



Atherton confrontation

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The Almanac

THE HOMETOWN NEWSPAPER FOR MENLO PARK, ATHERTON, PORTOLA VALLEY AND WOODSIDE

AUGUST 25, 2010 | VOL. 45 NO. 52



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Records requests lead to confrontation

By Renee Batti
Almanac News Editor

Two aggrieved residents and one former employee who successfully sued the town for wrongful termination converged on Atherton Town Hall on Aug. 20 to demand access to public records they say have been illegally withheld by the town. They left without inspecting the documents, but left behind the suggestion that the town will face yet another lawsuit.

The confrontation, which was videotaped and later posted on YouTube, involved former finance director John Johns, and residents Kimberly Sweidy and Jon Buckheit. All three have sued or are on the verge of suing Atherton for a range of complaints.

(Go to is.gd/ezzCD to view the video. The URL is case-sensitive.)

The trio originally went to the building department to inspect documents that had been requested previously through written public records act requests. The California Public Records Act requires public agencies to make non-confidential records available for inspection during the agency's business hours.

When building department staff instructed them to go to Town Hall with their requests, the trio met with City Manager Jerry Gruber, at which time Mr. Buckheit began videotaping. The exchange, which began cordially, ended with Mr. Gruber walking away while being questioned.

Mr. Gruber could not be reached for comment before The Almanac's press time.

Mr. Johns, who successfully sued the town for wrongful termination, was seeking the building department's database for all permits issued from 2000 to 2007. He had been informed by Deputy City Clerk Theresa DellaSanta that the requested records couldn't be accessed by town staff because they were stored on outdated software, and an outside professional would have to be brought in to



Photo by Dave Boyce/The Almanac

Kimberly Sweidy, who is preparing to sue the town because of what she calls "gross negligence" on the part of the building department, spoke before the Atherton City Council on Aug. 18, telling them the town has "messed with the wrong hillbilly."

■ ATHERTON

retrieve them — at considerable cost to Mr. Johns.

"This is sheer nonsense," and "a ruse to make the extraction of records I desire ... prohibitively expensive," Mr. Johns wrote to Ms. DellaSanta in an Aug. 18 e-mail.

In that e-mail, Mr. Johns informed Ms. DellaSanta that he planned to come to Town Hall on Aug. 20 to inspect the records he had previously requested, and noted that a building department staff member, Kelli Robertson, had the skills to retrieve the information he sought.

Mr. Johns told The Almanac later that he knew Ms. Robertson could use the outdated software "because I trained her on it several years ago."

Ms. DellaSanta said on Aug. 23 that she couldn't comment on employee matters; she said she would try to reach the town attorney to respond to The Almanac's questions about staff's ability to access public documents stored on the old software. The attorney did not respond before press time.

During the videotaped meeting with Mr. Gruber on Aug. 20, the trio repeatedly asked Mr. Gruber if Ms. Robertson was able to access the records, but received no answer.

In responding to the trio's

questions, Mr. Gruber several times began reading from a prepared statement, apparently attempting to explain why Mr. Johns couldn't inspect the requested documents. But he was interrupted repeatedly and told that his comments did not address the issues at hand.

Sweidy's complaint

Ms. Sweidy was seeking to inspect all information on building permits and inspections for the home she and her husband, Raymie Stata, built and moved into in 2007.

The couple has now begun the process of suing the town because of what Ms. Sweidy has called the "gross negligence, fraud and breach of duty" of the building department in its inspections of the construction. Although department staff routinely inspected ongoing work, the couple is now pouring millions of dollars into fixing the many problems discovered in the main house and other features on the grounds; the repairs include massive construction to make the house structurally sound.

Ms. DellaSanta, the deputy city clerk, said on Aug. 23 that she is "going to do whatever I can" to comply with Ms. Sweidy's request for records "in a very timely manner." She was in the process of arranging a meet-

See **CONFRONTATION**, page 7

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Local News

MENLO PARK | AHERTON | WOODSIDE | PORTOLA VALLEY

Pool mishap: Why did city wait eight days to report it?

■ City also delayed announcement in 2006 case.

By Sandy Brundage

Almanac Staff Writer

The Menlo Park investigation continues into a chlorination malfunction at the Burgess baby pool that put two children in the hospital. The 2-year-old and 3-year-old sisters are now recovering at home, but questions regarding the city's delay in releasing information about the incident and the potential liability of the public-private partnership of the aquatic facility remain unanswered.

Menlo Park recreation services manager Katrina Whiteaker said the pool's operators informed the city of the accident on Aug. 10. However, information wasn't released to the public until eight days later.

"In hindsight I see how we could have posted a more explicit announcement," Ms. Whiteaker said, "But at the time our first priority was seeing that the family was okay, making sure that the environment was safe, and getting the experts on site to start

investigating."

She added that city staff thought it better to wait until facts were available rather than falsely alarming the community with speculation.

Mayor Rich Cline, who said he heard about the incident within 48 hours after it happened, said the children were treated at Stanford hospital for a day or two, and he understands their condition is "better than it could be."

Asked about the city's eight-day delay in reporting the accident to the public, he said, "I'm not sure I understand what the city was

doing, maybe gathering more information." He noted the complication of having a third party in charge of the pool and "having to work through Sheeper to get details of what happened."

Tim Sheeper, executive director of Menlo Swim and Sport, which operates the public facility, said the city inspects the pools every week and was notified immediately about the accident.

"There is full transparency," he wrote in an e-mail to the Almanac. "Detailed information was needed from the experts, all the experts before information was

released to the public."

The original design company representative had to fly out to inspect the site, Mr. Sheeper said, and the city and Menlo Swim and Sport are working together to fix the problem.

2006 incident

The Aug. 10 incident rings of *deja vu*. Four years ago, eight children using the children's pool experienced burning eyes and throats, shortness of breath, and violent coughing—all symptoms

See **POOL**, page 8

Traveling con man arrested in Menlo Park

■ Police uncover prior convictions for fraud.

By Sandy Brundage

Almanac Staff Writer

There's your run-of-the-mill bad boyfriend, and then there's Simon Gann. A 32-year-old Menlo Park woman suspected that the man she'd been dating was not who he said he was, despite his claims of being a math savant and purchasing a multi-million dollar San Francisco home.

Since "Saleem Dutante" talked her out of \$1,900, the identity confusion set off alarm bells. After she found he had an I.D. card bearing a different name, a quick search of the Internet justified her misgivings.

Turns out his real name is Simon Gann. Far from being the wealthy doctor or prestigious mathematician he's posed as, the 29-year-old man is infamous for a long string of alleged fraud victims tossed aside in his wake across the United States and Canada.

Menlo Park police arrested Mr. Gann on Monday, Aug. 16, after finding him hiding in his latest victim's closet.

He's charged with resisting arrest, obtaining money under false pretenses, and grand theft. At an Aug. 18 court hearing, Mr. Gann got one thing he wanted—a court-appointed attorney. But so did the prosecutor. The con man's bail tripled to \$100,000, after police discovered his prior criminal history.

San Mateo County Court Superior Judge John Runde



Simon Gann

reversed an earlier ruling that Mr. Gann had enough assets to pay for legal representation, but agreed with Deputy District Attorney Holly Davidson that the defendant's criminal history made him a flight risk.

Last fall the 29-year-old man pleaded guilty to five counts of fraud and two for uttering threats in Canada, according to Det. Jordan Latter of the Toronto police department, who supervised the case. Upon hearing of Mr. Gann's Aug. 16 arrest, the detective sounded pleased. "Great," he said. "He comes across as a really nice guy, but deceptive."

Mr. Gann used the same scam up north as he allegedly pulled on a 32-year-old Menlo Park woman, and he made the same mistake—choosing a victim smarter than he is. A suspicious girlfriend reported him to Toronto police after his extravagant tales about wealth and elite education sounded fishy once he started asking her for money.

