

# Ethics

Continued from page A1

years. Further, I ask to gauge your interest in this gift being used to fund renovations to our Olympic sports complex (currently Geasey Field) in exchange for the facility's re-naming for your parents."

Mahaney told the Star and Wave he never responded to the letter sent by Koskoski and said the complainants are trying to fabricate an issue.

"I won't be intimidated or framed for actions I did not commit," Mahaney said. "It's not the first attack I've had to endure and it probably won't be the last. Hearing what has been said in the complaint, it's obvious I have not committed any wrong doing and haven't violated any laws of the state of New Jersey."

Mahaney said he hadn't received a copy of the complaint filed by Testa, Hendricks and Glenn until days after it had been filed and sent to the media. He said until then he had only heard brief summaries of what the complaint entailed.

"I think that's part of the complainants' strategy to discredit me without any merit," he said.

Mahaney said he has contacted his personal attorney to oversee the matter.

"I've served the city of Cape May with honor, integrity and have always acted in the best interest of the people," he said.

Testa said the letter from Koskoski raised his eyebrows, and those of Hendricks and Glenn, and led them to research the three contracts in question. Cape May City Council approved by resolution the three agreements between the city and Temple University, including a \$53,000 contract with the School of Tourism and Hospitality Management in August 2009, a \$48,500 contract with Temple's School of Environmental Design in October 2009 and an \$18,500

contract with a Philadelphia-based landscape architectural firm owned by a Temple faculty member who also participated in the second contract. Testa said the faculty member's name is Stuart Appel of the Wells Appel landscape architectural firm.

City Solicitor Tony Monzo said Appel's firm was chosen for the contract because Appel was involved in work at local public parks like Harbor View Park, Rotary Park and a development project on Lafayette Street.

"When the contracts were voted on (by city council), they were voted on before they were signed," Monzo said. "Even though (Mahaney) is an alumnus of Temple, I don't see it as a violation."

The complainants say Mahaney appears to have been centrally involved in negotiating the contracts, participated in council proceedings approving them, voted in favor of them and signed them on behalf of the city. Testa said each contract seemed to have been approved on an accelerated basis with no competitive bidding process. He said the minutes from the meeting he obtained reveal that the mayor never disclosed the solicitation from Temple for large donations, its naming rights offer, nor did Mahaney ask for any advisory legal opinion supporting the legality of his actions under the Local Government Ethics Law.

"No one disputed his love for his school, but he should have disclosed information about the contracts and correspondence. Once we saw the correspondence, we believed it created, at minimum, a potential conflict of interest," Testa said. "The interests of the citizens need to be protected. The mayor wasn't giving his total interest and attention to the city, which tells me we need to elevate the tone of politics in Cape May to a



Christopher South/Cape May Star and Wave

## A picture is worth 1,000 words

CAPE MAY – Above left, after ticketing them, a police officer takes a picture of vehicles parked in the bicycle lane in West Cape May. The vehicles in this photo were parked around an electronic sign reading "No Parking in Bike Lane." There are permanent metal signs with the same message, and the borough put out orange cones with laminated paper "No Parking" signs at the top. The electronic sign was the latest attempt to warn motorists not to park there. Lt. Chuck Lear said officers are using cameras, in some cases, to present photo evidence in Municipal Court.

higher ethical level."

In the \$53,000 contract with the School of Tourism and Hospitality Management, faculty members undertook to develop and deliver a "Final Version of Cape May Long Range Plan," that essentially outlined a marketing and tourism plan for the city and the new Convention Hall. Testa said documents he and the complainants obtained show a 15-month delay in the delivery of a definitive version of the plan without any penalty to the university.

"We don't allow non-performance to go on for 15 months on a contract," Testa said.

Monzo rebutted the claim and said Temple did deliver the long-range plan on time, but when Convention Hall

was downsized during planning, including the elimination of an inside restaurant, the business plan needed to be re-worked. He said Temple immediately went back to work on the long-range business plan. The plan was scheduled to be delivered and presented to the city in February 2011, but was not disclosed until last month during a presentation at the completed Convention Hall facility.

