

ByTheSeaFuture

NATIONAL AWARD WINNING NEWSPAPER FOR LAUDERDALE-BY-THE-SEA, FLORIDA July 23, 2010

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Lauderdale-By-The-Sea Residents Against Oil Drilling

With visions of oil from the damaged well in the Gulf of Mexico washing up on the shores of LBTS, more than 100 town residents and visitors joined hands along the beach on June 26 in a symbolic protest against oil drilling in the ocean. The gathering was part of a nationwide, peaceful protest called Hands Across The Sand, which drew thousands of people to the beaches across South Florida.

STORY CONTINUED ON PAGE 5

AFTERSHOCKS FROM COLON'S DISMISSAL ROCK THE TOWN

by Mark Brown

Three months have passed since former LBTS Town Manager Esther Colon was fired, and the repercussions are still being felt throughout the town. From the court room to the coral reef, from sewers to garbage collection, a host of problems have developed or been identified which the town now has to deal with. Here is a rundown on some of the most important problems which have surfaced in the aftermath of Colon's dismissal:

Lawsuit: On June 23, the town filed suit against Colon in Broward County Circuit Court, seeking the return of \$69,320 which Colon received in severance benefits. The lawsuit contends that Colon was not entitled to the money and that she has been "unjustly enriched" because she has

refused to return the funds. The town is seeking its money back, plus interest, court costs and "any other relief this court deems appropriate," according to the court papers.



ESTHER COLON

"It is unconscionable and unjust for Defendant (Colon) to retain the overpayment--which represents public funds--despite being advised that the overpayment was in error and that she is not entitled to (it)," the town's lawsuit states. "In retaining the overpayment despite being repeatedly requested for its return, Defendant has been unjustly enriched. Therefore, in equity and good conscience, she should not be allowed to keep the

overpayment." It is not known when the case will go to trial or how much it will end up costing the town.

Sloppy Work: As part of her budget preparations, interim Town Manager Connie Hoffmann has been examining a number of projects which Colon was supposed to have been administering. Her budget work has been hampered by the fact that it took her more than two months to figure out just how much money the town has in the bank, since Colon had opened multiple accounts and it was difficult to follow the money trail. In addition, Hoffmann has uncovered several examples of sloppy work by Colon which have wasted a lot of money, put the town and a number of important projects at risk, and now have to be fixed.

Story Continued on Page 5

MILITARY MEN & WOMEN WELCOMED TO LBTS

by Cindy Geesey

Not only does Petty Officer 1st Class Jason McClure give back to the community by serving in the Navy, but the 27 year old is also a mentor at a local elementary school in Orlando. When the Greater Jacksonville USO was considering who to choose to send to Lauderdale-By-The-Sea for an all expense paid 3 night weekend on the beach in June, Chief LSC Howell picked Jason because "his willingness to help others has been demonstrated in a Big Way! His extensive effort, active involvement and commitment to go the extra mile were paramount for making this mentorship program immensely successful."



THREE YEARS SUPPORTING OUR TROOPS!

For the third year, ByTheSeaFuture is coordinating the "R & R for the USO" program with the cooperation of the LBTS Chamber of Commerce. Included in the package are accommodations for three nights, all meals at a variety of generous local restaurants, gift certificates, baskets, t-shirts, hats, massages, wine, chocolates, beauty treatments and more. Area residents who want to participate have donated funds to reimburse the visitors for their travel expenses. Six "R & R" packages

are presented to deserving military men and women each year. For a full list of the benefactors who make this program possible, see page 3.

When Jason's Chief called him in and told him of a special surprise, the young man was shocked. "I've heard of free tickets to sporting events, but never anything like this before." He invited Amanda Wright, his girlfriend of three years, to join him. He's on shore duty in Orlando and she works in Tampa, so it was especially nice that they had this time together. They described the couple's massages provided by Massage Envy as "terrific" and added, "Laying out on the beach was nice. There was more than enough food and activities provided, and we liked the variety." The couple was hosted by Amanda Johnson at Souter's Resort on the Ocean, and they especially enjoyed "dancing with Elvis, the amazing tuna at SeaWatch, the cheeseburgers at Athena by the Sea and the salads at Aruba Beach Cafe."