The Menlo Park victim met Mr. Gann at Starbucks a few weeks ago. He spoke of graduating from MIT and started a romantic relationship; she loaned him money to help replace his passport, Chief Deputy District Attorney Steve Wag-

See **GANN**, page 8

Menlo Park youth named to national advisory board on childhood obesity

By Hannah Totte

Special to the Almanac

The crunch of a bag of potato chips and the sizzling fizz of a can of soda constitute a daily symphony for many children who turn to junk food when snack time arises. For Ethan Oro, however, familiar sounds include the chopping of fresh vegetables, the rush of the wind while he runs down the soccer field, and his own voice as he spreads awareness and advice to combat childhood obesity.

Recently selected as one of 24 kids across the country to serve on a national youth advisory board for the Alliance for a Healthier Generation, the Menlo Park 12-year-old says he is "passionate about trying to help kids become healthier."

The Alliance, founded in 2005 by the American Heart Association and the William J. Clinton Foundation, is working to reduce the rate of childhood obesity.

Ethan drew attention when his science project for Hillview Middle School, which examined factors that contribute to childhood obesity, won awards at the state science fair.

With statistics showing one in three children overweight, Ethan is eager to work for the Alliance's empowerMe movement, which encourages kids to eat healthier and increase physical activities, instead of falling victim to some of the most common factors, such as



Photo by Dominic Arizona Bonuccelli

Ethan Oro's science project on childhood obesity won awards at the state science fair. This picture was taken in Portland at the youth advisory board meeting in July.

bad snacking habits.

"Parents buy a bag of chips instead of a banana for their kids, then when they are teenagers or in college, they'll buy a bag of chips instead of fruit," he says. "It gets harder and

See **ETHAN**, page 8

■ INFORMATION

- Go to empowerme2b.org for more information.
- Go to healthiergeneration.org for tips on eating and physical activity.
- Go to is.gd/e6wFM (case-sensitive) to register for the Kids 4 Sports 5K/Family Fun Run, to be held Sunday, Aug. 29, at Oak Knoll School, 1895 Oak Knoll Lane in Menlo Park. The fee is \$20 for adults and \$10 for kids 18 and under.



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Atherton calls on feds to halt funding for state's high-speed rail project

By Dave Boyce

Almanac Staff Writer

The proposed elevated high-speed railroad would be akin to a six- to eight-lane freeway bisecting Atherton — “a blight” on the community, say members of the Atherton City Council.

That sentiment was expressed in a letter to federal officials, approved Aug. 18 by all five members of the Atherton council, and calling on the federal government to halt funding for the California high-speed rail project.

There were intimations of support for the high-speed rail at the Aug. 18 council meeting, but with provisos: that the trains not pass through Atherton on their way to San Francisco, and that if they do, that they do so below ground.

Having heard from three or four speakers whose opinions ran in that same vein, the council members unanimously approved the letter to the Federal Railway Administration and local members of Congress, opposing the California High-Speed Rail Authority's application for stimulus money.

The city pointed out that the application did not contain any below-grade options, including open trenches, on the Midpeninsula.

Other complaints against the rail project included ill-considered funding schemes, poor analysis of passenger demand, unexplained rejections of alternative routes, illegalities, and simply being out of step with contemporary urban history.

San Francisco, the council members noted, demolished the elevated and earthquake-damaged Embarcadero freeway to “create a more livable city.”

And, the letter asks, if the train goes below ground as it approaches the San Francisco's Transbay terminal, why can't that be done on the Peninsula?

Council OKs refund of road-impact fees

By a 4-1 vote, the Atherton City Council agreed Aug. 18 to refund about \$427,000 in road-impact fees to builders who engaged in major home construction or remodels between Aug. 17, 2007, and Sept. 18, 2009. During that time, the town had an elevated road-impact fee.

The fee was charged to developers to compensate the town for damage done to roads by construction vehicles.

Councilman Jim Dobbie was the sole opponent of the refund. He has contended that the road damage by heavy trucks justified the fees, and

that the fees are not a disincentive to construction.

Many cities charge the fee to developers and contractors, but a type of road-impact fee was recently and successfully challenged in court.

Go to is.gd/dCn7g (case sensitive) and turn to Page 130 for an overview of the refunding procedure.

In July, Councilwoman Elizabeth Lewis responded to Mr. Dobbie's opposition to refunds with a single word: “Lawsuits.” That has happened.

The Pacific Peninsula Group, a developer that frequently builds in Atherton, filed suit in San Mateo County Superior Court on Aug. 16 demanding refunds.

On Aug. 18, the council rejected Pacific Peninsula's claim for a road-impact fee refund of \$298,145. In the 4-0 vote, Councilman Charles Marsala recused himself. Asked why, Mr. Marsala said that he is not obligated to explain. “I just felt using my discretion at this point was a prudent thing to do.”

Firms to compete for city attorney position

The Atherton City Council agreed in principle, in a unanimous vote on Aug. 18, to invite area law firms to make their cases in a competition for the position of city attorney.

This situation came about because of the imminent dissolution of the Oakland- and Sacramento-based law firm McDonough, Holland & Allen, the firm of current city attorney Wynne S. Furth and her assistants.

Ms. Furth and her staff will remain in their Oakland offices, but on Aug. 30 will affiliate with Burke, Williams & Sorensen, LLP, a statewide firm with offices in Menlo Park, Ms. Furth told The Almanac.

The council agreed to a temporary contract with Ms. Furth's new firm, an arrangement that the town can cancel at any time, a lawyer for the firm said.

Meanwhile, the council is forming an ad hoc committee starting with council members Jim Dobbie and Elizabeth Lewis and to be filled out with residents experienced in the law, including lawyers and retired judges.

Mayor Kathy McKeithen in July noted considerable dissatisfaction with Ms. Furth's performance, an opinion not publicly supported by other members of the council. ■

Riders relish Tour de Menlo bike ride

Nearly 500 riders enjoyed a beautiful day of cycling Saturday in the seventh annual Tour de Menlo, sponsored by The Almanac and the Rotary Club of Menlo Park.

Three routes of 65, 45 and 35 miles were offered, starting at Menlo-Atherton High School, and all riders met for lunch at Picchetti Winery and open space district on Montebello Road in Cupertino.

The riders who left early on the 65-mile route encountered some cooler temperatures with fog and drizzle at their first rest stop on Polhemus Road in Belmont. But the fog eventually burned off leaving beautiful sunny skies for participants on all three routes.

Ride spokesman Richard Givens praised the workers and sponsors who made the ride possible.

"We really appreciate all their help," he said. "Without so many Rotary members pitching in, we could not have done this. Everyone we talked to had a great time."

The long route headed north on the Alameda de las Pulgas to Edgewood Road, Canada Road and down Highway 92 to Bunker Hill Drive. After the Polhemus rest stop, riders descended down the Bike Bridge back to Canada Road, then through Woodside to the



Photo by Eric Lawson

Cyclists cruise by on Canada Road in Woodside during the Tour de Menlo on Saturday.

rest stop at the Portola Valley fire house. From there, the course took Alpine and Arastradero roads to Los Altos, and then on to the lunch stop. All riders returned to M-A on Foothill Expressway.

The shorter rides cut out the northern loop, with the 45-miler heading to the fire house and the shorter route heading straight to Montebello Road via Junipero Serra and Foothill.

Lunch was catered by Luticken's Deli on the lawn at the winery's historic family house.

Club president Eric Hartwig said the Tour is the Rotary Club of Menlo Park's biggest

fundraiser of the year, with proceeds supporting tutoring at Garfield School in Redwood City, need-based scholarships for graduating seniors at four area high schools, and various local nonprofits that participate in the Almanac's annual Holiday Fund drive.

