



Parliament of Sint Maarten

Staten van Sint Maarten

To the Hon. Minister of Housing, Spatial Planning, Environment
and Infrastructure a.i.
Mr. M.F.A. Gumbs
Government Administration Building
Philipsburg

UV/274/2014-2015

Philipsburg, June 8, 2015

Re: Reminder questions MP Sarah Wescot-Williams

Hon. Minister Gumbs,

Herewith I would like to remind you of the questions by the Member of Parliament, Mrs. Sarah Wescot-Williams, pursuant to article 62 of the Constitution of Sint Maarten and article 69 of the Rules of Order of Parliament that were sent to you on March 13, 2015, UV/207/2014-2015 and March 4, 2015, UV/200/2014-2015.

L.J. Richardson, MD
President of Parliament

Linette A. Gibs

Subject: FW: outstanding questions

From: Nancy Joubert [<mailto:nancy.joubert@sxmparliament.org>]
Sent: Thursday, June 04, 2015 1:00 PM
To: SXM STA Linette Gibs
Cc: SXM STA Ann Groen-Gumbs
Subject: FW: outstanding questions

STATEN VAN SINT MAARTEN			
Ingek. 04 JUN 2015			
Volgnr. 151801/14-15			
Par.	8	1127	

From: S. Agatha Williams [<mailto:williamssaw@hotmail.com>]
Sent: Thursday, June 04, 2015 12:20 PM
To: Lloyd Richardson
Cc: Nancy Joubert
Subject: outstanding questions

Honorable Chairperson,

Through your office and as required by law, I have submitted several letters to Ministers of Government regarding issues that affect the citizens of our country and I have asked specific questions regarding numerous matters.

To most of these questions, I have not even been afforded the courtesy of a reply, let alone answers to the questions submitted.

Below I provide you with a listing of the pertinent questions, with the request that you impress upon the ministers their obligation to respond to (members of) Parliament, barring the ground for exceptions as stipulated in the constitution of St. Maarten.

February 10, 2015, IS 410 TEATT Minister (St. Maarten Tourism Authority)
February 12, 2015, IS 411, TEATT Minister (Developments in Simpsonbay)
March 6, 2015, IS 488, TEATT Minister (Security Contract Harbor)
March 12, 2015, IS 519, VROMI Minister (Petition by residents of Simpsonbay)
March 23, 2015, IS 547, VSA Minister (Appointment board members SLS)
March 3, 2015 IS 468, TEATT & VROMI Ministers (Dredging in the S'Bay Lagoon)

Kind regards,
Sarah Wescot-Williams, MP (DP)

Sent from Windows Mail



Parliament of Sint Maarten

Staten van Sint Maarten

To the Hon. Prime Minister
Mr. M.F.A. Gumbs
Government Administration Building
Philipsburg

UV/200/2014-2015

Philipsburg, March 4, 2015

Re: Questions MP Sarah A. Wescot-Williams

Hon. Minister Gumbs,

Herewith I submit to you questions by the Member of Parliament, Mrs. Sarah A. Wescot-Williams, pursuant to article 62 of the Constitution of Sint Maarten and article 69 of the Rules of Order of Parliament.

The letter is self explanatory.

L.J. Richardson, MD
President of Parliament



Parliament of Sint Maarten

Staten van Sint Maarten

To the Chairperson of Parliament,
The Honorable Dr. L. Richardson
Parliament Building
Philipsburg,
St. Maarten

March 3, 2015

Dear Sir,

Kindly see below questions, which I kindly request that you forward urgently to the respective ministers of Government. Given government's stated collective responsibility for government owned companies, I ask that these questions be sent to the Prime Minister and the Minister responsible for Harbor Affairs.

Kind regards,


Sarah Wescot-Williams
MP (Democratic Party)

In the wake of the 911 attacks in the United States, The International Ship and Port Facility Security Code or ISPS Code was developed to enhance the security of Ships and port facilities. Given the large contributions made by the marine sector on St Maarten, both in terms of freight and tourism revenues, security of our port facilities could definitely be considered a matter of national importance. Terrorist attacks, smuggling and disasters could all have serious financial consequences for St Maarten. Therefore parliament not only has every right to investigate recent allegations but has an obligation to investigate recent allegations regarding the Security procedures at St Maarten's ports of entry.

Imagine.....

What would be the impact of a terrorist attack on a cruise ship in St Maarten waters?
What would be the consequence if St Maarten became a major drug, weapons or human smuggling transshipment port?

Financial Stability

The financial stability of the main security subcontractor at the harbor becomes a national security issue. If reports of a Naf 2.3Million debt to SZV are correct, this leads to serious questions and concerns.

A company that is heavily in debt becomes vulnerable to external influences. Would a company in financial trouble be willing to turn a blind eye when it comes to smuggling

STATEN VAN SINT MAARTEN			
Ingek.	03 MAR 2015		
Volgnr.	15/468/14-15		
Par.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Parliament of Sint Maarten

Staten van Sint Maarten

weapons and drugs onto ships in port in exchange for financial contributions to pay down its debt?

