

# Cape May Point locals concerned over beach replenishment, nesting bird sites

By JANICE BROWN  
Cape May Star and Wave

CAPE MAY POINT - This month's agenda was dominated by budget issues and local concerns about beach replenishment, nesting bird site preservation, and various ordinances and resolutions supporting seasonal matters. Ordinance 563-09 concerned the vacating of certain portions of "street ends" in town that have limited use by residents and the deeding of these small sections to the adjacent home owners for maintenance. In discussion it was mentioned that these areas abut wetlands and that the action had been initiated by the home owners, who

agreed to the ordinance. Commissioner Anita VanHeesyk commented that there really were "no other good options" for these areas and that attorney Alan Gould had been engaged by the borough as Special Counsel to research thoroughly the choices. Also, the long-expected establishment of East Lake Drive as one way between Lighthouse and Oak Avenues was introduced for public hearing as Ordinance 565-09.

Glenn Ortman, RMA, of Ford Scott Associates, acting as auditor for the borough, gave a short summary presentation as a public hearing on the 2009 municipal budget. Ortman provided charts and

tables outlining revenues, expenses and appropriations by department for the borough of Cape May Point, comparing costs and operating surpluses over several years. He remarked that the percentage of tax collections within the borough was "99-100" in the past two years, one of the few local towns to do so. Commissioner Joe Nietubicz added that the frugality of this budget was "largely due to the uncertainty of the current economic situation". VanHeesyk was also pleased to state that Cape May Point is "financially well-placed" in comparison to other municipalities.

After some discussion, Resolution 45-09 was unani-

mously passed for adoption of the budget.

Another key topic was the likelihood that the Fish and Wildlife Commission would designate Alexander Avenue beach as a precautionary zone for bird nesting, and residents were encouraged to be mindful here, especially since pets are deemed predators and fines could be levied.

A mayoral Proclamation was made, in Mayor Carl Schupp's absence due to medical leave, honoring the Cape May Kiwanis Club on its 85th anniversary.

Resolutions 47-09 and 48-09 were passed opposing reductions in federal and state monies that affect beach replenishment, coastal storm

concerns, and tourism; Municipal Clerk Connie Mahon was cited for her excellent work in preparing them. Resolution 49-09 supported the renaming of the Route 109 bridge in honor of local veterans, as part of the 400th Anniversary Celebration.

During the Public Portion of the meeting, a question arose about the status of the General Store on the town circle, and it was announced that a zoning hearing will be held on April 22 at 7 p.m. to address that issue. Many residents voiced distress about a recent local home robbery following a yard sale, and the importance of locking one's doors and cars was reinforced. Several residents of

Alexander Avenue requested that their beach entrance be repaired, given its current shabby appearance.

Nietubicz advised them that a plan is already in place to have the Public Works department and the Army Corps of Engineers, coordinating with the possibility of nesting birds, take action on these repairs, as well as to make all the beach entrances more uniform and attractive.

VanHeesyk adjourned the meeting, commending the assembled residents for their valuable input in the meeting and urging them to continue taking responsibility for the maintenance and upkeep of their community.

## Lady Mary sinking

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Downham said, "Less than a minute. We're trained to get our gear on as soon as we can."

Downham learned from Arias that the Lady Mary had a crew of seven, and it sunk around 5 a.m. Missing were Tarzon "Bernie" Smith, the captain and uncle to the two deceased crewmembers, Frank Reyes, Frank Credle and Frank Ramos. Originally,

Smith said. Pena, and later, Downham, testified that the life raft is constructed with ballast bags on the bottom, which fill with water and hinder the raft from drifting far from the sinking site. Smith said with the life raft drifting south the crew should have been looking north of where the raft was located.

Pena testified they were following a track north of the life raft and spotted the sur-

ADCD23C3542001, and the SAR/SAT computer reported the signal coming from an EPIRB identified as ADCD23C3542C01.

Registered or not, Smith questioned why the EPIRB's signal was not picked up until about two hours after the ship sunk, as reported by Arias.

"The EPIRB tested fine, it did what it's supposed to do. Someone didn't do what they're supposed to do or we would have three survivors

need be. "I know we did everything we could," she said.

Petty Officer First Class Trista Fisher, stationed at Sector Delaware Bay, which is based in Philadelphia, testified she was in charge of communications with on scene commanders during the search and rescue operation. She said her station monitors and records all VHF and HF transmissions, as well as telephone calls into her station. She said Air Station Atlantic City notified her saying they picked up an EPIRB. She also said the fishing vessel Kathryn Marie called the station around 4:15 p.m. reporting it heard a mayday call around 5 a.m. At 8:01 a.m. Fisher put an urgent marine broadcast advising other vessels about the sinking, but they heard nothing until the response from the Kathryn Marie, about 11 hours after

the Lady Mary sank. Fisher said Sector Delaware Bay reviewed recordings of radio transmissions and heard comments from other fishermen, but did not hear a may-

hour. A Coast Guard spokesman said the investigation would resume at a time to be determined. When the investigation resumes, the board expects to hear from

*"I know we did everything we could."*  
-Lt. Cdr. Tina Pena,  
Coast Guard helicopter pilot

*"The EPIRB tested fine, it did what it's supposed to do. Someone didn't do what they're supposed to do or we would have three survivors instead of one."*  
-Royal Smith Sr., owner of Lady Mary

a William Torres was listed among the missing, but reportedly missed the voyage and was replaced by Ramos. (See related story, page A1.)