The Rotary Club of Menlo Park has about 70 members and was established more than 50 years ago. Last year the club awarded \$116,000 in scholarships and has about 20 tutors at Garfield School. The club is currently supporting a major project in Guatemala.

Go to tourdemenlo.com to see more photos.

Suspect arrested in burglary of Encinal School

A burglary at Encinal Elementary School at 195 Encinal Avenue in Atherton led to the arrest of a Redwood City man two blocks away from the school around 7:30 a.m. Friday, Aug. 20.

Police arrested and booked into San Mateo County jail Joseph Figueroa, 23, on charges of commercial burglary and vandalism, said Lt. Joe Wade of the Atherton Police Department. Mr. Figueroa did not resist arrest and was not carrying weapons, Mr. Wade said.

The incident began with a construction worker confronting the suspect and asking him why he

was on school grounds, according to an account by Mr. Wade. The suspect replied that he was looking for his skateboard.

The suspect later left the campus, but was deemed to be "acting kind of funny" by the construction worker, Mr. Wade said. The worker called police with a description of the suspect after finding evidence of vandalism — a screen on a classroom window that had been cut with a sharp object.

Police arrested Mr. Figueroa two blocks away on James Avenue. While driving back to the school, a detective discovered a trail of items believed to be from

the school, including colored dice, crayons, playing cards and a bag of candles, Mr. Wade said. "Nothing that was worth a ton of money," he added.

Police also found a skateboard and a backpack believed to belong to Mr. Figueroa, Mr. Wade said. The candles are believed to have been taken from a science classroom on campus, Mr. Wade said.

In a one-person lineup after the arrest, police presented Mr. Figueroa to the construction worker, who identified him as the burglary suspect, Mr. Wade said.

CONFRONTATION

continued from page 3

ing between Ms. Sweidy and the town's interim building official to discuss the needed documents, Ms. DellaSanta said.

Documenting the event

Mr. Buckheit said he decided

to videotape the Town Hall visit "to avoid any possible misunderstanding about what actually took place."

Mr. Buckheit is suing the town in federal court for violation of his civil rights after being arrested several years ago during a domestic violence incident at his home. The district attorney

never filed charges, and Mr. Buckheit later won a declaration of factual innocence in San Mateo County Superior Court.

He took legal action against the town after it refused to give him the police report of his arrest, and the town ultimately turned over the report and paid him \$8,000 in attorney's fees. ■

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Con man arrested in Menlo

GANN

continued from page 5

staffe said.

It's a long trip from Toronto to Menlo Park. Det. Latter said Canada deported the con artist after he served less than a year in prison. "Once they're out of the country we don't get any information on where they are or

what they're up to," the detective noted.

Mr. Gann pleaded not guilty in San Mateo County Superior Court before the judge scheduled a preliminary hearing for Aug. 27.

His identical twin brother, Jordan, is serving five years in Florida prison for conning a woman out of thousands of dollars by posing as an Ivy League oncologist and real estate mogul in 2008. ■

POOL

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of low-level chlorine exposure, according to the American Association of Poison Control. Paramedics took one to the hospital.

The city waited six days before informing the public.

The 2006 incident resulted from an accidental shutdown and restart of the pool's circulation pump, according to Mr. Sheeper. He told the Almanac that a contractor later added two mechanical safeguards to prevent a recurrence.

The poison control association collected 3,451 reports of swimming pool chlorine exposures during the past eight years across the United States, nearly half for children under the age of 19 and requiring medical treatment.

Contract up for bid

Team Sheeper's rent-free con-

tract with the city ends next May. The City Council will consider putting the contract out for bid at its Aug. 24 meeting.

Although some residents speculated that both incidents might be the result of sabotage aimed at shifting control of the facility to a union-backed company, police spokesperson Nicole Acker said the police are not investigating that possibility.

Asked whether the accident could affect his chances of winning the new contract, Mr. Sheeper said, "Only time will tell, but my focus has been on ensuring we get to the root of the problem and make sure that it never happens again to us or any other operator that is responsible for community safety at Burgess Pools."

The baby pool will remain closed until at least September while the investigation continues, according to the city and Menlo Swim and Sport. ■

NATHAN

continued from page 5

harder to change your habits when you get older."

In addition to spreading the empowerMe movement to the Menlo Park City School District and the Ravenswood school district, Ethan is setting up a booth at the Kids 4 Sports Run on Aug. 29 at Oak Knoll School in Menlo Park. The run supports after-school sports and supplies sports equipment to less-fortunate kids in east Menlo Park and East Palo Alto.

"Kids who play more are

healthier," says Ethan.

Ethan's passion toward abating childhood obesity began because of his family's food allergies and his ongoing battle against asthma.

"I thought if I could teach kids to read nutrition labels, they could learn how to eat healthier in addition to preventing allergic reactions," he says.

He points to the efforts of first lady Michelle Obama to draw attention to problems causing childhood obesity. "I think she's a great role model for any person trying to help the community," he says. ■



Photo courtesy of San Mateo County Mosquito Abatement District

These lab-grown larvae of the urban house mosquito represent local larvae that can have as many as 400 million siblings in a single year, experts say. The adults frequent home interiors, are active at night and anesthetize the skin of victims before they bite. They can also transmit West Nile virus.

District delivers death to mosquitoes

By Dave Boyce

Almanac Staff Writer

"Queer, how you stalk and prowl the air in circles and evasions, enveloping me, ghoul on wings, Winged Victory," wrote author and poet D.H. Lawrence.

"Settle, and stand on long thin shanks eyeing me sideways, and cunningly conscious that I am aware, you speck.

"I hate the way you lurch off sideways into air, having read my thoughts against you."

Mr. Lawrence, who died in 1930, may never be equaled in his poetic respect for and hatred of the "accursed hairy frailty" known as the mosquito.

Nor does this species have friends in San Mateo County, where the Mosquito Abatement District goes to great lengths to deny the tiny fiends their chance at a full and satisfying life, as noted in a July 28 presentation to the Portola Valley Town Council by abatement district manager Bob Gay and town resident and district representative Joseph Fil.

There is serious potential for harm, Mr. Gay said. The anophles mosquito, which lives in Portola Valley, is a vector for malaria. While malaria is extremely unlikely in native mosquitoes, West Nile virus has been found in San Mateo County. Among mosquitoes that can carry it, the virus is "epidemic" in the city of Santa Clara some 20 miles to the south, Mr. Gay said.

Ticks carrying Lyme disease are



Photo courtesy of San Mateo County Mosquito Abatement District

Salt marsh mosquitoes such as this one live in their millions on Bair Island off Redwood City and are fierce biters that are active during daylight hours. On the plus side, they are not vectors of West Nile virus, experts say.

another concern and a real danger to Portola Valley and Woodside residents. The abatement district annually collects about 1,200 ticks in parks and along trails. Up to 3 percent carry Lyme, Mr. Gay said. The disease is reportedly curable if caught early, but if not, it can cause complications in the heart, nervous system and joints.

The abatement district's 11 technicians make house calls. They treat standing water to make it inhospitable to mosquitoes, advise on controlling roof rats, and remove ground-nesting yellow jackets, which are far more fierce than their above-ground-nesting cousins, Mr. Gay said.

Go to smcmad.org for more information.

Prolific little ...

The common female urban house mosquito can produce 400 million offspring in a single

season, Mr. Fil said.

This West Nile-carrying mosquito, a denizen of the night, numbs the skin of its victims with a Novocain-like anesthetic before it bites, Mr. Gay said.

The salt marsh mosquito, found in numberless multitudes on Bair Island, likes the daytime and eschews anesthetics. "(It) is a very vicious biter," Mr. Gay said. "It's going to bite you during the day when you walk out of your house."

