

Cape May Star and Wave

157TH YEAR NO. 47 CAPE MAY, N.J. SERVING AMERICA'S NATIONAL HISTORIC LANDMARK CITY WEDNESDAY, November 23, 2011 50¢



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TIDES

November 2011 Eastern Standard Time

	High	Low		
	A.M.	P.M.	A.M.	P.M.
23	5:41	6:01	11:50	11:53
24	6:33	6:56		12:45
25	7:24	7:49	12:45	1:38
26	8:14	8:41	1:36	2:30
27	9:05	9:34	2:28	3:22
28	9:56	10:29	3:21	4:15
29	10:48	11:25	4:15	5:08
30	11:41		5:12	6:01

Moon Phases

First Quarter, Nov. 2
Full Moon, Nov. 10
Last Quarter, Nov. 18
New Moon, Nov. 25
Apogee, Nov. 8
Perigee, Nov. 23

Citizens seek rollback of alcohol service hours

By CAIN CHAMBERLIN
Cape May Star and Wave

WEST CAPE MAY - A group of borough citizens is collecting signatures for a referendum on the ordinance that extended the hours alcohol may be served in West Cape May.

The board of commissioners amended their ordinance, Nov. 9, extending the hours of alcohol service in the borough from 10 p.m. to midnight. The board of commissioners also lowered the minimum bids for the yet to be sold consumption license and distribution licenses by \$150,000 each.

'We do feel the community has the right to see the changes and be heard.'

- Pete McDonough

The minimum bids for the distribution and consumption licenses were set at \$600,000 and \$500,000, respectively.

The funding would be used for tax relief over the next several years.

Five community members came together and started a committee to discuss the mat-

ter and put a petition together. The group planned to submit the petition to the municipal clerk prior to today's board of commissioners meeting at 1 p.m. Resident Peter McDonough, who is on the committee, said lowering the minimum bids and extending the hours for service of alcohol should have been a public vote.

McDonough said he believes extending the hours of liquor sales would lead to the license holder staying open until midnight to serve alcohol and create late night noise in the business district, where the restaurants are located and some year-round residents live.

"Noise carries across several streets," he said. "None of the commissioners live anywhere near the business district so they won't be dealing with it." McDonough said the board is in effect promoting the establishment of a bar

"We're not fighting the sale of the licenses or arguing the ordinance - but we do feel the community has the right to see the changes and be heard," he said. "The voters approved the original ordinance, but now it's being changed by three people."

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\$9 million beach project beginning

By CAIN CHAMBERLIN
Cape May Star and Wave

CAPE MAY - A beach renourishment project in Cape May will be an attempt at excavating 70,000 cubic yards of excess sand from the beaches between Trenton Avenue and Gurney Street and placing it at Poverty Beach adjacent to Wilmington

Monday through Friday from 7 a.m. to 4 p.m.

DEP senior environmentalist, Chris Constantino said the back passing project was a concept or experiment to see if the process works sufficiently. The berm being created at Wilmington will be approximately 100 feet wide with an elevation of 6.75 feet. The dump trucks will be tak-



Christopher South/Cape May Star and Wave

Above, trucks full of sand are lined up for Cape May's beach renourishment project. Sand is being moved to Poverty Beach, which suffered a high amount of beach erosion during Hurricane Irene.

ing the sand across the beach, as opposed to driving down Beach Avenue. They will enter the construction area via New York and Madison Avenues. Pakan said since 1991, around 2.8 million cubic yards of sand has been placed on Cape May beaches. The last replenishment was in early 2009, Pakan said, when over 230,000 cubic yards of beach fill was brought to the Coast Guard base. Pakan said the initial portion of the renourishment project involves taking

the use of any table, crate, carton, rack, device or structure of any kind to increase the selling or display capacity of his cart." The judge said the flag pole was a device or structure, and by Cimino's admission it was used to draw customers' attention and sell his product.

Cimino said the second part of section 4-K reads, "No signs which are not physically attached to the vending unit shall be permitted." He said his interpretation of that statement was that signs that are attached to the cart would be permitted. The judge said that was a prohibition on signs not attached to the cart, but the first statement in the section clearly prohibited the flagpole from being attached. Belasco found Cimino guilty, but suspended the fine saying there were mitigating circumstances - that Cimino removed the flag after being

Please see **Sand**, page A2

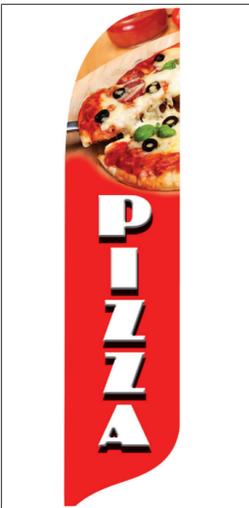
Flag pole a 'structure,' judge rules

By CHRISTOPHER SOUTH
Cape May Star and Wave

CAPE MAY - Cape May Municipal Judge Louis Belasco rules that flagpoles attached to a hot dog vendor's cart are a structure and violate the city code.