Why would the harbor invest money in training staff of a company that is not financially stable? If the company goes bankrupt, any investments made in training could be lost. Shouldn't training of its security personnel be a responsibility of the security company?

What is the current status of the Checkmate's financial health?

Transparency

The fact that the ultimate beneficial ownership of Checkmate seems to be such an issue simply raises more flags and questions. Imagine if the ultimate ownership of Checkmate turned out to be al-Qaida or ISIS. That would clearly be an issue. There is no valid reason why the ultimate ownership of a critical subcontractor of security services for our main port of entry should be confidential.

Increase in Fees

How does the Harbor group of companies justify \$2.2 Million dollars increase in fees? Is the Harbor agreeing to the increase in fees to assist funding Checkmate's debts? If yes, why? Again, transparency on ownership is critical.

If statements by Kuiperi are correct, and the contract with Checkmate didn't expire until December 31, 2015, why did the harbor agree to renegotiate the contract to the financial detriment of St Maarten?

Given such a massive increase, why didn't the harbor put the contract out for bid?

If the increases in fees are related to compliance issues, it suggests that the Harbor has not been compliant with ISPS regulations. Therefore, it raises more questions....

1. When was the last Port Facility Security Assessment done and by whom?
2. Has the Port Facility Security Plan been updated and when was this done?
3. Is the Director of Security a Certified Port Facility Security Officer?
4. Has the mandatory ISPS Training been conducted for personnel with security duties?
5. Has the mandatory ISPS Training been conducted for all other port facility operators and employees with non-specific security duties?
6. Are there procedures in place to conduct due diligence checks on companies or person who perform critical functions within the Port?
7. Has a due diligence investigation been conducted since the Checkmate Security had been sold?
8. Does the Harbor have a Security Plan of Action, which dictates the mission and vision of the department, goals and objectives and subsequently tied to a budget plan of the department?
 - a. Is there a formation plan which indicates how much personnel is needed for the facility?
 - b. What is the entire budget for the security department?



Parliament of Sint Maarten

Staten van Sint Maarten

While it is understandable that there are elements of the security plan that should remain confidential in order to preserve the integrity of the security procedures at the port, managing the finances of a government owned company that belongs to the people of St Maarten should be transparent for all to see.



Parliament of Sint Maarten

Staten van Sint Maarten

To the Hon. Minister of Housing, Spatial Planning, Environment and Infrastructure
Mr. M.F.A. Gumbs
Government Administration Building
Philipsburg

UV/207/2014-2015

Philipsburg, March 13, 2015

Re: Questions MP Sarah A. Wescot-Williams

Hon. Minister Gumbs,

Herewith I submit to you questions by the Member of Parliament, Mrs. Sarah A. Wescot-Williams, pursuant to article 62 of the Constitution of Sint Maarten and article 69 of the Rules of Order of Parliament.

The letter is self explanatory.

L.J. Richardson, MD
President of Parliament



Parliament of Sint Maarten

Staten van Sint Maarten

To the Chairman of Parliament
The Honorable Dr. L. Richardson

STATEN VAN SINT MAARTEN	
Ingek.	12 MAR 2015
Volgnr.	15/519/14-15
Par.	4 MB

March 12th 2015

Dear Chairperson,

Enclosed kindly find letter directed to the Minister of VROMI regarding petition submitted to Parliament, along with additional questions pertaining to this topic.

Please forward these to the Minister concerned with the usual expediency.

Respectfully,


Sarah Wescot-Williams

Member of Parliament (DP)



Parliament of Sint Maarten

Staten van Sint Maarten

Minister of VROMI,
The Honorable Marcel Gumbs,
Government Administration Building

Sint Maarten, March 12th 2015

Honorable Minister Gumbs,

Kindly take note of this petition addressed to the Parliament of St. Maarten.

Based on information contained herein, I respectfully ask that you also respond to my questions regarding this topic dated February 12, 2015 (see attached).

In addition, I submit the following questions:

Is government aware of the allegations contained in the petition to Parliament?

What does government plan to do about these allegations?

On what basis has Mr. M. K. Halley very recently been removed from the adjacent piece of property by inspectors of VROMI?

Is government willing to consider favorably Mr. Halley's request to receive the adjacent (filled) piece of land in long lease?

How can government explain a long lease deed being issued for a "privately" sold parcel of land, according to the petitioners?

Respectfully submitted,


Sarah Wescot-Williams

Member of Parliament (DP)



Parliament of Sint Maarten

Staten van Sint Maarten

To the Chairman of Parliament
The Honorable Dr. L. Richardson

STATEN VAN SINT MAARTEN				
Ingek. 13 FEB 2015				
Volgnr.				
Par.	5			

February 12, 2015

Dear Chairperson,

Kindly find enclosed questions directed to the Minister of Tourism, Economic Affairs,
Transportation and Telecommunication.

Please forward these to the Minister concerned with the usual expediency.

Respectfully,


Sarah A. Wescot-Williams
Member of Parliament (DP)



Parliament of Sint Maarten

Staten van Sint Maarten

To:

The Minister of Tourism, Economic Affairs, Transport and Telecommunication,
the Honorable Claret Conner.

