

Cape May sees no need to rush low-speed vehicle ordinances

By JACK FICHTER
Cape May Star and Wave

CAPE MAY — City Council tabled an ordinance dealing with the licensing and zoning of businesses wishing to rent low speed vehicles (LSVs) in the city and another ordinance regulating the operation of the vehicles.

At a Nov. 17 council meeting, Mayor Edward Mahaney said the ordinances were sent to

the city's Planning Board for discussion. He said the Planning Board would meet again Nov. 25 to discuss LSVs.

"They would like to work with it and mold it, and they see a need to respond to this issue before it becomes a prevalent business in order to help both the people interested in investing in this business and also to make sure that the safety and welfare of the city is taken into concern," Mah-

aney said.

He suggested bringing the issue back in January to council after three new council members take their seats.

"It will be brought back with the recommendations of the Planning Board," Mahaney said.

He said the Planning Board wanted more time to look at the zones where LSV rental businesses would be permitted.

Mahaney said he reminded

the Planning Board that the city did not want to be in the LSV rental business by granting a concession on city property. Discussion last summer mentioned the Welcome Center as a possible LSV rental location.

"We wanted anybody that was interested to have a level playing field," he said.

At an October council meeting, City Solicitor Tony Monzo said state law does not allow

LSVs to exceed 25 mph. State law allows a city to regulate on which streets the vehicles may operate. LSVs may operate on streets with speed limits up to 35 mph.

At that time, Monzo said an LSV rental business would be permitted in the C-1 zone, the city's mall area or the C-5 light industrial zone near Swain's Hardware.

Mahaney said multiple parties were looking into operat-

ing an LSV rental business in the city beginning next summer. A proposed city ordinance would require a renter of an LSV to be at least 25 years old, have a valid driver's license and auto insurance.

City ordinances prohibit operating two separate businesses on the same property, so a hotel or service station could not operate an LSV rental business.

Withdrawal

Continued from Page A1

from Lower Cape May Regional School District.

"We have 1,800 full-time voters in the city of Cape May and there are over 12,000 in Lower Township," Wichterterman said. "Just put the numbers together. Even if West Cape May and the city of Cape May voted unanimously in favor of what we want to do, it still wouldn't pass."

The city's move after the Dec. 9 election is to get the issue in court, he said.

Wichterterman said the city is not trying to "injure" the regional school district.

"We are simply trying to redistribute the taxable money

that is needed. There is no reason for us to be paying \$6.5 million for 67 kids," he said.

Wichterterman said that in 1975, the state changed the regional funding formula to one based on equalized valuation of property. He said the state wanted more schools to form regional school districts, so in 1993 it changed the formula so it could be based on students enrolled, equalized property value or a combination of the two. Wichterterman said the 1993 formula change applied only to newly forming regional school districts.

Gagliardi said three new regional school districts have been formed in the state since 1993 but none use the formula

used by Lower Cape May Regional.

Wichterterman said if Cape May withdrew from the district and became a sending district, the Lower Cape May Regional School District would still put together the same budget but the payment would be redistributed.

The average household income in Cape May is \$51,000, while the average household income in Lower Township is \$62,000, Wichterterman said. He said a number of Cape May residents are living on their pensions and Social Security.

"There's a lot more working folks in Lower Township than there are in the city of Cape May," he said. "To me, it's a bogus argument: 'We can't afford it.' Well, we can't afford it either."

During public comment, Cape May resident Bob Dreyfus said he strongly disagreed with the city's efforts to withdraw from the district or change the funding formula.

"To me, it is an issue of fairness and whether we as a community care about public education," he said. "If you don't care about public education, that's a different thing,

but if you do, then it's our job collectively as a community to support the public schools."

Dreyfus said the people of Cape May have an interest in educating the community.

"The issue of fairness is the people of Cape May can afford it," he said. "I'm happy to pay the extra \$1,000 a year or whatever your estimates show if it goes to the schools in our community."

He said a lot of people who own the \$4 million and \$5 million mansions on Beach Avenue, who don't live in Cape May but who pay taxes here, can afford the regional school tax. Dreyfus said Cape May has "lots of multimillionaires who can easily afford the property taxes."

Gagliardi said that when Cape May surrendered its right to educate its students and voted to be part of a regional school district, it did so on the ballot representation that it was joining a regional school district to be funded based upon the number of pupils each community sent to the school district.

