

Look

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Committee (SADC). Corrado said the borough does have the authority to do so, but was not so certain what the commission could do if problems were discovered.

"If we find they need some approvals, I'll have to think about the appropriate steps," Corrado said.

Celli said he and Wilde have already met with the Cape May County Health Department, Cape May Police Department, fire department and building inspector, which have all said they are satisfied with the Willow Creek Winery property.

The attorney for Willow Creek Winery, William Kaufmann of the Cafiero and Balliet law offices in Wildwood, sent a letter to the board of commissioners.

In the letter, dated July 25, Kaufmann said final construction inspections on the winery should be occurring within the next couple weeks. He said Wilde's architect, engineer and builder have assured him there has been an adherence to the terms of all construction permits and approvals and that there should be no issue obtaining a certificate of occupancy.

Kaufmann commended the commission and residents for taking the time to read the state's Right to Farm Act, but claims they do not understand the document fully because in order to completely grasp it, one must read the administrative regulations as well as all the judicial decisions interpreting the statutes. With regard to the residents' request to look into the approvals and permits of Willow Creek Winery, Kaufmann referred to the court decision made by the Superior Court of New Jersey, Appellate Division and by the New Jersey Supreme Court in the case of Township of Franklin v. Hollander 338, NJ Super 373 (App. Div. 2001),

affirmed 172 NJ 147 (2002).

"That case makes clear the fact that municipal zoning ordinances are preempted by the Right to Farm Act and that disputes concerning the activities of commercial farms are to be submitted to the State Agricultural Development Committee and to the County Agricultural Development Board and thereafter to the courts," Kaufmann said. "Thus, any thought that there is no 'quarterback' or governmental authority regulating the activities of wineries in general and my client in particular is without any basis in fact or law and has no merit."

Kaufmann also responded to the concerns of residents and the commission pertaining to the events that might potentially be held at the vineyard.

"While there has been much said about what my client will be doing in the future, I think it stands to reason that, unless statements regarding future activity at Willow Creek Winery come directly from my client, anything else is mere speculation and conjecture," he said in the

letter. "Notwithstanding that my client has yet to be open for business, it has been the constant target of speculation, conjecture, ridicule and, some would say, slanderous commentary."

The commission recently voted to oppose proposed state legislation that would allow weddings and other life events on preserved farmland. At the July 25 regular meeting, the board debated on several ordinances that could potentially give the municipality control over these events, especially an ordinance concerning "special events on private property."

The ordinance has not been introduced and is only in the infant stages of discussion. Corrado said it was important that the board not rush into introducing the ordinance, as it is a very complex matter. "It's like a Rubik's Cube," Corrado said to the commissioners. "Take your time with this and really think about what you want to do."

During the discussion, the commissioners came up with items such as a permit

requirement, a 90-day notice of the event with the borough, a notice to all residents within 200 feet of the property and an escrow fee to cover police costs. The Board of Commissioners has yet to define which events would be subject to the ordinance - whether it be the number of people, the type of event, or frequency of events.

Kaufmann notes in his letter that Kaithern resides within 200 feet of the Willow Creek property and asked she recuse herself from involvement in any borough action that could negatively impact Wilde and her investment. Kaufmann says if any governmental action is taken that violates Wilde's constitutional rights or is a violation of the Local Government Ethics Law, litigation will be initiated, whether it be in federal court or an ethics complaint filed with the Department of Community Affairs.

Geyer, who has been a supporter of the winery, said if the borough were to create an ordinance such regulating special events on private property, it would need to

apply to large public events as well.

"It has to apply to any large event. I believe events at Wilbraham Park and Backyard Park have a much greater safety factor than anything that will happen at private properties," Geyer said.

Corrado noted that the borough already has ordinances regarding public property and events.

The board has also been discussing changes in its noise ordinance, which is not approved by the state. Corrado said if the board adopts a new noise ordinance in an attempt to enforce decibel levels, the borough would either need to train someone to handle noise complaints or have it enforced by the county noise officer in the Health Department.

Celli has said there is no need to worry about excessive noise coming from the winery, as it is located half of a mile from the nearest residence.

TIDES			
AUGUST 2012			
Eastern Standard Time			
High	Low		
A.M.	P.M.	A.M.	P.M.
1 7:59	8:21	1:42	1:45
2 8:48	9:08	2:31	2:36
3 9:35	9:53	3:17	3:26
4 10:20	10:36	4:00	4:14
5 11:04	11:18	4:42	5:01
6 11:48		5:23	5:49
7 12:01	12:32	6:04	6:39

Moon Phases	
Full Moon, Aug. 1, 21	
Last Quarter, Aug. 9	
New Moon, Aug. 17	
First Quarter, Aug. 24	
Apogee, Aug. 10	
Perigee, Aug. 23	

Ethics

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for gifts of cash and property, while, at the same time, the official spearheads government efforts to award three valuable municipal contracts to the same entity."

In their complaint, the three residents cited a letter dated Aug. 23, 2009 addressed to Mahaney. The

letter from Scott Koskoski, Associate Athletic Director for Development at Temple, solicits a \$1 million gift from the mayor. In return, the university would grant Mahaney naming rights over a campus sports facility. Mahaney told the Star and Wave he never responded to the letter, however, the complainants were not convinced a thorough investigation was done on the matter.

The complainants' release continues, "The complainants noted that the LFB dismissed their complaint prior to conducting a serious investigation and used reasoning not based on facts resulting from

investigation but including those derived from one sided hearsay regarding the Aug. 23, 2009 Temple solicitation letter," they say in the press release.

Mahaney said the letter from the DCA and decision made by the LFB was self-explanatory and says clearly that he did not violate any laws or act unethically during negotiations with Temple.

"The complaint filed against me was an attempt to defame my reputation with malicious intent," Mahaney said. "The Local Finance Board clearly found there was no violation and no reasonable factual basis."

When the complaint was initially filed against Mahaney, he told the Star and Wave he has served Cape May City with honor and integrity and has always acted in the best interest of the people. The mayor stood by his previous comment.

Testa said in the press release, because the LFB refused to investigate the matter further, there are still numerous questions left unanswered.

"In more than 35 years of practice as an attorney, I have rarely seen a more deficient piece of legal work as

this decision. For one thing, it does not even understand the bases for dismissing a pleading for failure to state a claim or for applying facts in a summary judgment type of determination," Testa says. "The LFB should have known that, for a dismissal, all facts need to be assumed to be most favorable to the complainants, and, in granting a summary judgment, there have to be no genuinely disputed issues of material fact."

Warn

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ed to the scene and conducted and initial investigation.

On Monday, July 30, while on patrol, Patrolman Dallas Bohn was assisting with this investigation by going to local precious metal dealers, in an attempt to locate the stolen jewelry. At Adele's Jeweled Treasures Patrolman Bohn was able to acquire photos of the stolen jewelry along with photos of the two suspects who sold the jewelry. Patrolman Bohn contacted the Lower

Township Police Detective Division regarding this information. Once the suspects were identified detectives, along with members of the Patrol Division, proceeded to Carriage Lane, Erma, to the residence of one suspect, a Zackhery Loughran. There, police found the second suspect, Steven Coverdale, Coverdale's girlfriend and his 3-year-old daughter. Both suspects exited the residence without incident when co

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