February 12, 2015

Honorable Minister Conner,

During the questioning in the Central Committee meeting of Parliament on February 10th, with the Ministers of TEATT and Finance on the Harbor Group of Companies (Harbor), I focused on several references by the Harbor in its 2013 annual report.

These reports by the way, as far as the financials of the Harbor are concerned are a consolidation of all the companies that fall under the Harbor and these are many.

One recurring reference by the Harbor in the elucidation of these reports regards plans for the Simpson Bay Lagoon and the greater area of Simpson Bay.

My serious concerns with respect to these subtle announcements in the Harbor's 2013 reports, were expressed during aforementioned meeting, but were met with denial by the minister of knowing anything of these plans and the assurance that nothing will happen in general and in Simpson Bay in particular without a strategic plan being presented by the Harbor to government, and ultimately to Parliament.

It appears now however, this assurance by the Minister notwithstanding and zoning hearings notwithstanding, that government (read the Ministry of VROMI) since March 2014 has received a request for water rights at the "head" of Simpson Bay to ...develop a pier, hotel and facilities and amenities to service smaller cruise ships....

The urgent questions therefore are:

- Has this request been granted?
- Who has the jurisdiction for this area? Government or the Harbor?
- Are these the plans the Harbor alludes to in its 2013 reports as far as Simpson Bay is concerned?
- Must government consult with the harbor on this request?
- Are we about to witness a standoff between Government and Harbor like in the case of Dock Martin or are government and Harbor in on this together?



Parliament of Sint Maarten

Staten van Sint Maarten

It should and can not be that while the Parliament is being assuaged by Government with the promise of a strategic plan of the Harbor, if and when we get so far, the plans for Simpson Bay will already be underway, sanctioned by government and/or harbor.

Respectfully submitted,

Sarah A. Wescot-Williams
Member of Parliament (DP)

STATEN VAN SINT MAARTEN			
Ingek. 04 MAR 2015			
Volgnr. 151478/14-15			
Par.	102		

To

The Committee for Petitions of Parliament
 Wilhelminastraat no.1
 Philipsburg, St. Maarten

March 2, 2015

Honorable members of Parliament,

On the outskirts Simpsonbay is a bustling and thriving village. One that contributes in no small measure to the economy of St. Maarten. "Inside Simpsonbay" however has maintained some of the charm of an original St. Maarten village. Some descendants of the original inhabitants of this village still call this place their home or conduct business here. Here families get together to celebrate their roots and colorful heritage.

A few of the last local fishermen also call here home.

It is in this section of Simpsonbay that the latest saga is unfolding.

At the original entrance to the Simpsonbay village, over the years the parcel of land, commonly referred to as the BBW location has changed many hands and currently is in possession of the EFB Properties N.V. These transfers in ownership have been facilitated by successive governments by way of long lease.

Residents of this area have expressed their written concerns for what seems to be the plans for this location, as a request has been submitted for the development of a pier, a hotel and amenities. Government has remained mum despite several requests for information.

However, the unfolding saga regards the piece of land next to that one of the former BBW. A parcel of land that for centuries has been held to belong to the Lejuez-Halley family.

In this belief, a family member has undisturbed for the past 28 years utilized this land to conduct his business (MH Maintenance Services N.V.) the only source of livelihood for his family of 8.

In the year 2014, many rapid developments occurred. Government claimed ownership of the private land and granted it in long lease to E.F.B. Properties, all within the space of **six months**.

However, the "new" owners also claim to have paid one heir a handsome amount of **1 million ANG** for the same piece of land.

How is it possible that the land is granted in long lease and at the same time bought from an heir? Let alone for the moment the question on whose authority that one heir acted.

How has this been notarized?

The user of the land Mr. Marlon K. Halley, up until the judge ordered the vacating, has over up until the judge ordered the vacating, has over the years filled back the property as successive hurricanes basically washed the land away.

The original land and the filled part are part of the cadastral measurements.

The person, Mr. Marlon K. Halley, occupying the land for the past 28 years had also requested government to lease the land, once it was learned that government claimed the land to be its own, but this request fell on deaf ears.

Given the above developments, the rightful heirs to the property have placed a lien on the property. This has the potential to cost government and by extension the people of St. Maarten exorbitantly.

Why do this to the people of our country?

The undersigned persons hereby petition the parliament of St. Maarten, the representatives of the people to investigate these developments and to halt the actions of government as far as the developments in this area are concerned and grant the additional parcel of land to Mr. Marlon K. Halley.

We ask that the people's rights be respected.

There is nothing said or presented in this petition that cannot be substantiated with documentation.

For brevity's sake, we have limited ourselves to the highlights. The larger picture however is one of bad governance, curry favor, and other unsavory and downright illegal practices by government.

We therefore address this petition to Parliament, stressing the need for urgent action from Parliament, as every passing day further exacerbates this situation.

We count on Parliament to right this wrong and stand up for the people of St. Maarten.

Respectfully submitted,

Undersigned residents of Simpsonbay