

Petition

Continued from page A1

those who signed it's in excess of 300 people, up to 30 percent of the voters, rather than 22 percent the first time," Testa said.

A press release issued by the Friends and Neighbors of East Cape May (FAN ECM) said the city "purported" to decertify the petition. Testa said they used that language because they didn't accept the decertification.

"Just because the city is caught up in hyper technicalities we don't feel we have to be," he said.

FAN ECM filed petitions asking for a referendum on two ordinances related to parking. The first extends the area of parking meters, to

include the east end of Beach Avenue, and the second creates back-in angled parking. Both ordinances are suspended pending the resolution of the issue. The city has attempted to end the matter by filing for a declaratory judgment to have the petition ruled invalid. The city's position is that the parking regulations fall under Title 39 of the state statutes, and as such are not subject to referendum or initiative. The FAN ECM position is that the ordinances were designed to raise revenue, and they believe case law has upheld the position that any statute that does not specifically say it is exempt from referendum is subject to either referendum or initiative.

Testa also believes the city residents are on their side. "There is definitely a clear majority of support that says if we are going to have this kind of money-raising scheme the voters ought to have the right to vote on it," he said. "What could be more democratic than to have a vote on it?" Testa believes city council, in enacting the ordinances, did so without first acquiring any relevant data upon which to make the decision. He said he hopes the new council, which will be seated July 1, would take a more studied approach to the issue. He said he is optimistic because two of the new council members also signed the petition. Testa said he felt the peti-

tion was well received by people in the city, and he enjoyed meeting people and hearing what they felt about this issue. "The city just glommed onto this as a quick fix without any serious thought to the harm it would do," Testa said. The matter was to be heard by Superior Court Judge Valerie Armstrong in Atlantic City, at 2 p.m. Wednesday as the Cape May Star and Wave was going to press. City Solicitor Anthony Monzo said he anticipated the court would make a judgment on the matter Wednesday and not take more time to deliberate.

Prosecutor

Continued from page A1

comment on how restitution would be calculated, but did say the court or a judge has the discretion to do what is fair under the circumstances.

Taylor said the issue of unaccounted for water came to his attention by reading the newspapers. He said it seemed like a large amount of water was unaccounted, and he believed unless something was seriously wrong with the meters calculating usage, or there was a problem such as leaks in the system, something else was to blame.

Roughly 121 million gallons of water have been unaccounted for over the last seven years, an average of 30 percent of the water the borough buys from Cape May.

"That is quite a bit of water, and I didn't think it was fair for ratepayers to pay for people getting free water," Taylor said.

The unaccounted for water has resulted in all West Cape May ratepayers paying \$695,000 for water no one could be directly billed for.

The borough commissioners authorized \$15,000 to hire Edens Recovery, a consulting firm charged with finding the source of the unaccounted for water. Mayor Pam Kaithern said she has suspected the

problem is there is only an apparent water loss, rather than a real one. She said if millions of gallons of water were leaking it would certainly show up somewhere, so she suspects the answer lies elsewhere.

Taylor said people in West Cape May have three alternatives for getting water. The first is a well, which could be verified through the Department of Health, which certifies wells. The other two involve getting water through a pipe, and he said people are either paying for it or not.

"If you are paying for it, you know, and if you are not paying for it you know, and you would be one of the people we are going after," Taylor said. "I would assign a prosecutor to help the municipal prosecutor if the cases are brought to municipal court."

However, the case could end up in Superior Court if the charge is indictable rather than a disorderly persons offense. Taylor said the charge would depend on the dollar value of the theft. At a certain level the jurisdiction is in the municipal court, but beyond that the county has the discretion to indict a person with a fourth degree crime, which is punishable by up to 18 months in state prison and fines.

Taylor said the main thing is trying to get restitution.

"If someone is not paying they'd better get a hold of an attorney and get in here quickly. The more effort we have to go to, to find them out, the sterner the sentences we will seek," Taylor said. "It's unfair to residents or ratepayers to foot the bill for the theft of water."

Kathy Gallagher, vice president of the West Cape May Taxpayers Association said she was stunned by the prosecutor's appearance at the borough meeting. Gallagher did an independent analysis of water use and billing between 2003 and 2009 and determined there was 121 million gallons not billed for.

"I was as surprised as anyone would have been. He asked to share my data and I said absolutely," Gallagher said. "My data is the borough data."

The board of commissioners has been working on a resolution to grant amnesty to water use scofflaws as an incentive to come forward and become a legal water user. Gallagher

said some people believe the offer of amnesty is putting the cart before the horse. She said in the two months since Edens was hired there has been no report, and no illegal users have been identified. Kaithern said the amnesty program is a tool for identifying illegal hook-ups. Still, Gallagher feels uncomfortable with that.

"I understand it's a preliminary thing set up so in the future it can be implemented, but if it takes a month and a half to get an ordinance passed why are they rushing so quickly?" she said.

Gallagher said she did her analysis she found inequities in the data and brought it to the attention of the borough. She said rather than be embraced she felt she was being fought instead.

Gallagher said when she feels people would take advantage of the situation if they could get free water, but if the problem is a major leak, that should be identified.

"I would love to see this resolved - absolutely," she said.



Artisans Alcove
ESTATE JEWELERS

BUYING

- Diamonds
- Jewelry
- Coins
- Gold

OPEN 7 Days • 10am to 5pm
523 Lafayette Street, Cape May • 609-898-0202
www.artisansalcove.com

Cape May Star & Wave

156 Years Old 1854-2010
600 Park Blvd., #28, West Cape May, New Jersey 08204
USPS No. 519-020

PHONE: 609-884-3466 FAX: 609-884-2893
Entered at Post Office in Pleasantville, NJ 08232 as a periodical

SUBSCRIPTION PRICES: By mail in Cape May County: \$22; East of Mississippi: \$25; West of Mississippi: \$29. Mail subscriptions paid in advance. Newsstand price .50 per copy.