Pena said she put out a radio call to the nearby fishing vessels saying there were four people in the water, but none of the boats responded to the call.

By the time the helicopter departed to return to the air station, two other helicopters had been dispatched to the scene; another MH-65C Dolphin and a MH-60J Jayhawk helicopter from Air Station Elizabeth City, N.C. An HC-130J Hercules aircrew was also dispatched from Elizabeth City. The Coast Guard Cutters Dependable and Finback later joined the search.

Smith said the aircrews erred in searching in the vicinity of the life raft.

"The life raft would have been 10 to 12 miles from where the boat went down. It's just common sense,"

vival suits several hundred yards apart. A NOAA research vessel, the Thomas Jefferson, located what is believed to be the wreck of the Lady Mary about 60 miles off of Cape May. After receiving the 406 MHz EPIRB signal, the Coast Guard searched an area 3,417 square nautical miles over 37 hours trying to locate the other crewmembers.

Smith questioned the usefulness of questions and comments about whether the Lady Mary's EPIRB was registered or not, since as Pena testified, it would not have affected the response time. Smith said he had documentation that the EPIRB was in fact registered, but during testimony by Petty Officer First Class Cullen Rafferty, the board learned the number on the EPIRB and the number that appeared when the signal was picked up by the satellite did not match by one digit. The EPIRB Smith registered carried the number

instead of one," Smith said.

Pena, once released as a witness, told reporters despite being low on fuel, if she had seen other survivors she would have picked them up and landed on the beach if

Ramos, and the survivor, Arias, were present at Tuesday's proceedings. Reyes is survived by a wife of 22 years and three children, ages 6, 16 and 18. Ramos is survived by a wife and a 5-year-old child.

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**LOWER TOWNSHIP RESIDENTS GYPSY MOTH CONTROL PROGRAM NOTICE**

Lower township has entered into a cooperative gypsy moth control program with the New Jersey Department of Agriculture. Downstown Aerocrop Service (DEP license #90029) 339 Harding Highway, Vineland New Jersey has been awarded the contract to apply *Bacillus thuringiensis var. kurstaki* (FORAY 76B, EPA Reg. #73049-49) using aircraft to areas infested with gypsy moth larvae.

Aerial application will begin on or after May 4, 2009 through June 4, 2009 or until completion from 5:30 a.m. to 8:00 a.m. and 9:00 a.m. to 2:00 p.m., and possibly in the evenings from 5:00 p.m. to 8:00 p.m. in the affected areas.

A map indicating the exact areas to be treated is available for inspection at the municipal building. Residents may contact the Municipal Clerks Office at 609-886-2005 ext. 112 or 113, 2600 Bayshore Road, Villas, NJ for information regarding the exact date, application times and any other information concerning the treatment program.

Individuals wishing additional information about pesticides may contact the National Pesticide Information Center at 1-800-858-7378. For emergencies call the New Jersey Poison Information and Education System at 1-800-222-1222. For pesticide regulation information, pesticide complaints and health referrals call the New Jersey Pesticide Control Program at 609-984-6507.

Upon request, the pesticide applicator or applicator business shall provide a resident with notification 12 hours prior to the application, except the Quarantine and Disease Vector Control only, when conditions necessitate pesticide applications sooner than that time. Additional information about the program is also available on the New Jersey Department of Agriculture's website: <http://www.nj.gov/agriculture/divisions/pi/prog/gypsymoth.html>.

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**NOTICE TO PUBLIC**

The West Cape May Volunteer Fire Company has been providing firematic services to the residents and taxpayers of the Borough of West Cape May since 1921. In 1976 the Fire Company purchased the property at 732 Broadway with the intention of constructing a firehouse and social hall. Shortly thereafter, the opportunity existed for the Borough to apply for an EDA grant to construct a municipal complex. The Borough needed to secure Property for this project. The Borough engaged in discussion with the Fire Company relative to the possible use of the property it purchased and the Fire Company agreed to deed the property to the Borough in order that the grant be pursued. The grant was ultimately secured and the municipal complex was constructed the firehouse. The Fire Company deeded the property with the understanding that the firehouse would always be utilized and occupied by the Fire Company, including the parking lot, for the activities of the Fire Company. The Fire Company continued to occupy the firehouse and provide fire protection services and undertook many improvements to the firehouse with monies secured by the Fire Company through fundraising activities and donations.

The Fire Company was advised by the Borough governing body that a written agreement was required by the Borough relative to the Fire Company's use and occupancy of the firehouse and providing of fire services to the Borough. The Fire Company and Borough have engaged in extensive discussions relative to these issues but have not been able to reach an agreement.

The Fire Company has and will continue to provide fire services to the public. The volunteer members are committed to providing these services however the Fire Company is concerned about the issues being discussed with the Borough and would like to receive the opinions and comments of the public relative to these issues.

The Fire Company will be holding an open house at the firehouse on **April 25th 8a.m. to 12 noon and April 26th 12 noon to 4 p.m., 2009** wherein the public is invited to discuss with the Fire Company representatives the issues of concern. Please attend if you are able.