Story Continued on Page 8

VERA'S YOUTHFUL 95

by Cindy Geesey

What can you say about a woman who throws herself a "Toast to the Living" wake complete with visiting hours when she's 70 years old because she'd rather enjoy her own party than plan one for when she's gone? Amazing! And 25 years later the same woman throws a fabulous birthday party for herself so she can treat all her friends to a good time. Truly amazing!



Vera Punke

Over 50 of Vera's friends and family gathered at the Coral Ridge Yacht Club recently to celebrate the life and times of this extraordinary woman. She's known to most locals as a vibrant member of the Lauderdale-By-The-Sea Woman's Club, one of their most ardent bridge players, their "go to" clothes model and the organization's chaplain. She loves to party, was dancing enthusiastically to the live music at her party, and was seen to sip the champagne she provided for all to enjoy. Relatives had prepared a slide show of pictures going back to 1956, and they showed the various highlights of her life. Vera's motto is "Don't stop doing things because you are old. You will get old if you stop doing things."

Story Continued on Page 8

COLON'S TRACK RECORD REVEALED AS TOWN REELS OVER PAYOUT

Continued from Page 1

The following are examples of what Connie Hoffman has uncovered about the highly controversial Colon era in Lauderdale-By-The-Sea history.

Coral Reef: The town commission entered into a contract on February 13, 2007 with the Global Coral Reef Alliance to construct an artificial reef just a few hundred yards from the fishing pier. The project was designed to use small amounts of electricity to trigger the growth of a new coral reef, and was widely trumpeted as a groundbreaking scientific endeavor which would bring international acclaim to Lauderdale-By-The-Sea.

According to a memo prepared by Hoffmann, Colon cut two checks to the GCRA for a total of \$49,480, but she did not conduct any oversight and failed to advise the commission that the GCRA had not met its performance requirements and was in default on the contract. "The town staff does not appear to have managed this contract, nor kept the commission informed of the contractor's non-compliance with terms of the contract," Hoffmann wrote.

Meanwhile, the GCRA has asked the town for an additional \$13,700 to cover overruns in the cost of building three solar-powered buoys to generate electricity for the reef. This has created both an embarrassment and a concern for town commissioners, who now have to decide if they will walk away from the project or keep pouring money into it, including annual maintenance funds. Hoffmann has recommended against putting



ONE OF THREE SOLAR-POWERED BUOYS COSTING THE TOWN MANY THOUSANDS OF DOLLARS IN ONGOING OVER-RUNS

any more town funds into the artificial reef, saying if the sponsors need more money, they should raise it themselves through private donations. The commission plans to hold a special workshop to review the project on July 28.

Sewer Subsidies: As part of the annexation agreement of 2001, the commission promised to extend municipal sewer service into four neighborhoods in the north end of town, including the Palm Club. The first three projects were built as planned, but the commission reversed course in 2007 and killed the Palm Club sewers, saying it was wrong to spend public money to benefit private property.

As it turns out, the town has been doing just that for the past 12 years, by using public funds to subsidize the sewer bills at the four condos which make up the Sea Ranch Club. This was part of a deal which the town made with Sea Ranch when it agreed to be annexed into LBTS in 1998. So far the town has paid more than \$1 million worth of sewer bills at the Sea Ranch Club, including \$127,000 last year alone. The town has been subsidizing the sewer bills at other private properties as well, but not nearly as much as at the Sea Ranch Club.

Colon knew about these subsidies because she approved the checks each month, but she never said a word about them when the commission debated and voted to kill the Palm Club sewers. Similarly, she blindsided the town attorney by not sharing this information with her after the Palm Club sued the town and the case went to court. Her silence on the sewer subsidies has left the town and the commission in a very difficult position which now has to be addressed.

Trash Removal: Another project where Colon dropped the ball involved the town's contract with Choice for trash removal. Choice was hired a year ago on the basis of a contract which Colon negotiated, and ever since the first bills went out, town hall has been swamped with complaints from residents whose bills skyrocketed, and from buildings which have been forced to pay for more trash containers than they need.

