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**WEATHER ALMANAC**  
BY WAYNE ROOP

APRIL (Normals: 60°/44°, 3.51")			
	High	Low	Precip.
23	62°	45°	
24	66°	39°	
25	81°	53°	
26	91°	64°	
27	85°	63°	
28	85°	62°	
29	67°	48°	.09"

The 91° on the 26th is the highest recorded in April in 122 years of record. The previous record was 88°.

## COAH in Lower Twp.

City's obligation 'almost fantasy,' zoning official says

By CHRISTOPHER SOUTH  
Cape May Star and Wave

LOWER TOWNSHIP - Lower Township Zoning Officer Bill Galestock told township council a lot of what the Council On Affordable Housing has proposed for the township is what a good bedtime story is made of.

"A lot of this is almost a fantasy," he said.

Galestock presented a brief history of the township's COAH obligation, which sounded like a lesson in calculus. The bottom line, however, was after the credits and exemptions the township ended up with a 32-unit obligation at the end of Rounds 1 and 2.

The township's Round 3 obligation is 100 units, and Lower Township was given credit for 25 senior units provided by Haven House. As a result, Lower Township still has an obligation to provide 107 affordable housing units by 2018.

Galestock said there is a rehabilitation component in the COAH plan calling for 72 units. He said the township is doing 10 rehabs a year and he feels there would be no problem meeting that obligation.

Mayor Mike Beck asked if there was anything the township needed to do.

"Are we going to have to purchase housing in the market?" he said.

"We're going to do what we already did," Galestock said.

Galestock said it could come to the point where the township has to buy down the price of a house to get it into the \$100,000 to \$150,000 range for a family of four. The township would pay for the buy-down from a dedicated fund created with development fees. For every five residential units creat-

Please see COAH, page A2

*Lower Twp. still has an obligation to provide 107 affordable housing units by 2018.*



Press pool photo provided Press of Atlantic City/Special to the Cape May Star and Wave  
Jose Luis Arias-Pena testifies on Monday during the Marine Board of Inquiry hearing on the sinking of the Lady Mary fishing vessel. Arias was the lone survivor out of seven crewmembers.

## Lady Mary survivor testifies

Jose Arias discusses sinking, rescue off Cape May

By CHRISTOPHER SOUTH  
Cape May Star and Wave

CAPE MAY - The Marine Board of Inquiry for the sinking of the scallop boat Lady Mary reconvened Monday, with survivor Jose Luis Arias-Pena's much anticipated testimony being heard on Tuesday.

Arias said he was awakened by Timothy Smith around 5 a.m., March 24, with shouts of, "Come on, Jose, the boat is going down!"

Arias, who testified mainly in Spanish, spoke through Coast Guard interpreter Juan Perez, sometimes answering questions he understood without interpretation, occasionally using bits of English.

Arias said he went to sleep around midnight after working his normal 16-hour shift shucking scallops. He and Timothy Smith went to sleep in the same bunk room located in front of the engine room. Arias said when Smith woke him the boat was already listing significantly on the port (left) side. He said he and Smith ran out of the bunk room without putting on one of the three survival suits stored there.

Arias said he and Smith went to the wheelhouse where Capt. Royal "Bobo" Smith Jr. was at the helm. He said "Captain Bobo" seemed to be trying to turn the boat out of its current situation, but the boat was not moving despite the engines still running.

Arias said he thought the boat's scallop dredge was in the water, but in the panic of the moment he could-

n't be sure. Photos from a remotely operated vehicle (ROV) show the dredge sitting on the deck of the sunken Lady Mary.

Arias said there was a lot of excitement on deck, and some crewmembers seemed to be panicking. Frank Credle, the Smiths' cousin, was pounding on a ladder with a piece of metal, perhaps trying to sound an alarm. Arias said Credle was shouting something, but he couldn't

understand what it was. Likewise, Timothy, known as "Timbo," seemed to be having an urgent discussion with his brother, Bobo, but Arias could not understand what they were saying.

