

**SEACOAST UTILITY AUTHORITY
REGULAR MEETING
&
PUBLIC HEARING**

December 21, 2011
Seacoast Utility Authority Board Room

MINUTES

CALL TO ORDER: 3:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL:

PRESENT: Robert Weisman, Vice Chair
Joseph Lo Bello, President Pro-Tem
Ron Ferris, Member
Jamie Titcomb, Member

ABSENT: Maria Davis, Chair

ALSO PRESENT: Nat Nason, General Counsel
Rim Bishop, Executive Director
Jessica Moore, Authority Clerk

*****OPENED PUBLIC HEARING*****

ORDINANCE NO. 1-2011, AN ORDINANCE OF THE AUTHORITY BOARD OF THE SEACOAST UTILITY AUTHORITY, AMENDING ORDINANCE NO. 1-1997 ADOPTING A WASTEWATER PRETREATMENT PROGRAM; REGULATING THE DISCHARGE OF INDUSTRIAL WASTES; PROVIDING FOR WASTEWATER DISCHARGE PERMITS, REPORTING REQUIREMENTS, FEES AND SCHEDULES, PERMIT SUSPENSIONS AND PENALTIES; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(Read by Authority Clerk Jessica Moore)

There were no comments from Board Members or the public.

MOTION

Board Members Titcomb/Lo Bello moved to approve second reading and adoption of Ordinance No. 1-2011.

The motion carried unanimously.

*****CLOSED PUBLIC HEARING*****

*****THE FOLLOWING ITEMS WERE PLACED ON THE CONSENT AGENDA*****

APPROVAL OF MINUTES FOR MEETING OF NOVEMBER 16, 2011

Moved to approve the minutes for meeting of November 16, 2011.

AGREEMENTS

A. OTHER

1. Lost Tree Village Right of Way and Easement Use Agreement

Consider a motion to approve Lost Tree Village Right of Way and Easement Use Agreement, as recommended by staff.

*****END OF CONSENT AGENDA*****

MOTION

Board Members Lo Bello/Titcomb moved to adopt the Consent Agenda.

The motion carried unanimously.

CUSTOMER REQUEST FOR ADDITIONAL SETTLEMENT FUNDING 621 WEST ILEX DRIVE, LAKE PARK

Executive Director Rim Bishop explained that a high percentage of gravity sewer lines in Lake Park are in easements running along the rear property line. Recently, the lines behind property at 621 West Ilex Dr. were replaced. Seacoast's contractor removed several easement encroachments behind the referenced property including a fence, trees and shrubs. Mrs. Jackson, the property owner, did not want her chain link fence replaced. Instead she wanted a fence which in her judgment would provide the same level of privacy as the trees and shrubs removed during construction. Seacoast added a coco plum hedge for privacy and offered her \$1,728 settlement in lieu of installing the fence and hedge. Ms. Jackson initially accepted, but then informed Seacoast that she would like \$2,300.

Addressing the Board, Mrs. Jackson noted that the work had entirely stripped her property of its screening. She stated that Seacoast staff proposes to install the new hedge in the middle of her property, and that is unacceptable to her. She is requesting the additional \$600 to offset the price of fencing material that will provide the privacy she seeks.

Mr. Bishop added that if the additional \$600 is approved, it will be paid by the contractor. Mr. Nason clarified that the contractor has no legal obligation to pay this additional cost, so in making its determination; the Board should assume that any portion of the \$600 it authorizes will be paid by Seacoast.

Mr. Van Williams of Deevan Construction expressed concern for the precedent that would be established by approving this request.

MOTION

Board Member Lo Bello moved to deny the appeal of giving Mrs. Jackson an additional \$600.

The motion was not seconded.

MOTION

Board Members Titcomb/Ferris moved to authorize payment of the additional \$600 requested by.

	<u>Yes</u>	<u>No</u>
Juno Beach		2%
Lake Park		
Palm Beach County	21%	
Palm Beach Gardens	60%	
North Palm Beach	<u>12%</u>	<u> </u>

The motion carried. 93% to 2%

CONCRETE COATING AND METAL PAINTING – PGA WWTP

MOTION

Board Members Lo Bello/Titcomb moved to award contract for PGA Wastewater Plant Concrete Coating and Metal Painting project to Atlantic Painting and Sandblasting, the lowest responsive bidder whose bid will best serve the public interest in the amount of \$159,700.00, as recommended by staff.

The motion carried unanimously.

SURFICIAL AQUIFER WELL REHABILITATION SERVICES

MOTION

Board Members Ferris/Lo Bello moved to authorize piggybacking of Palm Beach County Water Utilities contract/bid no. WUD11-005/VMG, System-Wide Wellfield Rehabilitation and Maintenance in the amount not to exceed \$200,000.00, as recommended by staff.

The motion carried unanimously.

OTHER BUSINESS

COMMENTS FROM BOARD MEMBERS

There were no Board Member comments.

STAFF REPORTS

Mr. Bishop stated the engineer's report and the financial report were in the packet. Engineering Consultant Dave Holtz was present for any engineering questions. Senior Accountant Christine Guison was present for any financial report questions.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) PERMIT

Attorney Nat Nason informed the Board that the SFWMD intends to discontinue further evaluation of Seacoast's Mirasol wetlands mitigation proposal. SFWMD has proposed a permit that will limit Seacoast's average daily Hood Road wellfield withdrawal to 10.45 million gallons per day (MGD), allowing average daily demand to increase to 13.8 MGD if Seacoast delivers an additional 2.1 MGD of reclaimed water to the Mirasol Eastern Lake Basin.

This condition is not acceptable to Seacoast. If this issue is not litigated in an administrative hearing with the SFWMD, then the ability to seek a reimbursement from Taylor Morrison will be impeded. The SFWMD has cut off the Mirasol Development from the C-18 canal, resulting in less Mirasol recharge water than previously in earlier years. The SFWMD is cutting back Seacoast's Hood Road permitted usage to 2006 pumpage; a decision which Seacoast believes is arbitrary and capricious. Harm has not been caused by Seacoast's preexisting permit allocation; to the degree that wetland harm would ever occur, it would be the direct and proximate result of SFWMD's failure to allow sufficient C-18 water into Mirasol as they contemplated that they would do in the granting of the permits.

Mr. Nason believes Seacoast should challenge this permit in order to protect Seacoast customer's right to the preexisting allocation and to protect their right of reimbursement from Taylor Morrison.

Board Member Ron Ferris asked if Seacoast could seek damages from SFWMD. Mr. Nason does not think that is possible but he will give me more thought.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

ADJOURNMENT

There being no further business to come before the Authority, Chair Maria Davis adjourned the meeting at approximately 3:27 PM.

APPROVAL:

MARIA V. DAVIS, CHAIR

ROBERT WEISMAN, VICE CHAIR

JOE LO BELLO, PRESIDENT PRO-TEM

RON FERRIS, MEMBER

JAMIE TITCOMB, MEMBER

ATTEST:

JESSICA MOORE, AUTHORITY CLERK