

Ref: #21-2011

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT
REGULAR MEETING - MINUTES
OCTOBER 20, 2011

1. CALL TO ORDER

Chairman Boggie called the Regular Meeting of October 20, 2011 to order at 7:00 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

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. Lardieri from Aecom, Mr. Shenkman from DeSantis, Gaskill, Ms. Mathews from Mathews Consulting, and Ms. Studley and Mr. Fleming from the Gehring Group.

Also present was Mr. Hitzig from Busch Wildlife Sanctuary and Mr. Mathison, Mr. Weir and Mr. Hearing representing New Urban Dakota.

B. PREVIOUS MEETING MINUTES

The Minutes of the Public Hearings and Regular Meeting of September 26, 2011 were presented for approval and the following motion was made.

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

"THAT THE GOVERNING BOARD approve the minutes of the September 26, 2011 Public Hearings and Regular Meeting as submitted."

C. ADDITIONS & DELETIONS TO THE AGENDA

No additions or deletions were made.

3. COMMENTS FROM THE PUBLIC

Mr. Joseph Morel alleged that the Executive Director acted unconstitutionally because, allegedly, he told the Director of Engineering what to say during the Show Cause Meeting for Cakes & Candy Designs by Mary Lou, Inc., Mary Lou Atkinson, and Dennis Dempsey held August 18, 2011.

Mr. Shenkman recommended no response as the matter is on appeal.

4. STATUS UPDATES

A. LOXAHATCHEE WATERSHED STATUS

Mr. Howard reviewed his report on Flood Control Releases through the S-46 Flood Control Structure and the analysis of S-46 flow patterns over the past 40 years.

B. LOXAHATCHEE RIVER DISTRICT DASHBOARD

Dr. Arrington reviewed the District dashboard.

5. CONSENT AGENDA

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

"THAT THE GOVERNING BOARD approve the Consent Agenda of October 20, 2011 as presented."

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

A. Eagle Ridge Hold Harmless Agreement

"THAT THE DISTRICT GOVERNING BOARD authorize the Chairman to execute the 'Hold Harmless Agreement – Fence at Eagle Ridge' as presented."

B. Amendment to MacArthur Royalty Agreement

"THAT THE DISTRICT GOVERNING BOARD authorize execution of the First Amendment to Royalty Agreement, with The John D. and Catherine T. MacArthur Foundation as presented."

C. Florida International University Oyster Restoration Research

"THAT THE DISTRICT GOVERNING BOARD authorize a purchase order with Florida International University, in the amount of \$35,000, to continue Loxahatchee River Oyster Monitoring, in accordance with their Scope of Work dated October 10, 2011."

D. Amended Notice of Intent to Assess-Our Robbins Road

"THAT THE GOVERNING BOARD approve the Amendments to Resolution 2011-08, the Notice of Intent to Assess, the Pending Lien Notice, and the Exhibits for the Our Robbins Road Assessment Area."

E. Change Orders to Current Contracts

"THAT THE DISTRICT GOVERNING BOARD authorize execution of Change Order #1 to the Indiantown Road Master Lift Station Rehabilitation Phase III contract, reducing the contract amount by \$10,000.00 and adding 12 days to the completion time of the contract."

"THAT THE DISTRICT GOVERNING BOARD authorize approval of Change Order #1 to the Security Fencing Phase III contract with Daniels Fence Corp., and a \$5,000.00 contingency, for a total amount not to exceed \$33,000.00."

"THAT THE DISTRICT GOVERNING BOARD authorize Purchase Order #10-1203 to Bradford Septic in the amount of \$25,517.00."

"THAT THE DISTRICT GOVERNING BOARD authorize an increase to Purchase Order #10-0994 to the Solid Waste Authority of Palm Beach County in the amount of \$19,817.12 for a total PO amount of \$519,817.12."

6. REGULAR AGENDA

A. Consent Items Pulled for Discussion

B. Employee Health Insurance

Ms. Studley reviewed the status of the Request for Proposals, the District's claims history and provided an overview of the proposals received. Following questions from the Board, Ms. Studley also discussed the impact of Health Care reform on rates and reviewed various plan options.

C. Revision of Chapter 31-5

Mr. Shenkman reviewed his memo.

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

Passed unanimously.

"THAT THE GOVERNING BOARD approve the amendments to District Rule Chapter 31-5."

D. Revision of Chapter 31-3

Dr. Arrington reviewed his memo.

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

"THAT THE GOVERNING BOARD approve the amendments to District Rule Chapter 31-3."

E. DEP Suggested Revisions to Chapter 31-13

Dr. Arrington reviewed his memo and discussed various limits set by regulators for waste materials. Chairman Boggie noted these limits had been discussed at prior meetings and that Mr. Morel had left.

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

"THAT THE GOVERNING BOARD approve the amendments to District Rule Chapter 31-13."

A break was taken between 7:50 and 7:55 p.m.

F. New Urban Dakota, LLC Defaulted Developer Agreement

Dr. Arrington reviewed his memo.

Mr. Weir of Eastwind Development, LLC, representing New Urban Dakota at Abacoa stated his reasons for requesting that the defaulted developer agreement be reinstated and reviewed the terms under which such reinstatement might occur.

The Board discussed the various options available to the District and asked Mr. Shenkman to provide content for a Public Hearing for next month.

MOTION: Made by Mr. Rockoff, Seconded by Mr. Silverman,
Withdrawn by Mr. Rockoff.

"THAT THE GOVERNING BOARD direct staff and legal counsel to advertise a public hearing for November 17, 2011 and prepare for Board it's consideration of an amended "Standard Developer Agreement", form LRECD-102 dated 3/19/98 ("SDA") that reflects

that such agreement may be reinstated after default for failure to make quarterly service availability standby charge payments upon conditions to be approved by the Board and that the Governing Board "toll" the running of the 12 month period from October 20, 2011 until the amended SDA is approved or denied."

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

"THAT THE GOVERNING BOARD direct staff and legal counsel to advertise a public hearing for November 17, 2011 and prepare for Board it's consideration of an amended "Standard Developer Agreement", form LRECD-102 dated 3/19/98 ("SDA") that reflects that such agreement may be reinstated after default for failure to make quarterly service availability standby charge payments upon conditions to be approved by the Board and with fee and penalties the Board deems appropriate and that the Governing Board "toll" the running of the 12 month period from October 20, 2011 until the amended SDA is approved or denied."

7. REPORTS

F. BUSCH WILDLIFE SANCTUARY was pulled for discussion.

Mr. Hitzig gave a presentation on the status of improvements to the sanctuary.

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

Dr. Arrington reviewed the future business report.

9. COMMENTS FROM THE BOARD

No comments were received.

10. ADJOURNMENT

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

"That the Regular Meeting of October 20, 2011 adjourn at 9:24 P.M."



BOARD CHAIRMAN



RECORDING SECRETARY



BOARD SECRETARY