Colon had stubbornly refused to discuss these issues with Choice, insisting that the town stand by the contract she negotiated. With Colon out of the picture, Commissioner Scot Sasser stepped up and held a series of meetings with Choice. Sasser said the company has now agreed to modify the contract to address most of the complaints which residents have raised. The commission is expected to vote on these changes shortly.

Staff Turnover: Former town Finance Director Kaola King resigned on July 6. King had signed off on the paperwork supporting Colon's payout, and had clashed with Hoffmann over preparation of the town's budget. King became the third town employee to lose her job in the aftermath of Colon's dismissal. She followed acting Town Manager John Olinzock and former Human Resources Director Kathy O'Brien, both of whom were fired for their roles in transferring the town's money into Colon's private bank account without the knowledge or consent of the town commission or town attorney.

RESIDENTS UNITE AGAINST DRILLING

Continued from Page 1

So far no oil from the Gulf spill has made its way to LBTS, although there have been reports of some oil-soaked birds being rescued along area beaches. "Nothing has been found dead or washed up on the beach," said Tim Greener, owner of Beach Raker, the company which cleans the beaches in LBTS every day. "Birds do die but we haven't seen anything that's been oil soaked or saturated due to oil contamination."



Michelle Nickel of LBTS shows several oil-soaked bottles which she and her husband Roger picked up along the beach.

Greener said he has gotten a few calls about tar balls on the beach, but he said that is not unusual. "We get tar balls on the beach periodically from the ships out off the coast as they come into port and pump their bilges, so it's pretty routine," Greener said. "It happens probably every month or few weeks. Our procedure is to call the Coast Guard. They come and look and take them away to be analyzed, to figure out where the tar balls came from."

There was one incident which prompted some local concern. Town residents Michelle and Roger Nickel were taking an early morning walk along the beach on June 29 when they came across a half dozen bottles and other objects which were soaked with oil. The bottles looked like they had been in the water for a long time, since some had barnacles on them. They also saw four dead birds within a few hundred yards of each other. "We walk the beach all the time and we've never seen anything like that," Michelle Nickel said. "It was extremely unnerving."

Concerned that these were the first signs of oil washing up on the local beach, the Nickels gathered up the bottles and brought them back to their apartment. For the next half hour, they dialed one number after another, trying to reach the appropriate authorities to report their find. They finally got through to the Coast Guard, which sent someone to their home to pick up the bottles so they could be analyzed. There is no word yet if they have been able to identify the source of the oil.

Just a reminder, here are some emergency numbers to call if you spot any signs of oil washing up on the beach:

REPORT OIL ON SHORELINE: 866-448-5816 or 800-424-8802

REPORT OIL-COVERED WILDLIFE: 866-557-1401

Any other questions or information should be directed to Lauderdale-By-The-Sea Town Hall at 954-776-0576.

BERT J. HARRIS IS BACK

The town may have won the first battle in the Bert J. Harris lawsuit, but the property owners are already back in court for a second round. On July 14, the four properties filed an amended lawsuit in the Broward County Circuit Court.

The Lauderdale-By-The-Sea property owners are seeking more than \$21 million to compensate them for the lost value of their property stemming from the town's decision to lower the height limit to four stories. If they win their lawsuits, the town could ultimately be bankrupted.

On June 4, Circuit Court Judge Mily Rodriguez-Powell had approved a motion filed by the town to dismiss the case. She cited a case in Panama City in which the court ruled that the property owner had to demonstrate an actual loss in order to seek relief under the Bert J. Harris statute. However, Judge Rodriguez-Powell also ruled that the property owners could file an amended lawsuit without abandoning their original complaint.

The new lawsuit contends that the property owners and the town have "antagonistic and adverse interests" which can only be settled in court. It asks that the court prohibit the town from applying the four-story height limit to the four properties in question. They are Sea Watch Restaurant, Palm Club, Coastal Arms and the El Dorado.

At the June 8 town commission meeting Mayor Minnet said, "We just finished the Bert J. Harris shade session. I want to say that we had very positive news, but it's not like there's clear sailing ahead. There are still clouds in the sky."



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