"Less than a quarter-century ago you had that vote, the Legislature wiped out your vote like a sandcastle you build a low tide and said, 'New set of rules, voters. Despite what you voted to do, you're now going to be funded based upon equalized property value,'" he said.

On the issue of fairness based upon wealth, Gagliardi said anywhere in the state that has insufficient property wealth to educate its children gets additional aid from the state unless it is a regional school district.

Cape May resident Chris Kessler asked what was the premise of the lawsuit the city would bring to the courts. He asked if it was an equal justice suit or a constitutional issue.

Gagliardi said he would not discuss legal strategies in advance. He said Cape May first had to exhaust all administrative remedies such as trying to change the formula and trying to withdraw from the district.

"We do believe there are constitutional issues here and others designed to, again, not discuss relative wealth, but to discuss the rights of the voters in trying to vindicate those voters who formed the district in the first place," Gagliardi said.

Kessler said he thinks tax-

payers should be paying the same cost for each student no matter which town they reside in. He asked what the odds of winning were once Cape May takes the issue to court.

"Are we spending a lot of money on a losing battle?" Kessler asked.

Gagliardi said there was a difference between a losing battle and a futile battle. He said it wasn't a futile battle but it was an uphill struggle.

Cape May resident Shawn Austin asked how much Cape May taxpayers would save if the city withdrew from the regional school district.

Wichterterman said for every \$1 million Cape May saves, the average household would save \$179 per year, while taxes for the average household in Lower Township would increase by \$85 annually. He said the average household in Cape May is valued at \$660,000, while the average household in Lower Township is valued at \$254,000.

Austin asked if the regional school district was obligated to educate Cape May's children on a sending-district basis after a successful withdrawal. Gagliardi said a state Board of Review authorized the special election based on the fact a sending/receiving district would be established.

Cape May resident Jo Tolley said she was concerned about the city's relationship with West Cape May and Lower Township. She said if Cape May were successful in withdrawing from the regional school district, there would be enmity between the communities, which she compared to a divorce.

"Who loses in all that? The children definitely lose, and we lose the friendship of our neighbors, too," Tolley said. "In my belief system, I want my neighbors to do to me as I do to them."

She said there were other, more important issues such as low wages in the area. Tolley said \$10 per hour was a high wage in the county and that was not a living wage.

Cape May resident James Brady said it seems as if the residents of Lower Township are more interested in taxes than education. He asked what Lower Township's cost per pupil was for the regional school district.

Wichterterman said he believed Lower Township's cost

per pupil was about \$12,000. Brady said he heard Cape May had a cost per pupil of \$79,000 to \$100,000.

"Is that fair?" he asked. Brady said Lower Cape May Regional High School ranked in the lower third of high schools on a state survey. He said the school ranked about 336 out of 386 high schools in the state.

Cape May resident Lisa Campanella asked if the current City Council had been in conversation with the three newly elected council members that will take office in January.

"Do we know whether this is actually going to go forward," she asked.

Wichterterman said he attended candidates night, where two council members stated they would be guided by the votes of residents.

"To put it very frankly, we're going to have to put more money in the budget next year to go to court," he said.

Wichterterman said Gagliardi estimated \$75,000 was needed in next year's budget.

While \$75,000 was placed in this year's budget, not all of it was spent, Wichterterman said.

Resident Bob Familetti asked why West Cape May was either neutral or not involved with the school issue. Wichterterman said West Cape May voted in favor of changing the funding formula in the Nov. 4 election because it would have reduced their school taxes. He said if Cape May became a sending district, West Cape May's school taxes would increase because Cape May would have a significant reduction in its taxes while West Cape May remained a member of the Lower Cape May Regional School District.

Wichterterman said he has heard no comments whatsoever from West Cape May's mayor.

Wayne Kaiser, who identified himself as a part-time resident of Cape May and a nonvoter, said there was a perception that owners of second homes in Cape May are rich. He said that was "patently false." Kaiser said he rents out his home and has never seen a positive cash flow.

Cape May resident Bernie Haas commented that paying school taxes is part of the cost of owning a home. He said the current regional school funding formula has worked for 40 years.

Haas said Cape May wants to reduce its property taxes by raising Lower Township's property taxes.

He urged new City Council members to stop the issue "in its tracks as soon as they take off."

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