PUBLICATION SCHEDULE: Weekly, every Thursday.

POSTMASTER: Send address change to Cape May Star and Wave, 600 Park Blvd. #28, West Cape May, NJ 08204.

ASSISTANCE: For information on starting mail home delivery of the Cape May Star and Wave, call 884-3466 weekdays from 9 am to 5 pm.



LOBSTER HOUSE

FISH MARKET

Fri. June 4th thru Sun. June 6th

Fresh Local Stone Crab Claws \$4.50 lb.

Mac & Cheese with Lobster Meat \$6.50 each

TAKE OUT SPECIALS

Fri. June 4th & Sat. June 5th

Broiled Stuffed Flounder topped with Shrimp Platter served with baked potato or french fries & cole slaw \$10.95

Fried Flounder, Crab Cake & Shrimp Platter served with baked potato or french fries & cole slaw \$10.95

Appetizer Hot Combo Special

2 BBQ Clams
2 Clams Casino
2 Oysters Rockefeller
\$7.95

FRIED SHRIMP PLATTER

served with baked potato or french fries and cole slaw (reg price \$9.95)
\$5.95 EACH

Good Only Wednesday-June 9th at the Take-Out counter

Phone Ahead To Order 884-3064

THE LOBSTER HOUSE

FISHERMAN'S WHARF

CAPE MAY

www.thelobsterhouse.com

TOO LATE TO CLASSIFY

SECOND ANNUAL YARD SALE for Soroptimists - Saturday, June 5, 8 a.m. to 3 p.m. - 215 Philadelphia Ave., Cape May. Designer clothing and accessories, jewelry, old wicjer, linens, antique doors, chandeliers and paintings. Don't miss it.

FIBER ARTS YARN SHOP

Yarns, Buttons, Patterns & Accessories from around the world!

Mystery Knitters Supplies Here!

All your knitting needs are met here.

315 Ocean St. • Cape May, NJ • 898-8080



Oyster Bay

STEAK & SEAFOOD RESTAURANT & BAR

Great Menu, Martinis & Desserts!

Open Every Day from 5:00pm

615 Lafayette Street • Cape May, NJ

(Across from Acme)

609-884-2111

AART's Cape May Taxi

www.capemaytaxi.com

We're on your side

CALL 898-RIDE (898-7433)

- safe and reliable
- All local communities
- clean, comfortable
- airports
- local and distance
- child safety seats



MAD BATTER

Restaurant

Open Daily
Breakfast, Lunch & Dinner
Earlybirds & Happy Hour
Live Music Thurs, Fri & Sat.

19 Jackson St. • Cape May, NJ
609-884-5970
www.madbatter.com

FRANK THEATRES

www.franktheatres.com

Fri., 6/4, 2010 to Thur. 6/10, 2010

RIO STADIUM 12

24 Hour Movie Hotline 609-889-4799
RTE 47 AND RTE 9 • KMART PLAZA

Advance Tickets On Sale Now

Toy Story 3D, Premiers 6/18 - 11:30, 2:00, 4:30, 7:00, 9:30
The Twilight Saga: Eclipse - Premiers 6/30 - 12:00, 2:30, 5:00, 7:45, 10:15
Midnight Show Tues 6/29

Marmaduke PG: 12:15, 2:15, 4:15, 6:30, 9:00
Get Him To The Greek R: 12:30, 2:45, 5:00, 7:15, 9:45
Sex And The City 2 R: 1:00, 4:00, 7:00, 10:00
Prince Of Persia: Sands Of Time PG13: 12:00, 2:30, 5:00, 7:30, 10:00
Shrek Forever After 3D PG: 12:30, 3:00, 5:15, 7:30, 10:00
Letters To Juliet PG: 2:30, 4:45
Iron Man 2 PG13: 12:15, 4:00, 7:00, 9:30
Killers PG13: 12:30, 2:30, 5:30, 7:45, 9:55
Splice R: 12:45, 3:00, 5:15, 7:30, 10:00

Surcharge all 3D Features • *No Passes Accepted
Bargain Matinees - All Shows Starting Before 5pm - \$8.00

STONE HARBOR 5 • 609-368-7731
96TH ST. STONE HARBOR, NJ

Get Him To The Greek R: (1:15) (3:45) (5:50) (7:55) (9:55)
Robin Hood PG13: (2:15) (7:10)
Letters To Juliet PG: (5:00) (9:50)
Sex And The City 2 R: (1:00) (4:15) (7:00) (9:45)
Prince Of Persia: Sands Of Time PG13: (2:00) (5:00) (7:20) (9:40)
Shrek Forever After PG: (1:30) (3:30) (5:30) (7:30) (9:20)

Shows in () Saturday, Sunday, & Monday
Shows in () Friday & Saturday, & Sunday

Have a beer. It's good for what ales you



- Open 7 Days a week
- Serving breakfast 8am
- Large menu selection
- Happy hour 5pm-7pm everyday
- 1/2 appetizers and Drinks
- Fish Taco Friday
- Broiled Seafood Combo Saturday
- World Tavern Poker Sunday 7pm and 10 pm
- World Tavern Trivia Wednesday 7pm

Open House May 29th, Come out, say hi to Harry

All day fun for everyone



609 884 6113
Madison and Beach Ave.
Cape May, NJ

