

Ref: #14-2011

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT
REGULAR MEETING - MINUTES
JULY 21, 2011

1. CALL TO ORDER

Chairman Boggie called the Regular Meeting of July 21, 2011 to order at 7:04 P.M.

2. ADMINISTRATIVE MATTERS

A. ROLL CALL

Chairman Boggie stated the Roll Call and the following Board Members were in attendance:

Mr. Rockoff
Mr. Boggie
Mr. Silverman
Dr. Rostock

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

Consultants in attendance were Mr. Muniz from Hazen and Sawyer, Mr. Shenkman from DeSantis, Gaskill, Mr. Lardieri from Aecom, Mr. Brobst from WGI and Ms. Krasker.

Mr. Hitzig and Mr. O'Neill from BWS were also in attendance.

B. PREVIOUS MEETING MINUTES

The Minutes of the Public Hearing and Regular Meeting of June 16, 2011 were presented for approval and the following motion was made.

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

“THAT THE GOVERNING BOARD approve the minutes of the June 16, 2011 Public Hearing and Regular Meeting as submitted. “

C. ADDITIONS & DELETIONS TO THE AGENDA

Dr. Arrington requested that Item 6F, a Purchase Order for Waste Management, be added to the agenda.

3. COMMENTS FROM THE PUBLIC

The Board, Staff and Mr. Shenkman discussed with Mr. Morel representing Cake & Candy Designs by Mary Lou, Inc., the legal ramifications of opening for business in willful violation of the District's Rule 31-13. Mr. Shenkman reviewed the potential costs to and legal remedies against Cake & Candy for violating the District's Rules regarding operating without the required 750 gallon grease trap interceptor installation.

Mr. Shenkman recited the following pertinent section of Rule 31-13.005:

31-13.005 Use of Public Sewers

(6) Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the District, and shall be located as to be readily and easily accessible for cleaning and inspection.

Dr. Arrington supplied Mr. Morel with a copy of the District's field inspection on July 20, 2011 of Cake & Candy operating without the required 750 gallon grease trap interceptor installation .

Mr. Riley, speaking in favor of Cake & Candy, asked how to obtain a copy of upcoming Board Meetings. Mr. Shenkman explained that all meetings are advertised as required.

Dr. Arrington read a letter from Mr. Tim Hernandez with New Urban Communities requesting reinstatement of his terminated Developer Agreement.

The Board discussed the option of addressing the issue during the Public Comments section of the Agenda versus adding the Item to a future Agenda.

Mr. Shenkman opined the terminated Developer Agreement was the status quo and no action was required or compelled by the Board, and recommended no action be taken. No action was taken by the Board.

Mr. Tracy Atkinson asked where he could obtain upcoming Agenda Items coming before the Board. Dr. Arrington referred him to the District's website and stated that upcoming meetings were advertised in the Palm Beach Post.

4. STATUS UPDATES

A. LOXAHATCHEE WATERSHED STATUS

Mr. Howard reviewed his report on the status of the current Sea Turtle Nesting Season and highlighted some of the research being done by Loggerhead Marinelife Center and the Palm Beach Zoo on Leatherback and Hawksbill turtles.

B. LOXAHATCHEE RIVER DISTRICT DASHBOARD

Dr. Arrington reviewed the District dashboard and highlighted the negative impact on the minimum flows and levels to the Loxahatchee River due to the drought crisis.

5. CONSENT AGENDA

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

"THAT THE GOVERNING BOARD approve the Consent Agenda except Items 5B, 5C and 5D of July 21, 2011 as presented."

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

A. Final Assessment Roll-180th Street N. Gravity (Resolution #2011-18)

"THAT THE GOVERNING BOARD approve Resolution 2011-18 adopting the 180th Street N. Gravity Final Assessment Roll."

E. Change Orders to Current Contracts-to approve modifications

"THAT THE GOVERNING BOARD authorize the execution of Change Order #16 to the Lab Expansion contract with Bayview Construction Corp., reducing the contract in the amount of (\$1,287.50)."

6. REGULAR AGENDA

A. Consent Items Pulled for Discussion

Consent Items 5B, 5C and 5D were pulled for discussion.

Item 5B. Lift Station #71 (Tequesta CC)-Award of Contract

The amount of \$5,000.00 was added to the purchase order.

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

"THAT THE DISTRICT GOVERNING BOARD authorize award of contract to D.S. Eakins Construction Corp. for the Lift Station #71 conversion project in the amount of \$198,000.00 in accordance with their bid dated July 11, 2011."

