

Postal worker food drive Saturday

CAPE MAY - Postal workers will be collecting non-perishable food items on Saturday, May 9, for local food pantries.

To take part, place non-perishable foods in a labeled bag near your mailbox on May 9. The postal workers will pick up your donation

and deliver it to food pantries.

Suggested food items are: canned meats, stews, tuna fish, vegetables, soups and fruit, pasta, macaroni and cheese, spaghetti sauce, apple sauce, peanut butter, jelly and cereals.

COAH obligation

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ed the developer would pay 1.5 percent of the assessed value - 2.5 percent for commercial development.

Solicitor Anthony Monzo said the council should consider enacting a growth share ordinance so the obligation for affordable housing doesn't fall solely on the taxpayer.

One resident asked if there wasn't a way to get the COAH obligation "squashed."

The Council On Affordable Housing was created by the state legislature after the New Jersey Supreme Court made the Mount Laurel Decision in 1975 (Burlington Township NAACP vs. Mount Laurel). The court ruled Mount Laurel zoning regulations made it impossible for low and moderate income residents to live there and ordered the legislature to come up with a remedy. The legislature created COAH, which has gone under numerous changes.

Galestock said municipalities are allowed to charge development fees from the builders, but must allow them to exceed the density limits by 40 percent.

Beck said the township must participate in the COAH plan or it would be subject to a builder's remedy. If such is allowed, a builder could get additional relief from zoning laws because it is helping provide affordable housing.

"We're not in any way shape or form doing projects?" resident Janet Pitts asked.

Monzo said the law doesn't allow building low income projects, saying the municipality is also prevented from locating affordable housing in one area. Those who obtain a home through the COAH plan must qualify for a mortgage with a conventional lender. The COAH plan only requires they be made available to a qualified buyer at an affordable cost. COAH has nothing to do with the Section 8 housing program.

Arias testifies

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crewmember Frank Reyes on the deck with a survival suit in his hands and he asked for help trying to put on the suit. Arias also said he handed Reyes a life ring. Arias said he never saw Tarzon "Bernie" Smith, brother of Royal "Fuzzy" Smith Sr., or Jorge Ramos.

Ramos was not initially listed as part of the Lady Mary's crew, but a William Torres was. It is believed Ramos took the place of Torres on the trip, but Torres has not been located to answer that question. Attorney Stevenson Weeks, representing the boat owners Royal "Fuzzy" Smith Sr., and Smith and Smith, Inc., asked Arias if Ramos also used the name William Torres, but Arias said he didn't know.

Arias said when he first got on deck the port side gunwale of the 71-foot fishing vessel was in the water, and by now it was up to the winch. He heard the engines stop and the lights went out and that was the last time he saw anyone else from the Lady Mary.

Arias said he went into the water on the listing side of the boat. In his estimation, only three or four minutes had passed between the time he woke up and the time he entered the water. He said it took slightly longer, about five minutes for the boat to sink.

Arias said he remembered survival training he had received under the Lady Mary's previous captain, Mike DuVall, who also testified on Tuesday. Arias said he got on his back in the water and paddled away from the boat in order not to be sucked under when the boat sank. He said he was about 25 feet away when he saw the boat go down.

He spotted an eight-foot board in the water and grabbed it thinking it might help him stay afloat. In the darkness he

heard someone yell out but didn't know who it was. He yelled back, but didn't get a reply.

Arias clung to the board for roughly two hours in the dark. He tried to activate a blinking light on his survival suit but couldn't do so. Sometime after the sun came up he saw a Coast Guard helicopter coming toward him.

"He said he was happy when he saw the helicopter," Perez said. "He said he felt like he had a chance to be born again."

Arias testified he heard no alarms before the Lady Mary sank. He also testified he saw no flares or other signals, nor did he hear anyone making a mayday call on the radio. Arias said he knew how to make a mayday call using Channel 16 on the VHF radio.

According to previous testimony, the Coast Guard was alerted to a 406 megahertz EPIRB (Emergency Position Indicating Radio Beacon) signal at 7:07 a.m. on March 24. At 7:15 a.m. the satellite picked up another signal in a similar location. About 7:20 a.m. helicopter crews were alerted to prepare for a search and rescue (SAR) mission. The first helicopter, piloted by Lt. Cdr. Tina Pena, was in the air around 7:55 a.m. and on scene 60 miles off Cape May at around 8:20 a.m.

In the water, Arias spotted the inflated life raft and attempted to swim to it, however, it was about a quarter-mile away and he decided he needed to conserve his strength. The helicopters spotted the life raft before Arias and lowered a swimmer, who found no one in the raft. He radioed the serial numbers of the life raft to the helicopter and then punctured the raft so it would not be reported again, initiating another rescue mission. The rescue swimmer was taken back into the helicopter before Arias was

spotted clinging to the board.

The swimmer helped Arias into a rescue basket and he was taken up into the helicopter. The pilot eventually spotted two more of the bright orange survival suits in the water and retrieved the bodies of Timbo and Bobo Smith. He said he thought Bobo was Credle, which was what he originally told the rescue swimmer. He said the swimmer, a trained EMT, attempted to revive Timbo all the way back to Air Station Atlantic City. The swimmer testified earlier he determined the signs of death were more severe in the first victim, so he focused his efforts on saving the second victim.

