

Ref: #20-2010

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
REGULAR MEETING - MINUTES  
DECEMBER 9, 2010

1. CALL TO ORDER

Chairman Whalen called the Regular Meeting of December 9, 2010 to order at 7:02 P.M.

2. ADMINISTRATIVE MATTERS

A. ROLL CALL

Roll was called and the following Board Members were in attendance:

Mr. Whalen  
Mr. Boggie  
Mr. Silverman

Staff Members in attendance were Dr. Arrington, Mr. Yerkes, Mr. Howard, Ms. Williams, Mr. DiCarlo, and Mr. Vaughn.

Consultants in attendance were Mr. Muniz from Hazen and Sawyer, Mr. Shenkman from DeSantis, Gaskill, Ms. Mathews and Ms. McLeod from Mathews Consulting, Mr. Lardieri from Aecom, and Ms. Krasker.

Mr. Hitzig from BWS was also in attendance.

B. PREVIOUS MEETING MINUTES

The Minutes of the Regular Meeting of November 18, 2010 were presented for approval and the following motion was made.

MOTION: Made by Mr. Silverman, Seconded by Mr. Boggie,  
Passed Unanimously.

“ THAT THE GOVERNING BOARD approve the minutes of the November 18, 2010 Regular Meeting as submitted.”

C. ADDITIONS & DELETIONS TO THE AGENDA

No items were pulled for discussion.

3. COMMENTS FROM THE PUBLIC

No comments were received.

4. STATUS UPDATES

A. LOXAHATCHEE WATERSHED STATUS

Mr. Howard reviewed the status of the STORET water quality data conversion and stated that the District's data has now been fully integrated into the STORET system. Mr. Howard explained that the incorporation of this information will be very valuable to the DEP and EPA and future data can now be easily and efficiently loaded into STORET each quarter.

The Board commended Mr. Howard and thanked him for his efforts in incorporating this important water quality information into the STORET system.

B. LOXAHATCHEE RIVER DISTRICT DASHBOARD

Dr. Arrington reviewed the LRD operational, engineering, river health and administrative dashboard figures.

5. CONSENT AGENDA

MOTION: Made by Mr. Boggie, Seconded by Mr. Silverman,  
Passed unanimously.

"THAT THE GOVERNING BOARD approve the Consent Agenda of December 9, 2010 as presented."

The following motions were approved as a result of the Board's adoption of the Consent Agenda:

A. Notice of Intent to Assess-1020 Lands End Way (Resolution 2010-19)

"THAT THE GOVERNING BOARD approve Resolution 2010-19, the Notice of Intent to Assess, the Pending Lien Notice, and the Exhibits for the 1020 Lands End Way Assessment Area."

B. Preliminary Assessment Roll – Woodside Trail (Resolution 2010-21)

"THAT THE GOVERNING BOARD approve Resolution 2010-21 adopting the Woodside Trail Preliminary Assessment Roll."

C. Preliminary Assessment Roll – Pinetree Drive Phase II (Resolution 2010-22)

"THAT THE GOVERNING BOARD approve Resolution 2010-22 adopting the Pinetree Drive Phase II Preliminary Assessment Roll."

D. Change Orders to Current Contracts – to approve modifications

"THAT THE DISTRICT GOVERNING BOARD authorize the execution of Change Order #1 to the contract with Wantman Group, Inc. for the US #1 Sanitary Sewer Adjustments in an amount not to exceed \$12,720.00 for additional design services."

"THAT THE DISTRICT GOVERNING BOARD authorize the execution of Change Order #1 to the contract with AECOM Technical Services, Inc. for the Church Street Force Main Engineering Services Contract in an amount not to exceed \$6,935.00."

6. REGULAR AGENDA

A. No Consent Items were pulled for discussion.

B. Executive Director Annual Review

Chairman Whalen reviewed the five review categories and rating system. The Board reviewed Dr. Arrington's self evaluation versus their evaluation. Mr. Silverman highlighted Dr. Arrington's accomplishments over the course of the year. The Board concurred that Dr. Arrington had done a very good job.

