ21st has a vested interest in ensuring open public debate on policy matters and that all residents are able to ask questions without improper interference from their officials.

During last night's meeting Council meeting, Councilwoman Illis and Council President Foster strongly implied or even directly stated that it was inappropriate for Sai to ask whether the school district would receive revenue from Terrace (and eventually any PILOT) because she serves on the Board of Education.

Sai made clear that she was attending alone, speaking as a taxpayer and resident, was not speaking for the BOE and relying on publicly available information. She also asked the township attorney to identify the law or provision of the School Ethics Act that prevented her from asking the question. Instead of providing good counsel, the Attorney made a vague one line reference to the State's School Ethics Act.

To be perfectly clear: New Jersey School Ethics Commission guidance does not appear to support the position stated by Council members or their Attorney.

The Commission has specifically said:

* BOE members do not surrender their rights as private citizens, including their First Amendment rights.

* BOE member may speak personally as long as the member makes clear that the statements are not authorized by or made on behalf of the Board

The School Ethics Act also expressly states that a BOE Member is not prohibited from asking questions or for information on behalf of a constituent as long as no fee, reward or other benefit is involved.

Instead of making up more rules or trying to use bad interpretations of the law to intimidate and silence questions that make you 'uncomfortable' perhaps examine why they make you 'uncomfortable'.

You are elected representatives; **why aren't you able to answer questions about PILOT revenue sharing with our schools?**

I've sent you emails asking about this as well; what is the reason you are giving for not answering my questions?

Here are the relevant sources:

Reaffirms a board member's right to attend municipal council meetings in a private citizen capacity without violating the Act.

<https://nj.gov/education/legal/ethics/2005/c50-06.pdf>

Under SEC Advisory Opinion A03-07, a board member exercising their rights as a private citizen may clarify their status so long as they explicitly state they are acting in their capacity as a private resident and that their statements are neither authorized by nor made on behalf of the Board.

<https://www.nj.gov/education/legal/ethics/advisory/cat5/a03-07.pdf>

Code of Ethics for School Board Members, N.J.S.A. 18A:12-24.1:

<https://www.nj.gov/education/ethics/coe.shtml>

The Council was free to explain that no PILOT has yet been approved or that it was not prepared to discuss a possible future agreement. That is different from telling a resident that asking the question was inappropriate because she serves on the Board of Education.

Instead, members of the public had to ask Council Members to 'calm down' **at least four times**.

Is this good governance?

Please identify the specific statute, regulation, ethics provision, advisory opinion or legal authority supporting the statement that Sai could not ask this question as a resident. If there is no such authority, please clarify or correct the statements made during the meeting.

As for Terrace II, Mr. Foster, you indicated that despite what is in writing for anyone to see; that Terrace II is likely not going to be a PILOT. Instead of more vague and unclear references can you please provide clarity on why you believe this - it would be good to know that this will not be a PILOT but, as you can well understand, the public needs more than a one line 'I wouldn't bet on it' to have a clearer understanding.

Lastly, it appears to be your habit to interrupt speakers during public comment without any intervention from the township attorney. Members of the public have the right to express opinions and ask questions subject to reasonable, viewpoint-neutral rules. Council members can respond after a speaker has completed their allotted time. Repeatedly interrupting a speaker, characterizing her question as inappropriate and attempting to prevent her from pursuing it because of who she is or the viewpoint she expresses raises serious First Amendment concerns.

The video of the exchange is attached.

Thank you,

John Migueis
NJ21st

John Migueis
Editor
NJ21st
Independent local journalism
nj21st.com

Proud member of



video_sai.zip

Wed, 22 Jul 2026 10:46:10 AM -0400

To "media"<media@thefire.org>

John Migueis
Editor
NJ21st
Independent local journalism
nj21st.com

Proud member of



===== Forwarded message =====

From: John Migueis <jm@nj21st.com>

To: "adevanney" <adevanney@bhtwp.com>, "millis" <millis@bhtwp.com>, "amedeiros" <amedeiros@bhtwp.com>, "amoran" <amoran@bhtwp.com>, "spooage" <spooage@bhtwp.com>, "jfoster" <jfoster@bhtwp.com>, "bmachado" <bmachado@bhtwp.com>

Cc: "boe" <boe@bhpsnj.org>, "fire" <fire@fire.org>, "Laura Kapuscinski" <lk@nj21st.com>, "Shauna Williams" <sw@nj21st.com>, "bpeer" <bpeer@tapinto.net>

Date: Wed, 22 Jul 2026 10:23:07 -0400

Subject: PILOT and First Amendment Concerns

===== Forwarded message =====

Good Morning,

As a non-profit civic journalism organization, NJ21st has a vested interest in ensuring open public debate on policy matters and that all residents are able to ask questions without improper interference from their officials.

