

Cape May Seeks Injunction to Stop School Referendum

VILLAS- The City of Cape May is attempting to stop a non-binding voter referendum on the Nov. 5 ballot on the subject of the city leaving or dissolving the Lower Cape May Regional School District by seeking a preliminary injunction in Superior Court.

Cape May's special counsel Vito Gagliardi Jr. filed a complaint Oct. 15 seeking an order from a Superior Court judge to require Cape May County Clerk Rita Fulginiti to remove the regional school board question from the Nov. 5 ballot and re-issue ballots in Lower Township, West Cape May and Cape May, the three constituents of the regional school district.

As an alternative, Gagliardi is asking voting machines be locked on the school board question and signs be posted at each polling place explaining the question is invalid.

The complaint claims a sample ballot was created not indicating the voter referendum was non-binding. In addition, Gagliardi claims state law does not allow a board of education to authorize a non-binding referendum.

In a letter to Fulginiti, Gagliardi claims a ballot question of a member of a regional school district being permitted to withdraw from a district can only be authorized by a review board of the state Commissioner of Education.

On July 11, the Lower Cape May Regional Board of Education delivered a request for non-binding referendum to the County Clerk and county Board of Elections.

The ballot question asks: "Whether the City of Cape May should be permitted to withdraw from the Lower Cape May Regional School District or in the alternative, should the Lower Cape May Regional School District be dissolved."

"You would just think that the City of Cape May would want to know how their people feel about the school referendum issue which has as its endpoint a really negative impact on the Lower Cape May Regional school system," said Lower Township Mayor Michael Beck.

He said before Cape May spends a lot of money on legal bills and forces Lower Township to do the same, Cape May should gauge how its residents feel about withdrawing from or dissolving the school district.

"I'm looking forward to the referendum," Beck continued. "Let the people give us their voice, let them tell us how they feel about this."

He said if Cape May left the district or it was dissolved, the negative impact on the school system would be incalculable.

According to Francis Campbell, special counsel retained by Lower Township to oppose Cape May's attempt to withdrawal from the regional school district, the amount of loss to the district could total as much as \$5 million.

"There is not a single positive outcome if Cape May City withdrawals from the perspective of a taxpayer or school child who lives in Lower Township. And the same for those in West Cape May. Overall, it's a terrible blow to the Lower Cape May Regional school system," he said.

He urged Lower Township taxpayers to vote "no" in great numbers on the school board question Nov. 5.