MOTION: Made by Mr. Boggie, Seconded by Mr. Silverman,  
Passed unanimously.

"THAT THE GOVERNING BOARD award Dr. Arrington a merit recognition salary increase of two percent (2%) applied to base salary hourly pay rate and a merit recognition one-time net lump sum of Five Thousand Dollars (\$5,000.00)."

C. Interest Rate Discussion

The Board discussed the current interest rate of 6.875% that is applied to neighborhood sewerage assessments collected through Palm Beach County's non ad valorem tax roll and whether this amount is appropriate. The Board reviewed Dr. Arrington's memo showing that the 6.875% just covers the District's administrative costs for staff time and record keeping expenses and for the costs involved in carrying the first year's engineering and construction costs. In addition, the 8% interest rate charged on installment agreements is justified to cover the high administrative costs involved due to a high default rate and very high late payment rate.

The Board decided to keep the current interest rates and thanked staff for the clear breakdown of the costs involved in administering assessments and connection charge financing options.

D. Loxahatchee River Minimum Flows and Restorative Flows

Chairman Whalen reviewed the letter he proposed to send to South Florida Water Management District (SFWMD). Chairman Whalen stated that although District staff and SFWMD staff communicate well, he believes that Board to Board communication was desirable to relay the District's desire and support to move forward in achieving minimum flows (MFL) and restorative flows to the Northwest Fork of the Loxahatchee River.

Chairman Whalen stated that it has been seven years since the MFL rule was adopted and priority efforts should be taken to ensure the operational protocols to provide supplemental freshwater deliveries to the NW Fork of the Loxahatchee River are in place no later than February 2011.

Dr. Arrington stated his agreement with the intent of the letter and Mr. Shenkman stated his delight at the Board's stated position.

MOTION: Made by Mr. Silverman, Seconded by Mr. Boggie,  
Passed unanimously.

"THAT THE Letter to SFWMD dated December 10, 2010 is affirmed by the Board to be sent."

7. REPORTS

Mr. Silverman requested that Item 7F (BWS) be pulled for discussion.

F. BUSCH WILDLIFE SANCTUARY

Mr. Silverman asked BWS to format the information in their report in a dashboard style. Mr. Boggie and Mr. Hitzig agreed to develop a dashboard as soon as possible.

The following reports stood as written:

A. SWA BIOSOLIDS PELLETIZATION FACILITY

B. NEIGHBORHOOD SEWERING

C. LEGAL COUNSEL'S REPORT

- D. ENGINEER'S REPORTS
- E. PUBLIC INFORMATION REPORT
- G. FRIENDS OF THE LOXAHATCHEE RIVER
- H. DIRECTOR'S REPORT

8. FUTURE BUSINESS

The Future Business report stood as written.

9. COMMENTS FROM THE BOARD

The Board asked if there were any updates on the Solid Waste Authority Biosolids settlement. Mr. Yerkes stated that settlement figures may be available in February.

Mr. Shenkman stated that the Governor had appointed Stephen Rockoff to the vacant board position in Area 5 and that an official press release would be available within a few days.

Dr. Arrington presented Chairman Whalen with a plaque and picture of the Loxahatchee River in appreciation for his service on the Board and his dedication to the preservation of the Loxahatchee River.

Mr. Boggie and Mr. Silverman thanked Chairman Whalen for his expertise over the years and his dedication to improving the Loxahatchee River.

10. ADJOURNMENT

MOTION: Made by Mr. Silverman, Seconded by Mr. Boggie,  
Passed Unanimously.

"That the Regular Meeting of December 9, 2010 adjourn at 8:01 P.M."

  
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BOARD CHAIRMAN

VICE

  
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RECORDING SECRETARY

  
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BOARD SECRETARY