Abatement has come a long way since the days of DDT and pouring crude oil on the water, Mr. Gay said. Side effects from pesticides are now rare; the damage is done to the mosquito to the exclusion of other creatures. One method uses a hormone that causes larvae to emerge early and die. Another infects with a bacteria that grows barbs and destroys the mosquito from the inside, Mr. Gay said.

In severe cases, as sometimes occurs on Bair Island, the district will use a helicopter to spray ponds with the equivalent of Black Flag, but that is infrequent and a last resort, Mr. Gay said.

At home, a fly swatter or rolled up newspaper or even a slap of the hand can be effective, if your aim is true.

"Queer, what a big stain my sucked blood makes beside the infinitesimal faint smear of you!" Mr. Lawrence wrote in summing up. "Queer, what a dim dark smudge you have disappeared into!" ■

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City may seek bids for contract to operate Burgess pool center

By Sandy Brundage

Almanac Staff Writer

The Menlo Park City Council faces three items of note when it meets Tuesday, Aug. 24, after a summer recess:

■ The council will consider seeking bids for the contract to operate the Burgess pool center. The current contract, held by Team Sheeper, expires May 2011.

■ The council will review Menlo Park's response to the San Mateo County grand jury report that criticized the city's red-light cameras on several points, including how far warning signs are posted from the intersections with cameras.

■ The council will fill two seats on the Environmental Quality Commission from a pool of three applicants, namely, Jean Baronas, Kathy Schrenk and Roger Thompson. The new commissioners will serve until April 2014.

Debate over ballot measure argument

Menlo Park City Council candidate Chuck Bernstein inspired

a look at how ballot measure arguments get written last week when he challenged the accuracy of a rebuttal argument supporting the proposed Bohannon Gateway office/hotel project. The argument will be included in the voter information publication that the county sends to all registered voters.

Turns out the only way to revise a ballot measure argument is to get a court injunction, according to City Clerk Margaret Roberts after consultation with the city attorney's office.

Mr. Bernstein said a court challenge would cost him at least \$10,000, according to estimates from local attorneys. He said he can't afford to risk his family's welfare on a quest that would cost at least half as much as his council campaign.

It's puzzling as to when the public has a chance to ask for corrections of factual errors, since by the time the arguments are made available, the deadline for making revisions without requiring a court order has passed.

Meanwhile, Mayor Rich Cline and Councilmember Kelly Fergusson, who helped write the pro-Gateway argument, flatly disagreed that any factual errors existed. But Mr. Cline said that if they did, he

■ MENLO WATCH

would be willing to correct them.

Mr. Bernstein submitted a letter to the City Council on Aug. 23 asking them to allow the city attorney to correct the language describing how the Gateway project would benefit Menlo Park schools. If the council agrees, he said, he hopes the correction could be made with requiring a court injunction.

He wants one sentence reworded in the rebuttal to indicate that the project will not generate \$600,000 for schools in Menlo Park; Mr. Bernstein maintains that the money will instead go to either the Redwood City School District or Sequoia Union High School District.

Go to is.gd/exCNL (case-sensitive) to see the city's elections website and the arguments and rebuttals for both the Gateway and pension ballot measures.

Cohen attacks fellow council members

In the pre-dawn hours of Aug. 18, Menlo Park Councilman Andy Cohen e-mailed a copy of a handwritten letter on city stationery to a list of recipients, including The

Almanac, that asked, "What is ethical for politicians and consultants in their respective roles?"

Two days later, Mr. Cohen told The Almanac the letter had been sent to the media by mistake. Others copied on the distribution list include several residents and former council members known for taking public stances on controversial issues.

The letter appeared to slam two of Mr. Cohen's fellow council members, with the most pointed remarks directed at Kelly Fergusson. He made passing reference to Heyward Robinson and ex-Mayor Gail Slocum, along with Ms. Fergusson, as "not all that different from consultants who sell their professionalism for money."

When asked for a response, Ms. Fergusson said: "That's a tough one. Those are some dark thoughts."

As for Mr. Robinson, he appeared to take the letter in stride, saying that he and Mr. Cohen mostly approach issues from a similar set of values.

"But there are going to be issues where we don't see things the same way. Menlo Gateway is one of these," Mr. Robinson said. "Even though Andy had expressed support for Gateway and I had expressed concerns over its impacts, he ended up at 'no' and I ended up at 'yes.' I respect his vote and I hope that he would respect mine."

He urged the council to remain focused and put aside disagreements.

Mr. Cohen explained that he occasionally loses his temper when observing "politicians, bureaucrats, and consultants all in a feeding frenzy at the public trough." ■

Judge may decline to reopen high-speed-rail lawsuit

By Sandy Brundage

Almanac Staff Writer

After a judge tentatively decided Aug. 19 to not reopen a lawsuit filed against the high-speed rail authority by Menlo Park, Atherton, and other parties, the project's opponents considered their next step. The court plans to issue a final ruling this week.

Sacramento Superior Court Judge Michael Kenny ruled the plaintiffs had not proven the rail authority deliberately misled the public about ridership figures. His decision also stated the plaintiffs had shown no evidence that the rail authority would ignore their concerns about the figures.

The plaintiffs said they'd discovered flaws in the models used to calculate projected ridership, and that those models had been "significantly changed after the

peer review process had ended," according to court documents. The judge didn't disagree, but stated the data was available to the public.

"If the judge is under the belief that available data means residents first have to request the study via the Metropolitan Transportation Commission, and understand the various versions of the studies, and understand when the decisions were made in relation to said data, then I guess I can see his point," said Menlo Park Mayor Rich Cline.

"At some point someone in the legal system needs to think about the rest of us and how these predetermined decisions were made outside of the public light," Mr. Cline said, referring to the plaintiffs' claim that the rail authority modified its ridership model without telling the public.

He said the rail authority's behavior shows that only insid-

ers, not residents, have access to information about the project.

The lawsuit, initially filed two years ago, challenged the project's environmental impact report. A judge ruled in August 2009 that the rail authority did need to revise the portions evaluating land use, right-of-way impacts, and vibration effects. The California High-Speed Rail Authority revised the report to address those areas and released a new, final version on Aug. 20.

The chief executive officer of the rail authority, Roelof van Ark, said in a press release that he was happy with the tentative ruling, and that the agency is "committed to transparency."

The rail authority and Caltrans recently applied for another \$1.58 billion in federal funds to help build the system; the project was already awarded \$2.25 billion in federal funds in January. ■

Atherton: Civil conduct matter postponed by election

In light of the upcoming election for three seats on the Atherton City Council, a consensus of members agreed on Aug. 18 to put off a decision on Councilwoman Elizabeth Lewis's suggestion of a refresher

course on civil conduct.

Logistics would consume a month or two, by which time a new council may be seated, Mayor Kathy McKeithen said.

"It may be a question of too

little, too late," Ms. Lewis said, "but I do want to raise our level of civility."

"I do want to say," Councilman Jim Dobbie noted, "I don't think I need any training in personal conduct."

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Illegal parking at horse show: cops issue 42 citations

By Dave Boyce

Almanac Staff Writer

Atherton police issued parking citations in connection with the Menlo Charity Horse Show that could increase department revenues by about \$1,600, according to logs for the Atherton Police Department.

Like a rash, the logs for Tuesday, Aug. 10, through Sunday, Aug. 15, were sprinkled with a total of 42 "parking problem" citations, the great majority of which were issued where Elena Avenue intersects with Isabella Avenue or Park Lane.

Homeowners in the area tended to call in police when parkers blocked driveways or crushed ivy, Lt. Joe Wade told The Almanac. Police arriving on the scene then usually discovered more violations and wrote tickets

accordingly, he said.

"This is what happens every year, is that a ton of cars come," Mr. Wade said. "It's just kind of a nightmare. It's one of the times that we're strictly enforcing the no-parking policies... so we're out there writing tickets."