Testa said he recently filed an Open Public Records Act (OPRA) request for information regarding a state grant received by the city. Testa said Mahaney was quoted last week in a Press of Atlantic City article saying the contract with the Temple School

of Design led to a \$450,000 "follow-on" award from the state, making the case that the contract was of good value.

"We're pretty much in the dark about what that award was related to," Testa said. "We'll see what the documents say."

Testa said the ethics complaint filed against Mahaney will certainly not lead to criminal proceedings, but is simply an ethics violation that could lead to a fine if the mayor is found in violation of the Local Government Ethics Law, which he believes is the case.

"Unfortunately, in the current Cape May political environment, neither the city council nor city manager have been willing to confront

the mayor over these contracts, so, essentially, there have been no guardians protecting the public interest," Testa says in the complaint.

Deputy Mayor Jack Wichterman said as far as he knows, the mayor never responded to the letter sent by Koskoski and each contract with Temple University was done legally and legitimately. Wichterman was not on council when the 2009 contracts were voted upon and signed.

"I'm sorry to see this happen," Wichterman said of the complaint. "We'll just see what unfolds."

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(ISSN 519-020), Volume 158 Number 23. Published weekly by Sample Media, Inc., 112 E. 8th St., Ocean City, N.J. 08226. Subscription price in Cape May County \$22; East of the Mississippi \$25; West of the Mississippi \$29. Periodicals Postage at Pleasantville, N.J. and additional mailing offices.

POSTMASTER: Please send address changes to the Cape May Star and Wave, 600 Park Ave., #28, West Cape May, N.J. 08204.

158 Years Old  
1854-2012

## D-Day

Continued from page A1

tour guide in his spare time.

Kent was born and raised near Washington Township. He and a friend enlisted in the Army on Dec. 8, 1941, the day after the attack on

Pearl Harbor. Kent, 18 at the time, was cutting wood in his backyard, when his father suddenly came outside and said, "We're at war." He dropped what he was doing and began listening to the radio broadcast and imme-

diately knew what he had to do next. He and his friend originally planned to enlist in the Navy, but when they arrived at the recruiting station in Philadelphia, the line was too long.

"We went to lunch. They weren't going to call our names any time soon," Kent said. "Then my friend said 'want to join the Army instead?' so we went to Camden and enlisted in the Army."

He served in the 4th

Infantry Division with the 44th Field Artillery Battalion as a 105mm gunner on an M7 Priest, also known as a self-propelled artillery vehicle, which had the chassis of an M3 tank without the turret on top for cover. He said his division was one of the most highly trained units in the Army at that particular time.

D-Day was Kent's first experience with combat, having never seen battle in his first two years of enlistment. He was 20 years old when he landed at Utah Beach. Kent said prior to D-Day, his unit spent most of their time doing amphibious assault training in Florida and not long before the battle began, he was part of the training mission at Slapton Sands along the English Channel, infamously referred to as Exercise Tiger. Torpedoes from German E-Boats that managed to slip into the training area killed over 900 men during the mis-

Please see D-Day, page A3

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(1:20), 4:15, 7:05, (9:35)  
\*\*MADAGASCAR 3 PG (1:35), 4:20, 7:20, (9:20)  
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Shows in [ ] Sat-Mon [ ] Fri-Sun \*\* No Passes

**TIDES**  
JUNE 2012  
Eastern Standard Time

	High	Low		High	Low
	A.M.	P.M.		A.M.	P.M.
6	10:13	10:34	3:59	3:59	
7	11:08	11:27	4:51	4:55	
8	12:04	12:04	5:43	5:51	
9	12:19	1:01	6:36	6:50	
10	1:13	1:58	7:28	7:50	
11	2:08	2:56	8:19	8:52	
12	3:05	3:51	9:10	9:52	
13	4:00	4:42	9:59	10:49	

Moon Phases  
Full Moon, June 4  
Last Quarter, June 11  
New Moon, June 19  
First Quarter, June 26  
Perigee, June 3  
Apogee, June 15