Belasco issued his ruling in a case involving Michael Cimino, a longtime hot dog vendor on Beach Avenue in Cape May. According to testimony, Cimino was issued a summons on July 13 for having an approximately 10 to 12 foot flag, which some call a "feather flag," on a pole attached to his hot dog cart. The pole held a vertical flag 12 to 14 inches wide that read "Pizza." Some of the pizza vendors have added personal sized pizzas to their menus.

Belasco said the Chapter 379 of the city code, which is titled "Peddling and Soliciting" (Section 4, K) says, "No peddler shall use, set up, attach, place or permit



A feather flag reading 'Pizza' was the subject of a court case

ing the sand across the beach, as opposed to driving down Beach Avenue. They will enter the construction area via New York and Madison Avenues. Pakan said since 1991, around 2.8 million cubic yards of sand has been placed on Cape May beaches. The last replenishment was in early 2009, Pakan said, when over 230,000 cubic yards of beach fill was brought to the Coast Guard base. Pakan said the initial portion of the renourishment project involves taking

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Please see **Flag**, page A3



Christopher South/Cape May Star and Wave

The 'Red Man' cometh

Santa Claus made an appearance in Cape May, Saturday evening, at the Mid-Atlantic Center for the Arts' annual tree lighting ceremony. Santa will be making numerous appearances in the area prior to Christmas Day, including the West Cape May Community Christmas Parade, Dec. 3.

One small step for pine

By CAIN CHAMBERLIN
Cape May Star and Wave

WEST CAPE MAY - It was "one small step for man, one giant leap for mankind" when Neil Armstrong became the first man to walk on the moon - but what can be said for white pine seeds that traveled through space at 17,500 mph for a distance of 1.5 million miles?

West Cape May Borough and its Shade Tree Commission were recently awarded one of the white pine trees that



grew from these seeds at the 85th New Jersey Shade Tree Federation meeting in Cherry Hill. According to

West Cape May Shade Tree Commission's co-treasurer Todd Land, the tree will arrive in the early spring to be planted.

According to a press release provided by Deputy Mayor Peter Burke, the seeds are part of a seed germination kit that flew on the U.S. Space Shuttle Columbia during the April 4, 1997 flight. It was the 22nd flight of the Columbia and the 83rd overall flight of the Space Shuttle program.

Please see **Pine**, page A2

Man guilty of assault in former bias crime

By CHRISTOPHER SOUTH
Cape May Star and Wave

CAPE MAY - A Wildwood man was found guilty in municipal court of simple assault and harassment after the Cape May County Prosecutor's Office declined to prosecute the case as a bias crime.

Jesse D. Walker, 24, of the 100 block of Lincoln Ave, Wildwood, was convicted of striking a victim with his fist on the sidewalk near Carney's, April 3.

The victim testified that on the night of the attack, he was walking hand-in-hand with his male partner on the sidewalk along Beach Avenue. He said as he passed Carney's, Walker and some other people were standing outside of the bar, and he heard Walker use an anti-gay slur. He said he turned and asked, "What did you say?"

The victim said Walker repeated the slur and then

struck him with his fist, hitting him three or four times, striking him mainly in the back of the head and neck. The victim said he eventually sought medical treatment and was told he had a concussion and mastoiditis - an infection of the mastoid bone located behind the ear.

Officer Derrick Murphy of the Cape May Police Department arrived on the scene to witness at least part of the incident. He later testified Walker made a comment at the police station saying, "This might sound like assault, but I put my fist in his face and pushed him."

The Cape May Police initially held Walker on warrants for unpaid fines. He was charged with simple assault and a bias crime, which is an indictable offense. The case was referred to the county prosecutor's office, which reviewed the case. In August the prosecutor's office remanded it back to

municipal court, where the bias charge was downgraded to harassment.

Walker appeared in court Nov. 16, where Judge Louis Belasco said he understood Walker would be representing himself. Walker said he only planned to plead not guilty, and wished to have representation. After consulting the prosecutor, Belasco informed Walker he would not qualify for a public defender, because he was not facing jail time, probation, or fines in excess of \$750.

Walker then entered into a plea agreement with the prosecutor, but reneged when the judge asked him to tell what happened that night.

"Nothing. I don't know," Walker said.

"I can't take a guilty plea without someone giving me a factual basis," Belasco said. "I need to know you are indeed guilty."

Please see **Crime**, page A2

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