Horse show spokeswoman Nan Chapman, asked to comment on some 42 parking citations, replied: "That does not surprise me. I think people from out of the area don't pay attention to the no-parking signs. They may be in a hurry to get to a class they signed up for."

"We try and warn them over the loudspeaker, 'Please don't do it, please don't do it,'" she said.

Each citation costs the vehicle owner \$38, Mr. Wade said, adding that he was not aware of any vehicles that were towed.

Readers' Choice voters win prizes

The names of voters in The Almanac's 2010 Readers' Choice poll were entered in a drawing for prizes. And the winners are:

■ Camille Zolopa, Menlo Park, five yoga classes at Be Yoga and Wellness.

■ Tom Little, Palo Alto, \$50 gift certificate to Bistro Maxine.

■ James Vera, Palo Alto, \$50 gift certificate to Tai Pan Chinese Cuisine.

■ Amanda Bower, Menlo Park, \$50 gift certificate to Cafe Zoe.

■ Marie Barry, Menlo Park, \$50 gift certificate to Cafe Zoe.

■ Lynne Gaffikin, Woodside, gift certificate to TheatreWorks.

■ Lisa Spitz, Menlo Park, \$25 gift certificate to Wahoo's.

■ Ed Phillips, Menlo Park, \$25 gift certificate to Wahoo's.

■ Tom Ramies, Portola Valley, \$10 gift certificate to Cafe Borrone.

In the Las Lomitas School District, the candidates are Ann C. Jaquith, an educator; Jay Siegel, an incumbent; Richard Ginn, a venture capitalist; and Mark Reinstra, a corporate lawyer. The Las Lomitas district covers parts of Atherton, Menlo Park and unincorporated San Mateo County.

Linear accelerator lease renewed

Stanford University and the Department of Energy will continue as partners for at least another 33 years, now that both have signed a new lease for the SLAC national accelerator laboratory in Menlo Park. The original contract was approved nearly five decades ago.

Secretary of Energy Steven Chu visited SLAC on Aug. 16 to dedicate the research facility's new laser, also known as the Linac Coherent Light Source, and said to be the world's most powerful X-ray.

■ CORRECTIONS

In a story about winners of Readers' Choice Awards, published in the Aug. 18 Almanac, we gave the wrong address for Los Salonez, which was voted favorite hair salon. The correct address is 1010 Alma St. in Menlo Park.

We also used a wrong first name for Brian Flegel of Flegels.

Races are on for local school boards

School board elections are confirmed in November for two local K-8 districts: Menlo Park and Las Lomitas.

In each district, four candidates filed to run for three open seats on the five-member school boards.

The filing deadline was Aug. 11.

In the Menlo Park City School District, the candidates are Ana C. Uribe-Ruiz, a Menlo Park mother and business owner; incumbent Laura Linkletter Rich; former board member Terry Thygesen; and community volunteer Joan Lambert.



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Atherton City Council takes first look at cuts in Town Hall staff

By Dave Boyce

Almanac Staff Writer

When a local government aims to reduce expenses, the usual suspects include inefficiency and redundancy in town hall.

To say that the Atherton City Council is aiming to cut costs in Town Hall is to state the obvious. This town, home to some of the wealthiest people in the country, is facing a long-term structural deficit and unsustainable costs — for pensions, for health benefits, for police services.

An improving economy, were that to come along, may help indirectly by turning around the real estate market, but since there are no retail businesses in Atherton, there is no sales tax revenue.

A report by City Manager Jerry Gruber on a feasibility study of cutting the size of Town Hall staff did not go over well with Mayor Kathy McKeithen at the Aug. 18 council meeting.

"This does not look like a classification study," Ms. McKeithen began, using the term of art for such a report. The report is too subjective, too focused on opportunities for staff advancement, and insufficiently cognizant of the interests and needs of the citizens, she said.

The report mentions several "weaknesses" in Town Hall staffing:

■ The Public Works Department should establish career ladders and more training to help retain skilled workers. An additional entry-level position would meet "minimum safety staffing" in the department.

■ The town's deputy city clerk position, which was reclassified from city clerk to reduce costs, is being supervised by the city manager and assistant city man-

ager. The deputy needs a career ladder to advance.

■ The assistant city manager lacks clerical and administrative support because the person with that job spends most days on post office and cashier duties.

■ A yet-to-be-hired environmental programs coordinator should take over green programs from public works.

"Weaknesses, weaknesses, weaknesses, and yet I don't see the weaknesses," Ms. McKeithen said. "It's basically like a career path analysis for the staff. It doesn't have the distance perspective that was necessary to properly evaluate fellow staff members."

Councilman Jim Dobbie faulted the report for missing the point. "It doesn't address the new priority in town, which is 'How do we get a balanced budget?'" he said. "It's going in exactly the wrong direction."

But Town Hall is moving ahead, Mr. Gruber noted. The town has cut temporary employment in public works, eliminated landscaping contracts for mowing, not filled the position of office assistant, and downgraded the city clerk and the assistant finance director positions; the latter position was reclassified to accountant.

Council members Elizabeth Lewis and Charles Marsala viewed the report more positively. "I honestly think that it was very well researched," Ms. Lewis said, calling it a first step and suggesting that Ms. McKeithen may have had unrealistic expectations.

The report, Mr. Marsala said, notes Town Hall's successes, addresses green mandates, and skirts personnel issues best discussed behind closed doors. "I think you've done a good job in finding that line and giving us

advice," he told Mr. Gruber.

Councilman Jerry Carlson posed a question to Mr. Gruber: "Is the town headed for a financial crisis?"

"I think we need to spend more time on the five-year plan," Mr. Gruber replied. "I have concerns but I don't think we're headed for the train wreck that we think we're headed for. We do need to be cost-conscious."

"It's been one of those perfect storm situations," he said, noting hits to the general fund from lawsuits and refunds to residents from business license and road impact fees. "Those are all issues that I've inherited," Mr. Gruber added.

"I think our residents want the best. I think our residents deserve the best. Whether you want to hear this or not, (town staff) have to have opportunities to advance," he said. "It's not solely an expense issue. It's a revenue issue. ... Every building we have is ready to fall down."

In response, Mr. Carlson said that "revenue enhancement," while a priority, ought to be at the bottom of the list. At the top, he said, should be what Finance Committee member and economist Alain Enthoven noted in three papers: employee pensions, employee and retiree health benefits, and police services.

"I really think we do have a crisis situation," Mr. Carlson said. "We've got to do something different and we don't have a long time frame to do that."

Mr. Dobbie did not mince words. "A couple of (Town Hall) positions are being paid way over what they should be," he said. "The sledge hammer way to do this is to start laying off people. I don't want to do that. If we're paying somebody \$30 for a

\$10 job, that's something we need to take a look at."

This is a "very serious situation (that will be) extremely difficult to solve," and cutting salaries won't do it, Mr. Marsala said. The town has no sales tax revenue and is home to "numerous" residents who pay less than \$1,000 a year in property taxes, he said.

Resident Loren Gruner, during the public comment period, advised the council to find creative ways that involve all stakeholders, as she has done in her company. "Oh my gosh, they totally rise to the occasion when it's a situation of jointly working together," she said.

Employee qualifications should be a priority, said resident Kimberly Sweidy. "You're looking at one side of the coin," she told the council. "I think if you actu-

ally get qualified people in here, they'll be efficient and effective."

"Unfortunately," Finance Committee member Jeff Wise said, "in order to solve our financial problems, it's going to involve some pain. If we're just talking about this for another year, we're going to be in really serious trouble."

These discussions will be more fruitful when the council meets in closed session and can frankly discuss employee compensation, said Assistant City Manager Eileen Wilkerson.