During last night's meeting Council meeting, Councilwoman Illis and Council President Foster strongly implied or even directly stated that it was inappropriate for Sai to ask whether the school district would receive revenue from Terrace (and eventually any PILOT) because she serves on the Board of Education.

Sai made clear that she was attending alone, speaking as a taxpayer and resident, was not speaking for the BOE and relying on publicly available information. She also asked the township attorney to identify the law or provision of the School Ethics Act that prevented her from asking the question. Instead of providing good counsel, the Attorney made a vague one line reference to the State's School Ethics Act.

To be perfectly clear: New Jersey School Ethics Commission guidance does not appear to support the position stated by Council members or their Attorney.

The Commission has specifically said:

* BOE members do not surrender their rights as private citizens, including their First Amendment rights.

* BOE member may speak personally as long as the member makes clear that the statements are not authorized by or made on behalf of the Board

The School Ethics Act also expressly states that a BOE Member is not prohibited from asking questions or for information on behalf of a constituent as long as no fee, reward or other benefit is involved.

Instead of making up more rules or trying to use bad interpretations of the law to intimidate and silence questions that make you 'uncomfortable' perhaps examine why they make you 'uncomfortable'.

You are elected representatives; **why aren't you able to answer questions about PILOT revenue sharing with our schools?**

I've sent you emails asking about this as well; what is the reason you are giving for not answering my questions?

Here are the relevant sources:

Reaffirms a board member's right to attend municipal council meetings in a private citizen capacity without violating the Act.

<https://nj.gov/education/legal/ethics/2005/c50-06.pdf>

Under SEC Advisory Opinion A03-07, a board member exercising their rights as a private citizen may clarify their status so long as they explicitly state they are acting in their capacity as a private resident and that their statements are neither authorized by nor made on behalf of the Board.

<https://www.nj.gov/education/legal/ethics/advisory/cat5/a03-07.pdf>

Code of Ethics for School Board Members, N.J.S.A. 18A:12-24.1:

<https://www.nj.gov/education/ethics/coe.shtml>

The Council was free to explain that no PILOT has yet been approved or that it was not prepared to discuss a possible future agreement. That is different from telling a resident that asking the question was inappropriate because she serves on the Board of Education.

Instead, members of the public had to ask Council Members to 'calm down' **at least four times**.

Is this good governance?

Please identify the specific statute, regulation, ethics provision, advisory opinion or legal authority supporting the statement that Sai could not ask this question as a resident. If there is no such authority, please clarify or correct the statements made during the meeting.

As for Terrace II, Mr. Foster, you indicated that despite what is in writing for anyone to see; that Terrace II is likely not going to be a PILOT. Instead of more vague and unclear references can you please provide clarity on why you believe this - it would be good to know that this will not be a PILOT but, as you can well understand, the public needs more than a one line 'I wouldn't bet on it' to have a clearer understanding.

Lastly, it appears to be your habit to interrupt speakers during public comment without any intervention from the township attorney. Members of the public have the right to express opinions and ask questions subject to reasonable, viewpoint-neutral rules. Council members can respond after a speaker has completed their allotted time. Repeatedly interrupting a speaker, characterizing her question as inappropriate and attempting to prevent her from pursuing it because of who she is or the viewpoint she expresses raises serious First Amendment concerns.

The video of the exchange is attached.

Thank you,

John Migueis
NJ21st

John Migueis
Editor
NJ21st
Independent local journalism
nj21st.com

Proud member of



 video_sai.zip

fire <fire+noreply@fire.org >

Wed, 22 Jul 2026 10:23:20 AM -0400

To "jm"<jm@nj21st.com>

Thank you for contacting FIRE. This is an automated response, as this account receives a significant number of emails.

If you believe you need our help, please fill out our case submission form: <https://www.thefire.org/submit>. This is the only way to submit cases for our review.

If you are a member of the media, please direct all inquiries to our media team at media@thefire.org.

If you have questions about donating, please contact us at support@thefire.org or visit this page: <https://www.thefire.org/donate/contact-development>.

If you would like a FIRE staff speaker for an event, please contact us here: <https://www.thefire.org/resources/fire-staff-speakers>.

