

**SEACOAST UTILITY AUTHORITY
REGULAR MEETING**

June 28, 2023

MINUTES

CALL TO ORDER: 3:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG

OATH OF OFFICE – DAVID DYESS, TOWN OF JUNO BEACH

ROLL CALL:

PRESENT: Ron Ferris, Chair
Robert Weisman, Vice Chair
John D’Agostino, President Pro-Tem
David Dyess, Member
Karen Marcus, Member

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

COMMENTS FROM THE PUBLIC

There were no comments from the public.

*****DETERMINED THE CONSENT AGENDA*****

APPROVAL OF AGENDA

Considered a motion to approve the agenda.

APPROVAL OF MINUTES FOR MEETING OF MAY 24, 2023

Considered motion to approve the minutes for the meeting of May 24, 2023.

AGREEMENTS

A. DEVELOPER AGREEMENT

1. Apex at Avenir Phase One

Considered a motion to approve execution of developer agreement for the project known as Apex at Avenir Phase One, as recommended by staff.

CONTRACT AWARDS

A. EQUIPMENT/SUPPLIES

1. Water Treatment Chemical – Sulfuric Acid

Considered a motion to authorize staff to approve extension of Water Treatment Chemicals – Sulfuric Acid purchase agreement with Sulphuric Acid Trading Company, Inc. (Satco) through July 2, 2024, at a price of \$318.00 per ton estimated annual cost of \$1,771,578.00, as recommended by staff.

B. PROFESSIONAL SERVICES

1. Hydrogeological Consulting Services Agreement

Considered a motion to approve Hydrogeological Consulting Services Agreement with JLA Geosciences, Inc. as recommended by staff.

2. Civil Engineering Continuing Services Agreements

Considered a motion to approve Civil Engineering Continuing Services Agreements with CES Consultants, Inc., Chen-Moore & Associates, EAC Consulting and Holtz Consulting Engineers, Inc., as recommended by staff.

MUTUAL CANCELLATION AGREEMENT – ALLIED UNIVERSAL CORPORATION

Considered a motion to approve Mutual Cancellation Agreement with Allied Universal Corporation, as recommended by staff.

RESOLUTION NO. 4-2023, AUTHORIZING FACSIMILE SIGNATURES ON BANK ACCOUNTS

Considered a motion to approve Resolution No. 4-2023, Authorizing Facsimile Signatures on Bank Accounts, as recommended by staff.

PARTIAL RELEASE OF WELL EASEMENT – BURNS ROAD COMMUNITY CENTER

Considered a motion to approve partial release of well easement – Burns Road Community Center, as recommended by staff.

MOTION

Board Members D’Agostino/Marcus moved to approve the consent agenda, as recommended by staff.

The motion carried unanimously.

*****ENDED CONSENT AGENDA*****

WESTERN MAINTENANCE FACILITY SITE DEVELOPMENT, CHANGE ORDER NO. 2 (N2003)

MOTION

Board Members Weisman/Marcus moved to approve Western Maintenance Facility Site Development, Change Order No. 2 (N2003) contract with Dickerson Florida, Inc. in the amount of \$154,900.38, with a supporting budget transfer of \$154,901.00 as recommended by staff.

Account No.	Project Name	Amount
R2392	Congress Utility Replacement	\$89,000.00
R2310	I95 at Northlake Blvd Interchange	\$50,000.00
R2304	Misc. FDOT Utility Relocations	\$15,901.00

The motion carried unanimously.

JASMINE DR. TO SOUTHWIND DR. FORCE MAIN AND WATER MAIN CROSSING OF NORTHLAKE BLVD. AND C-17 CANAL (N2020)

MOTION

Board Members Weisman/Marcus moved to award bid for Jasmine Dr. to Southwind Dr. Force Main Crossing of Northlake Blvd. and C-17 Canal to Sunshine Land Design, Inc, the lowest responsive bidder whose bid will best serve the public interest, in the amount of \$1,575,708.26, with supporting budget transfers of \$1,575,710.00, as indicated below and as recommended by staff.

Account No	Project Name	Amount
N2209	Jasmine Force Main Crossing Northlake	\$936,100.00
R2270	Richard Road and Prosperity Farms Intersection Improvements	\$639,610.00

The motion carried unanimously.

DESIGN BUILD AUTHORIZATIONS

MOTION

Board Members Weisman/Marcus moved to approve the following Design Build Authorizations in the aggregate amount of \$699,701.33, including supporting budget transfers in the amount of \$700,312.00, as recommended by staff.