Arias said four more survival suits were stored in the wheelhouse, and he and the Smith brothers were able to get into their suits. He said he saw

Please see Arias testifies, page A2

## Lady Mary captain, crewmember had marijuana in bloodstream

By CHRISTOPHER SOUTH  
Cape May Star and Wave

CAPE MAY - Dr. Anthony Costantino, a board certified toxicologist, testified both of the recovered victims of the Lady Mary sinking had marijuana in their bloodstream, but he could not say either was impaired.

Costantino, who is the president of Drug Scan Inc., on May 5 said blood samples from Timothy Smith and Royal "Bobo" Smith Jr. tested positive for marijuana and its metabolites, the substance left after the element is metabolized.

Costantino said each man tested negative for any of the other drugs tested for.

Costantino said the effects of marijuana on the body included

delayed reaction times and impaired judgment. He said the effect could be that a person fails to react promptly or overreacts, perhaps doing the wrong thing. However, he said there is no correlation between the amount of THC in the system and the level of impairment.

THC is the chemical component of marijuana causing a feeling of euphoria and is responsible for the impaired judgment or delayed reaction time.

Costantino said a sample from Royal Smith Jr., the captain of the Lady Mary, was taken from the left side of the chest. He said that sample could have been mixed with water or body fluids.

Please see Marijuana, page A2



Christopher South/Cape May Star and Wave

## West Cape May celebrates Loyalty Day

State Senator Jeff Van Drew, VFW Chaplain Jim Roney, Officer Tony Genaro, Mayor Pam Kaithern and Commissioner Peter Burke salute the flag during the national anthem at West Cape May's Loyalty Day celebration. The day recognizes American freedom and loyalty.

## LT opposes binding arbitration

By CHRISTOPHER SOUTH  
Cape May Star and Wave

LOWER TOWNSHIP - Lower Township Council passed a resolution asking the state to amend the statute requiring binding arbitration when there are disputes between the municipality and police or fire departments.

Mayor Mike Beck said when a dispute goes to arbitration the municipality ends up paying more. "Something has to be done with binding arbitration as it now stands," he said.

Beck said binding arbitration doesn't work because the arbitrators award contracts the municipalities can't pay, and it prohibits them from seeking paybacks from other unions because contracts tend to piggyback on one another. "You never get a co-pay (on healthcare) through arbitration,"

Beck said. Beck said the township used a model ordinance prepared by the League of Municipalities. It calls for limiting increases to half the rate of inflation. It also mentions wage freezes, which Beck said he supports.

"I'm for a wage freeze. If we don't do something you're looking at cutting more positions," he said.

Council agreed to not fill two police sergeant positions as the officers retire this year. Each officer earns over \$100,000 with longevity pay.

Beck said the council would take a three-pronged approach to controlling the budget. First would be managing the number of personnel, the next would be trying to have binding arbitration eliminated, and the third is consolidation and regionalization of services.

## Lady Mary was a good boat, seaworthy

Former captain liked boat, but not owner's son

By CHRISTOPHER SOUTH  
Cape May Star and Wave

CAPE MAY - The Lady Mary, a 71-foot single dredge scallop trawler was a good boat according to a safety inspector and a former captain.

Coast Guard Auxiliary member Aldo Guerino, a fishing vessel safety inspector testified on Monday and gave the boat a decent rating.

"I would say it was a pretty nice boat," Guerino said.

Former Lady Mary Captain Mike DuVall said he liked the Lady Mary, and nicknamed her "The Bulldog." He described the boat as very seaworthy, and if he had any problems with the boat, its owner, Royal "Fuzzy" Smith Sr., would take care of it.

He said the boat could lie in a 15-foot trough of water and his coffee cup wouldn't spill. DuVall worked for Smith from 2002-2007 when he was relieved as captain and Smith's son, Royal "Bobo" Smith Jr. was given the job.

DuVall said there were two ways he could

Please see Good boat, page A2



Press pool photo provided Press of Atlantic City/Special to the Cape May Star and Wave  
A view of the Lady Mary's stern as she is docked in Cape May.