All other inquiries will be reviewed as soon as possible. Thanks again for contacting FIRE!

John Migueis <jm@nj21st.com >

Wed, 22 Jul 2026 10:23:09 AM -0400

To "adevanney"<adevanney@bhtwp.com>,"millis"<millis@bhtwp.com>,"amedeiros"<amedeiros@bhtwp.com>,"amoran"<amoran@bhtwp.com>,"spoage"<spoage@bhtwp.com>,"jfoster"<jfoster@bhtwp.com>,"bmachado"<bmachado@bhtwp.com>

Cc: "boe"<boe@bhpsnj.org>,"fire"<fire@fire.org>,"Laura Kapuscinski"<lk@nj21st.com>,"Shauna Williams"<sw@nj21st.com>,"bpeer"<bpeer@tapinto.net>

Good Morning,

As a non-profit civic journalism organization, NJ21st has a vested interest in ensuring open public debate on policy matters and that all residents are able to ask questions without improper interference from their officials.

During last night's meeting Council meeting, Councilwoman Illis and Council President Foster strongly implied or even directly stated that it was inappropriate for Sai to ask whether the school district would receive revenue from Terrace (and eventually any PILOT) because she serves on the Board of Education.

Sai made clear that she was attending alone, speaking as a taxpayer and resident, was not speaking for the BOE and relying on publicly available information. She also asked the township attorney to identify the law or provision of the School Ethics Act that prevented her from asking the question. Instead of providing good counsel, the Attorney made a vague one line reference to the State's School Ethics Act.

To be perfectly clear: New Jersey School Ethics Commission guidance does not appear to support the position stated by Council members or their Attorney.

The Commission has specifically said:

* BOE members do not surrender their rights as private citizens, including their First Amendment rights.

* BOE member may speak personally as long as the member makes clear that the statements are not authorized by or made on behalf of the Board

The School Ethics Act also expressly states that a BOE Member is not prohibited from asking questions or for information on behalf of a constituent as long as no fee, reward or other benefit is involved.

Instead of making up more rules or trying to use bad interpretations of the law to intimidate and silence questions that make you 'uncomfortable' perhaps examine why they make you 'uncomfortable'.

You are elected representatives; **why aren't you able to answer questions about PILOT revenue sharing with our schools?**

I've sent you emails asking about this as well; what is the reason you are giving for not answering my questions?

Here are the relevant sources:

Reaffirms a board member's right to attend municipal council meetings in a private citizen capacity without violating the Act.

<https://nj.gov/education/legal/ethics/2005/c50-06.pdf>

Under SEC Advisory Opinion A03-07, a board member exercising their rights as a private citizen may clarify their status so long as they explicitly state they are acting in their capacity as a private resident and that their statements are neither authorized by nor made on behalf of the Board.

<https://www.nj.gov/education/legal/ethics/advisory/cat5/a03-07.pdf>

Code of Ethics for School Board Members, N.J.S.A. 18A:12-24.1:

<https://www.nj.gov/education/ethics/coe.shtml>

The Council was free to explain that no PILOT has yet been approved or that it was not prepared to discuss a possible future agreement. That is different from telling a resident that asking the question was inappropriate because she serves on the Board of Education.

Instead, members of the public had to ask Council Members to 'calm down' **at least four times**.

Is this good governance?

Please identify the specific statute, regulation, ethics provision, advisory opinion or legal authority supporting the statement that Sai could not ask this question as a resident. If there is no such authority, please clarify or correct the statements made during the meeting.

As for Terrace II, Mr. Foster, you indicated that despite what is in writing for anyone to see; that Terrace II is likely not going to be a PILOT. Instead of more vague and unclear references can you please provide clarity on why you believe this - it would be good to know that this will not be a PILOT but, as you can well understand, the public needs more than a one line 'I wouldn't bet on it' to have a clearer understanding.

Lastly, it appears to be your habit to interrupt speakers during public comment without any intervention from the township attorney. Members of the public have the right to express opinions and ask questions subject to reasonable, viewpoint-neutral rules. Council members can respond after a speaker has completed their allotted time. Repeatedly interrupting a speaker, characterizing her question as inappropriate and attempting to prevent her from pursuing it because of who she is or the viewpoint she expresses raises serious First Amendment concerns.

The video of the exchange is attached.

Thank you,

John Migueis
NJ21st

John Migueis
Editor
NJ21st

Independent local journalism
nj21st.com

Proud member of



 video_sai.zip

1 Attachment(s)

video_sai.zip
130.2 MB