Arias said when they arrived at Atlantic City he was taken off the helicopter and helped to an ambulance. He said he looked back and saw they did not remove the other men right away, and he believed at that time they were dead.

For 37 hours, the Coast Guard continued its search over a 3,500 square nautical mile area looking for the four missing crewmembers, but none were ever found. At least three helicopters, a C-130 airplane and two cutters, the Dependable and the Finback were used in the search. The Dependable recovered the life raft and the EPIRB.

The Coast Guard working with the New Jersey State Police verified the position of the fishing vessel Lady Mary Wednesday, April 29, with the use of a remotely operated vehicle. The external survey by the ROV shows the Lady Mary generally sitting upright on the bottom. The survey did not reveal any evidence of the remaining missing crew members.

The hearing began on Monday at 9 a.m. and recessed around 12:30 p.m. The hearing reconvened Tuesday at 8 a.m. and was recessed around 6 p.m. and was scheduled to reconvene on Wednesday at 8 a.m.

Marijuana in bloodstream

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"I can't say much about that sample other than there was marijuana in the bloodstream," Costantino said.

Costantino said he could not tell if either victim was a chronic or naive user. Those who inhale second-hand marijuana smoke or who use marijuana lightly may be considered naive users.

Costantino said a sample taken from the neck of Timothy Smith showed higher amounts of THC and metabolites, but again, it did not indicate whether he was a naive or frequent user. He said if Timothy Smith was a chronic user the level could be a residual amount. If not, it could have been from smoking marijuana the day before.

Surviving crewmember Jose Arias and Mike DuVall, a former captain of the Lady Mary, each said drugs and alcohol were forbidden on the boat and neither of them saw any crew member use drugs.

Brian Curtis, a senior investigator with the National Transportation Safety Board, asked Costantino how long marijuana stays in the system. Costantino said it varies, but THC is fat soluble and is stored in the fat tissue of

chronic users. He said the body would metabolize THC until the blood flow stops.

Asked if the levels in the bodies of the victims were high or low, Costantino said he had to extrapolate, but the level seemed moderate in Royal Smith Jr., and on the high side in Timothy.

"Is it possible to tell if they are chronic or infrequent users?" Curtis said.

"It is not," Costantino said. Curtis asked about the effect of marijuana use on reaction time to an emergency. Costantino said reaction time would be delayed and judgment impaired, but the degree of the effect could not be determined by the level of the drug in the bloodstream. Asked if marijuana would be out of the system if not smoked in six days, the time the boat was at sea, Costantino said it was "highly

likely."

Asked if the body's panic response would increase the metabolism rate of the drug, causing one to sober up, Costantino said, "Statistically, but not practically."

Stevenson Weeks, the attorney representing Royal Smith Sr., and Smith and Smith Inc., read a list of drugs the victims had been tested for and found negative, citing only marijuana as being present in the blood samples.

Weeks also asked if a THC level of 2.0 in the blood could be the result of passive inhalation. Costantino said there would have to be a strong concentration in a closed environment to reach a 2.0 through passive inhalation.

"It would have to be severe conditions, like an hour or so in a closed environment," Costantino said.

"And you can't give an opinion with a reasonable degree of medical certainty about the level of impairment?" Weeks said.

Costantino said he could not.



Press pool photo provided Press of Atlantic City/Special to the Cape May Star and Wave. Various views of the Lady Mary were entered as exhibits during the inquiry into the boat's sinking.

Good boat

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think of that would cause the boat to take on water in a hurry. One was to be pulling up the dredge on the portside with the seas hitting starboard. He said that condition could cause the boat to list considerably and perhaps even be swamped.

The second scenario was to have the dredge catch on something on the bottom, pulling the stern down in the

water.

DuVall said he had a history of conflicts with Bobo. DuVall said he tried to teach him to captain a fishing boat, but Bobo wouldn't learn. He said he had disagreements with Bobo over handling the boat and the crew.

Stevenson Weeks, attorney for Royal Smith Sr. asked DuVall if it wasn't true that he was fired because he had received two citations adding up to \$60,000 in fines. DuVall said he never went to court on the matter because Smith negotiated a settlement, and he said he was not part of the settlement agreement with the National Oceanic and Atmospheric Administration. DuVall said he was not fired for the citations, which he said were due to technical equipment errors, and continued to work for Smith for a long time after the citations were issued.

The citations were written in September 2005 and DuVall did not receive the citations until April 2007.

TOO LATE TO CLASSIFY

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Entered at Post Office in Cape May, NJ 08204 as a periodical (USPS 619020)

SUBSCRIPTION PRICES:
By mail in Cape May County: \$22; East of Mississippi, \$25; West of Mississippi, \$29. Mail subscriptions paid in advance. Newsstand price: \$.50 per copy.

PUBLICATIONS SCHEDULE:
Weekly, every Thursday.

POSTMASTER:
Send address change to Cape May Star and Wave, 600 Park Blvd. #28, West Cape May, NJ 08204.

ASSISTANCE:
For information on starting mail home delivery of the Cape May Star & Wave call 609-884-3466 weekdays from 9 am to 5 pm.