Closed session is not necessary, City Attorney Wynne Furth said. "The town's goals have to do with what it wants to provide and how it wants to pay for them," she said. "It's legitimate to talk about the cost of a function" in open session. ■

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The WAMP goes weekly

Goodbye, Daily WAMP, we hardly knew you. The Peninsula's newest newspaper has decided to switch to a weekly format, starting Aug. 27.

Publisher and owner Sloane Citron said he made the change out of dissatisfaction with the content and art direction of the

paper since its Aug. 16 launch. "We found we weren't getting the quality, and the quality is what's most important to me."

The newspaper will still cover news from Woodside, Atherton, Menlo Park, and Portola Valley, but the weekly version will debut a new look, according to

Mr. Citron.

He also said that although the newspaper will remain print-only, a readable version will eventually be posted online. A prototype website appears under development at www.content.thedailywamp.com.

And the new name?

The Weekly WAMP, of course.

— Sandy Brundage

Memorial service Saturday for Conrad Welling

A memorial service will be held at noon Saturday, Aug. 28, at Redwood Chapel, 847 Woodside Road in Redwood City, for Conrad G. Welling, who died Aug. 20. A color guard and a 21-gun salute will be held at Gates of Heaven Cemetery

in Los Altos.

Mr. Welling, a resident of Atherton for 51 years, retired from the U.S. Navy and went on to develop another career with Lockheed Missiles and Space. He was an innovator and visionary who formed an

industrial partnership, International Minerals Company, to investigate the potential of marine minerals, say family members.

A complete obituary for Mr. Welling will appear in a future issue of The Almanac.



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Nancy Elizabeth Stewart

Children's Health Council
event manager

Services for Nancy Elizabeth Stewart will be held at 2 p.m. Friday, Aug. 27, at Valley Presbyterian Church, 945 Portola Road in Portola Valley.

A resident of Atherton and Menlo Park for most of her 51 years, Ms. Stewart died unexpectedly from a heart arrhythmia episode that took place Aug. 6 and led to her death on Aug. 13.

Born in San Francisco, Ms. Stewart moved to Atherton with her family in 1965. She attended Castilleja School and graduated from the University of Southern California with a bachelor's degree in history. She was a member of the



Nancy Stewart

Phi Alpha Theta National History Honor Society and Alpha Delta Pi sorority.

In event management for most of her career, she coordinated the international conferences at SRI International and later worked as a manager of executive conferences at Semiconductor Equipment and Materials International in San Jose. In that position she traveled all over the world and enjoyed the excitement and challenges of running conferences overseas, say family members.

In 2006, she became event and volunteer manager at Children's Health Council, where her primary task was handling all management aspects of the Summer Symphony fundraising event at Frost Amphitheater.

Ms. Stewart volunteered for a number of nonprofit organizations. She served as president of the Castilleja Alumni Board and a number of other committees connected to the school. She served as president of the USC Golden Gate Alumnae Club board, as well as a member of the USC Bay Area student recruitment committee.

A founding member of Foothill Auxiliary, a fundraising branch of the Family Service Agency of San Mateo County, she recently served as the board's secretary. She was a former member of the Junior League and the Committee for Art at Stanford.

Ms. Stewart's gracious style and many talents were widely admired, say family members. Cooking was her passion and photography, needlepoint, and gardening were significant hobbies. She considered London her home away from home. Her final act of extreme generosity was as an organ donor, say family members.

Survivors include her father, Robert Stewart, and sister Ellen Stewart Moore. Her mother, Verna Stewart, preceded her in death.

Memorials in her name may be made to the Nancy Stewart Memorial Fund at Children's Health Council, 650 Clark Way, Palo Alto, CA 94304; or online at www.chconline.org.

Bennett T. Scheuer

Former Portola Valley resident

Bennett T. Scheuer died unexpectedly Aug. 10 at Pen Bay Medical Center in Camden, Maine. Mr. Scheuer, who was 62, was a resident of Portola Valley from 1992 to 2003.

Born in New York City, Mr. Scheuer grew up in Larchmont, New York. In 1972 he graduated from the University of Miami, where he also taught photography.

After attending boat-building school, he opened Knock on Wood boatbuilding shop in Miami. Eventually he built his own cruising boat, and spent the next 17 years cruising and chartering in the Caribbean. During this time he was married to the former Judy Dickens.

In the 1990s he moved to the Bay Area, where he enjoyed many years of being uncle to his niece and nephews, say family members. He built a Phil Bolger boat that he could trailer across the continent behind his car. He volunteered with Habitat for Humanity, taught English as a second language, and was a mentor to many children of his friends and relatives, say family members.

In 2003, he bought a home in Camden, Maine, making a final move in 2005. He became involved with Literary Volunteers of Mid-Coast Maine and received the "Tutor of the Year" award in 2010. He joined the Knox County Flying Club and the Belfast chapter of the Experimental Aircraft Association. In 2009, he began building his own single-engine aircraft in his backyard shop.

Mr. Scheuer also enjoyed motorcycles. In June of this year, he joined his brother, Lee Scheuer, and sister-in-law, Kim, for a motorcycle ride from California to Maine.

Mr. Scheuer is survived by his mother Mathilda (Tillie) Scheuer of New York City; his brother, Lee Scheuer of Portola Valley; sister Lauren Mishlove of Phoenix, Ariz.; and step-brother Rick Goldstein of Los Angeles.

Donations may be made to: WestEd Institute for Excellence in Early Education, 1550 The Alameda, Suite 100, San Jose, CA 95126-2323; Global Classrooms, 45 Lyme Road, Suite 206, Hanover, NH 03755; Volunteers of Mid-Coast Maine, 28 Lincoln St., Rockland, ME 04841.

A celebration of Mr. Scheuer's life will be held at noon Sunday, Oct. 3, at the Camden Yacht Club in Camden, Maine.

Mary Louise Beh

Menlo Park resident

Mary Louise Beh, a resident of Menlo Park for 40 years, died peacefully at home on Aug. 15. She was 87.

Ms. Beh, sister of the late Joseph E. Beh, a well-known local realtor, was born in Harlan, Iowa, on June 11, 1923. She is survived by her sister-in-law, Allannah Cleary Beh, and friend Phyllis Swanson.

A memorial Mass was held at The Church of the Nativity on Aug. 19. Memorials may be sent to the St. Vincent de Paul Society, 50 North B St., San Mateo. Arrangements were under the director of John O'Connor's Menlo Park Funerals.

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MARCELLE NADEAU WILCOX



Marcelle Wilcox passed away peacefully, surrounded by her family, on August 9, 2010. She was almost 92.

Marcelle was raised in Quebec, Canada and immigrated to this country when she married Alfred Wilcox. They resided in Arlington Heights, Illinois, where she raised a family of four and "retired" in Menlo Park with Al in 1979. In Menlo Park, Marcelle became president of the Menlo-Atherton Newcomers Club. She was also an active volunteer at Lucille Packard Children's Hospital as a "Hugger" for seriously ill infants, and as a translator for French-speaking patients at Stanford Hospital. Her hobbies were gardening, bridge and worldwide travel.

She is survived by Al, her husband of 66

years; her three surviving children, Joan, Michelle and Greg and their spouses; plus her three grandchildren, Brie, Braden, and Cullen and great granddaughter Bayla Marcelle, born in the spring 2010.

A memorial service will be held at her parish, St. Bede's Episcopal Church, 2650 Sand Hill Road, Menlo Park on Sunday, September 12 at 2:00 PM with a reception immediately following the service. In lieu of flowers, Marcelle requested that donations be given to her favorite charity, the Salvation Army.

The family is especially grateful to Marcelle's caregivers Daisy and Olivia, who so lovingly took care of her towards the end of her life.