Item 5C. Central Blvd. IQ Force Main-Award of Contract

The amount of \$5,000.00 was added to the contract amount.

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

“THAT THE DISTRICT GOVERNING BOARD authorize award of contract to Johnson-Davis, Inc. for the Central Blvd. IQ relocation project in the amount of \$241,600.00 in accordance with their bid dated July 12, 2011.”

Item 5D. River Isle Sewering-Award of Contract

The Board discussed the option of going to bid versus the single source method of purchasing low pressure grinder pump units. Staff advised the Board that the procedures for single source method of purchasing were complied with.

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

“THAT THE DISTRICT GOVERNING BOARD authorize the purchase of 12 low pressure grinder pump units from Southeast Pumps in the amount of \$35,400.00 in accordance with their pricing and District specifications dated April 2, 2008.”

B. PBC Interlocal Agreement Lambda Rail

Dr. Arrington reviewed his memo regarding the Interlocal Agreement with Palm Beach County to share use of their Fiber Network for the District’s internet connection.

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

“THAT THE DISTRICT GOVERNING BOARD authorize the Executive Director to execute the Palm Beach County Interlocal Agreement for the Shared Use of the Palm Beach County Fiber Network.”

C. Chapter 31-13 Sewer Use Rule

Dr. Arrington reviewed his memo outlining the draft revision of District Rule 31-13 and the timeline for DEP’s review and approval, and recommended that no action was required at this time.

No action was taken by the Board.

D. Busch Wildlife Sanctuary Restated License Agreement

Dr. Arrington introduced and discussed the Amended and Restated License Agreement in the Notebook and read the one (1) correction to be made in the Restated License Agreement as follows:

“The District agrees to reimburse up to \$50,000.00 to assist Busch in obtaining or constructing an alternate structure to house the Welcome Center including site plan, plumbing, electrical, construction of a new entrance, or any other associated expense to the external area of the Welcome Center.” [“Welcome Center” has been inserted in place of “New Gift Shop”.]

The Board discussed the frequency of audits that Busch may require, and the consensus was to encourage Busch to periodic audits which parties making large donations have come to expect.

MOTION: Made by Mr. Rockoff, Seconded by Dr. Rostock,
Passed unanimously.

“THAT THE GOVERNING BOARD authorize the Chairman, Mr. Boggie, to execute the Restated License Agreement as corrected.”

E. Budget – General Assumptions Fiscal Year 2012

Dr. Arrington reviewed the FY 2012 Budget Matrix and the Board Members discussed their desire to balance rewarding District Personnel via salary increases and/or cost of living adjustments with their obligation to keep customer rates at the lowest reasonable level possible.

No action was taken by the Board.

F. Waste Management Purchase Order

Dr. Arrington reviewed Mr. Vaughn’s memo.

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

“THAT THE GOVERNING BOARD authorizes the Executive Director to execute Purchase Order #11-0425 with Waste Management in the amount of \$28,013.91 for the period April 2, 2011 through June 30, 2011.”

7. REPORTS

Reports 7B and 7H were pulled for discussion.

B. NEIGHBORHOOD SEWERING

Dr. Arrington reviewed correspondence from the Town of Jupiter recommending the delay of the Toney Penna sewerage project until the Town has determined the redevelopment plans for the area. The Board supported Dr. Arrington’s monitoring of the situation.

H. DIRECTOR'S REPORT

The Board reviewed the letter from the Office of the Governor regarding the implementation of Executive Order 11-58 regarding drug-testing policies and agreed to table discussion of the District's drug-testing policy until the legal issues of the Governor's Executive Order have been resolved.

The following reports stood as written.

A. SWA BIOSOLIDS PELLETIZATION FACILITY

C. LEGAL COUNSEL'S REPORT

D. ENGINEER'S REPORTS

E. PUBLIC INFORMATION REPORT

F. BUSCH WILDLIFE SANCTUARY (no report)

G. FRIENDS OF THE LOXAHATCHEE RIVER

8. FUTURE BUSINESS

The future business report stood as written.

9. COMMENTS FROM THE BOARD

The Board discussed the pros and cons of digital-device (paperless) versus paper-style notebook versions.

Dr. Arrington suggested the September Board Meetings be moved to Monday, September 26, 2011. The Board agreed.

10. ADJOURNMENT

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

"That the Regular Meeting of July 21, 2011 adjourn at 9:28 P.M."



BOARD CHAIRMAN



BOARD SECRETARY



RECORDING SECRETARY