Marcelle lived a long and rewarding life. She enriched the lives of all who knew her. She will be remembered as both fun and feisty; and her great sense of humor always ruled the day. We are grateful to have had her as a part of our lives for such a long time.

PAID OBITUARY

Murder suspect pleads not guilty

By Dave Boyce

Almanac Staff Writer

Pooroushasb “Peter” Parineh of unincorporated Woodside has pleaded not guilty to charges of premeditated murder for financial gain in connection with the shooting death of his 56-year-old wife Parima Parineh, prosecutors said.

Deputies from the San Mateo County Sheriff’s Office found Ms. Parineh dead of multiple gunshot wounds on April 13 in the bedroom of the couple’s home.

Mr. Parineh, 64, is in county jail on a no-bail status. The plea was entered Thursday, Aug. 19.

If is convicted in this case, Mr. Parineh could be sentenced to death or to life in prison without the possibility of parole, Chief Deputy District Attorney Steve Wagstaffe told The Almanac.

By actually entering a plea, Mr. Parineh appears to have finally arranged for his defense. He is retaining attorneys Paula Canny of Burlingame and Dek Ketchum of Redwood City, Mr. Wagstaffe said.

Mr. Parineh had appeared before a judge six times since his arrest on



“Peter” Parineh

June 17, but each time asked the judge to continue his case as he worked on finding an attorney.

In death penalty cases, defense attorney fees usually run from \$250,000 to \$500,000, Mr. Wagstaffe said, noting that Mr. Parineh’s difficulties in obtaining a lawyer centered on what it is going to cost him.

Ms. Parineh had a “large” life insurance policy and Mr. Parineh has several properties in foreclosure, no liquidity and “enormous debt,” Mr. Wagstaffe said.

If Mr. Parineh had been declared indigent, the county would have paid for his legal expenses and appointed a defense attorney from a pool of lawyers registered with the San Mateo County bar association. But Mr. Parineh would have also had to list his assets and prove why he could not pay for his own defense.

Mr. Parineh’s next court appearance is Oct. 21 at 1:30 p.m. for a preliminary hearing, prosecutors said. ▀

■ POLICE CALLS

This information is from the Atherton and Menlo Park police departments and the San Mateo County Sheriff’s Office. Under the law, people charged with offenses are considered innocent until convicted.

MENLO PARK

Robbery report: Arrest of Juan Walker, 43 of Menlo Park on suspicion of using “vicious” dog to rob man of backpack and watch, 1400 block of San Antonio St., Aug. 13.

Residential burglary reports:

■ Resident arrived home and heard someone in home who then fled past resident and out front door in an unknown direction, first block of Iris Lane, Aug. 13.

■ Patio furniture valued at \$2,000 stolen from locked yard, 1100 block of O’Brien Drive, Aug. 17.

■ Bicycle valued at \$3,000 stolen from garage, 100 block of University Drive, Aug. 17.

Grand theft report: Locked bicycle valued at \$1,200 stolen from underground parking area, 10 block of Willow Road, Aug. 16.

Assault with deadly weapon report: Arrest made in case of rock used as deadly weapon, Roble Ave. and El Camino Real, Aug. 17.

Auto burglary report: Window smashed and stereo system valued at \$1,000 stolen, 1100 block of Willow Road, Aug. 16.

Fraud report: Estimated loss of \$299 in unauthorized use of debit card, reported at main police station at 701 Laurel St., Aug. 13.

WEST MENLO PARK

Stolen vehicle report: Vehicle stolen then discovered a few residences away with laptop computer missing and evidence of vehicle having been ransacked, 200 block of Leland Ave., Aug. 17.

Graduates

■ **Bennett Roth-Newell** of Redwood City, graduate of Woodside High School, received a bachelor of arts degree in music (specializing in jazz)†from Sonoma State University on May 29.† He will pursue a master’s degree in music at San Jose State University.

■ **Nataly Deras** of Mento Park has been awarded a certificate degree in criminal justice from Kaplan University, which is headquartered in Chicago.

■ **Renee Georgakas**, daughter of Cindy and Gregg Georgakas of Woodside, completed her

multiple-subject teaching credential with a science authorization at San Jose State University. She will be teaching seventh- and eighth-grade science at Campbell Middle School in San Jose this fall. She expressed appreciation for the support of her eighth-grade science teacher at Woodside Elementary School, Bill Dolyniuk.

■ BIRTHS

Menlo Park

■ Brenda and Todd Dampier, a son, Aug. 9, Sequoia Hospital.

■ Ashley Day and Bijan Homayounfar, a son, Aug. 9, Sequoia Hospital.

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Marion Softky, Marjorie Mader

Staff Writers

David Boyce, Sandy Brundage

Contributors Barbara Wood,

Kate Daly, Katie Blankenberg

Special Sections Editors

Carol Blitzer, Sue Dremann

Photographer Michelle Le**Design & Production****Design Director** Raul Perez**Designers** Linda Atilano,

Gary Vennarucci

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Heather Hanye

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Newsroom Fax: (650) 854-0677

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Viewpoint

Ideas, thoughts and opinions about local issues from people in our community. Edited by Tom Gibboney.

Why delay in revealing pool gas leak?

The serious leak of a "gaseous substance," presumably chlorine gas, at the Burgess Park baby pool nearly two weeks ago points out the need for the city and Menlo Swim and Sport, operator of the Burgess pools, to have a much better emergency notification protocol in place.

When two young swimmers, reportedly ages 2 and 3, became seriously ill due to the leak on Aug. 10, emergency personnel were quickly summoned to care for the girls and the baby pool was immediately closed.

But it was not until eight days later that a press release explained what happened, and

then the city said that "...design and engineering experts are evaluating the situation."

Addressing the extended delay in releasing details about the accident, Tim Sheeper, owner of Menlo Swim and Sport, the Burgess pool operator, told The Almanac: "Detailed information was needed from the experts, all the experts, before information was released to the public. The original design company representative had to fly to our site for inspection."

Mr. Sheeper also said that "the city of Menlo Park was involved in the investigation, the troubleshooting, the resolution proposals, and the city is involved in the oversight of the pool on a weekly basis through log reviews, safety reviews and so on."

From Mr. Sheeper's and the city's point of view, the delay in notifying the public may have been justified by needing to have

"detailed information" from all the experts. But how does such a delay help the public? If chlorine gas leaks in the baby pool, it certainly is possible that it could leak into the other pools as well. In our view, the first leak was a bellwether, a warning that the pool's chlorine systems may have a flaw.

The prudent course in this case was to shut down all the pools until the experts could determine, as quickly as possible, what caused the first leak and give assurance that the problem would not affect the other pools. By sitting on this critical information, Mr. Sheeper and the city may have put all the other patrons of the pools at risk.

With the \$6.8 million pool owned by the city but operated under a soon-to-expire contract by Mr. Sheeper, it is difficult to determine which party has final authority in an emergency. Mr. Sheeper said the decision to hold back on releasing information about the accident was jointly made with the city. That could be the case, but in June of 2006, just after Mr. Sheeper took over the pool, leaking gas made eight children sick and paramedics were only summoned when a mother, who was also a registered nurse, called 911.

Now, after two leaking gas incidents at Burgess baby pool in four years, it is time to make sure the pool operation adheres to a stringent protocol of emergency measures at the first sign of a leaking gas incident. The pool attendants are the first line of defense, so the city must make sure such a plan is in place and is tested often.

In addition, that protocol should stipulate that the public be notified immediately if a gas leak is detected, so all swimmers will be able to assess the danger if other pools remain open. That decision should be made by the city, not the pool operator.

EDITORIAL*The opinion of The Almanac***LETTERS***Our readers write***Menlo is fine; please don't change it***Editor:*

Menlo Park in the last 10 years has become a darling, quaint and physically attractive little town, thanks to the vision of men like Mark Flegel, Frank Draeger and others who could see ahead, supporting improvements like the island of trees on Santa Cruz Avenue.

As a result, we now have a destination town, where people come to eat out, spend leisure time and ultimately go shopping. Do you remember what Santa Cruz Avenue used to look like? It was one straight, boring, uninteresting street.

We have seen what these so-called experts hired by the city have done in the past. They caused the fiasco on Santa Cruz Avenue, with cement chunks to divert traffic, and paying to put them in and then paying to take them out.

We are paying experts to make obviously stupid recommendations as though this were some new town with nothing here. That new "Visioning" plan would be fine for that circumstance, but not for this circumstance.

Please see this town for the



Jac Audiffred Collection

Our Regional Heritage

Woodside firefighters, from left, Vern Kelly, Chief John Volpiano, Emmett O'Neill and Robert Nahmens pose in this 1934 photo with the town's fire engine. In later years, the truck was part of a museum display in Visalia, California.

beauty it is and add to it rather than ruin it. Save us taxpayers the money and listen to reason. We have a beautiful town here. The locals who have expressed an opinion have more of a handle on the whole thing.

We are all for progress and change when it makes sense, but not to take out what is still beautiful and productive, and cherished for the beauty it has become. Other communities

have commented that Menlo Park has really become a quaint, interesting town to shop in, eat in, and enjoy leisure time in.

As a 40-year resident, I am all for progress and not one to block things, but we have to realize what we have here. Add bushes and enhancements, the occasional lights on trees. But spending money to change things in an already lovely town is not what is needed.

The economy has slowed everywhere. Save us all money and preserve the town we now enjoy. It has evolved over 10 years to become the charming place we now live, work and play in. Find something else that needs fixing.

Gloria W. Marchi
Warner Range Avenue,
Menlo Park

See **LETTERS**, next page

LETTERS

Continued from previous page

Judge mulls Menlo's pension-reform case

Editor:

There is plenty of push-back as California citizens try to rein in a huge budget problem.

In at least three cities, unions have tried to thwart municipal pension reform. In San Francisco and Menlo Park, they have filed lawsuits to keep pension reform off the November ballot. In Hermosa Beach, they filed a lawsuit contesting the right of the City Council to vote on pension reform. If neither the city legislators nor the city's citizens can decide pension issues, who does that leave? City staff and the city workers' union?

We agree with the Menlo Park's city attorney in his response brief on July 23:

"Among the most powerful rights Californians hold is the ability to direct legislation through initiative. With these first principles of California democracy in mind, the court must scrutinize petitioners' extraordinary request to remove from the ballot, prior to an election, an initiative ordinance addressing a matter of enormous concern — public employee pension benefits for future city employees."

Judge George Miram heard the arguments on Aug. 12 and we eagerly await his ruling on whether our effort to rein in Menlo Park city pensions can stay on the ballot in November.

Roy Thiele-Sardina and Henry Riggs,
co-chairs, Citizens for Fair and Responsible Pension Reform

Hard to figure benefits of keeping BevMo out

Editor:

The argument to keep BevMo from settling specifically on Santa Cruz Avenue a few years ago was only slightly more compelling than the prohibitive efforts this time around at the former Chili's site on El Camino Real.

In summary, it is ever-apparent that those leading the opposition from Beltramo's, Draeger's, and others, are acting solely in their own self-interest to preserve their own profits.

While it goes without being said that some may prefer having the peace of mind of patronizing local merchants, let the actions of the consumers speak for themselves. If BevMo delivers a less-expensive and comparable alternative, why should we as consumers have to pay more to preserve businesses

How alcohol ruined a student's dreams

By Linda and Tom Sako

College students: As you prepare to start or return to college, there are a number of things on your mind. And while you should put your education first, it's a known fact that college students look forward to months of independence where they can party without consequences ... or at least that's what they think.

Many of you may have heard about our son, Gregory Sako, the college student from Menlo Park who was convicted of a felony rape in Oregon last year and given a mandatory minimum sentence of 100 months in prison (more than eight years). Under Oregon law, he will not be eligible for early parole or time off for good behavior, and must face 12 years of probation and a lifetime of registering as a sex offender.

Those who know him are aware that he is not a criminal and have strong hopes that an appeal will overturn this conviction. The problem with his case was that at the time the alleged incident occurred, Gregory and his accuser were very drunk, or "hammered" as you might say.

While witnesses that evening insist that "nothing happened" based on what they knew, heard, or saw, Gregory could not remember anything the following day, even

though he knew in his heart that he was not guilty of the accusations. He experienced a blackout, characterized by feeling seemingly in control while drinking heavily, but an inability to recall anything the next day.

Because of that night of heavy drinking, his life has been changed forever.

Losing Gregory to an out-of-state prison system following an exhausting court trial has been devastating for him, his friends, and our entire family. He shares a 7-foot x 12-foot cell with another convicted felon 800 miles from home. He eats with plastic utensils. He wears the same type of clothes every day. He sleeps on a hard mattress on a metal frame. The food is horrible and we are prohibited from sending anything.

He has no computer or online privileges, no iPhone, no iPod, and not even access to a typewriter. Calls to his friends are cost-prohibitive. He hasn't seen a tree, a beach, a sunset or even been able to pet an animal in over 15 months.

He gets strip-searched after we

visit him. He works with repeat convicts with nicknames we can't repeat. This is how he might be living each and every day until he is 28 years old, because of a night of heavy drinking.

Research has proven that the brain is not fully developed until age 25 and that alcohol has an even greater impact on the brain under this age. People with mature brains are better equipped to make mature choices, like drinking responsibly so that they remain in control of their behaviors. They know their limits, know about proper hydration, know why they should eat when drinking, and why they should not mix types of alcohol. Most importantly, they know when to stop.

College students, however, typically disregard public advice and generally think that nothing bad will ever happen to them. What happened to our son could have happened to any one of us, students and parents alike — not necessarily the nature of the alleged incident, but others equally life-destructive.

No one is invincible to false accusations when the only defense is: "I was drunk. I don't remember." The consequences from drinking too much alcohol can be devastating, as exemplified here. Not only will it affect you, but your community and

your whole family as well.

Our son's case is now in the appeal process, which will take several months, and most likely years, yet we have high hopes for a positive outcome. Our family and friends believe in and stand by his innocence wholeheartedly and trust that the truth will come out.

Meanwhile, he remains incarcerated with the conditions described above. Our hearts are broken and the emotional pain and financial drain is a constant in our lives. Whether or not our son's conviction is overturned, his life and soul will never again be the same. His hopes, dreams, and career goals have been completely shattered.

So, students, when you go off to college, please reflect on our son's story from time to time and please share it with your friends. All it takes is one night of heavy drinking to change your and someone else's life forever. Hopefully our son's story can encourage others to stop and think before they take that first drink, that next drink, or believe nothing bad will happen to them. Smart decisions and safe choices prevent lives from being destroyed.

Linda and Tom Sako
live in Menlo Park.

To contribute toward Mr. Sako's appeal, send a check to: Peggy McGill, 127 Dunsmuir Way, Menlo Park, CA 94025, payable to FBO G. Sako Legal Defense Fund.

that would prefer decreased competition masked under the notion of "protecting local businesses?" Let capitalism prevail: Let BevMo sink or swim.

Job creation and revenue are in

limbo pending this unnecessary drawn-out debate: 1. revenue to Menlo Park for construction improvements, permits, tax; 2. rent for a currently vacant space; 3. lease commission; 4.

tenant improvement project for local general contractor and sub contractors; 5. increased state and federal tax from lease revenue, new employee salaries, and BevMo profits; 6. Locals

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Paul A. Lewis
Jennings Lane, Atherton

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To view these properties and others, please visit my website at www.tomlemieux.com