Project	Firm	Amount
PGA WWTP Centrifuge No. 2 Addition and Belt Filter Press Elimination – Change Order No. 2 (N2217)	Globaltech, Inc.	\$175,786.33
Water Treatment Department Coating work, FY 2023 (O2309/R2340) – Change Order No. 3	Holtz Consulting Engineers, Inc.	\$524,525.00

The motion carried unanimously.

**JUNO ISLES PHASE 1 WATER MAIN REPLACEMENT PROJECT – JUNO ISLES
COMMUNITY PRESENTATION**

Jim Jackson, President of the Juno Isles Civic Association, presented the results of a community poll confirming widespread community opposition to the Authority's plan to concurrently install low-pressure sewer infrastructure with planned potable water main replacements. He cited that the opposition is due to high up-front cost to the homeowner, the requirement to maintain an onsite pump station for an additional monthly cost of \$100, in addition to the Authority's monthly sewer service charges; lack of fluid storage space for extended power interruptions in the Authority's standard pump station; and the residents' preference for a gravity sewer system, despite the associated initial cost and disruption.

Mr. Jackson reported that 180 of the community's 338 property owners responded to the survey, and that 177 respondents favored a pause in Seacoast's implementation of the proposed low-pressure sewer improvements. A pause would allow them time to work with the County on a gravity flow system; he noted that only 3 owners voted to proceed immediately with the low-pressure sewer system. Thus, on behalf of the Juno Isles Civic Association, Mr. Jackson requests that low-pressure sewer infrastructure not be installed and that the funds be reallocated to another community that seeks such service.

Board Member Karen Marcus stated that Lost Tree Village has a low-pressure sewer system in its community, and it has been working well. She added that the Village was also able to receive grants through the State program. Ms. Marcus added that there are grants available that would help with the cost of the actual hook-up and the County may consider changing its MSTU ("Municipal Services Taxing Unit") program to assist with these costs. Vice Chair Bob Weisman indicated that changing the MSTU has not historically been the County's position.

Mr. Jackson stated the Association has a meeting with the County scheduled to further discuss the MSTU program, but that it would be ideal if the Authority would allow residents to pay for the installation of a gravity sewer system through their tax bills, rather than being required to pay for installation upfront.

President Pro-Tem John D'Agostino asked if the main reason for objecting to the project is cost. Mr. Jackson responded that cost is one of the issues, but additional factors include the fact that the onsite pumping systems do not work when there is a power outage, and the concern that they would have to maintain the system through a \$100 per month maintenance contract, which the Loxahatchee River District does not assess.

Mr. D'Agostino stated there is no guarantee that there will be any sort of grant money available when residents may be asked or required to connect to gravity sewer in the future, and it will also be more expensive to connect in the future if the proposed work is not done now. Additionally, he noted that there are environmental impacts associated with septic systems that need to be taken into consideration. Mr. D'Agostino stated that he considers multiple factors, including cost, environmental benefit, and the general public interest when evaluating such matters.

Mr. Jackson stated that from the residents' perspective, Loxahatchee River District's program offers a much less expensive hookup and maintenance cost than the Authority, which he believes is something that the Authority should look into. They are also able to add these initial costs to a tax bill.

Attorney Nat Nason stated the Authority has looked into this in the past, and the Authority does not have the ability to assess costs through the tax collector.

Mr. Weisman stated that when it comes time to make a motion, he will support the Association's position. He stated this because there is nothing that will prevent them from proceeding with this in the future if and when the need arises.

Ms. Marcus stated she would like to wait to make a decision until after the Association is able to meet with the County Commissioner about the MSTU program. She also would like to see if there is anything the Authority can do to assist with cost, such as applying for State grants.

Chair Ron Ferris stated he agrees with Mr. Weisman, as Authority policy states the connection is voluntary and they cannot be forced to connect to the sewer system.

Board Member David Dyess asked about service area boundaries between the Authority and the Loxahatchee River District. Mr. Nason stated in the past, the Authority has ceded some of its service areas to ENCON, and it's possible it could cede this area to ENCON for future service if the Authority believes it will be in its best interest.

Mr. Dyess asked if the Health Department requires hook-up to the sewer system if the septic system stops working. Executive Director Rim Bishop stated that he had posed this very question to the Palm Beach County Health Department, and its response was considerably less than definitive, stating it will enforce the law while declining to offer its interpretation of the law or the manner in which it would be enforced. Mr. Bishop indicated that history indicates that property owners will not be forced to connect. Mr. Dyess added that he came from the City of Stuart where they rely heavily on low-pressure sewer infrastructure and there have not been issues with this type of system. What he does not understand is the additional \$100 per month maintenance fee that has been discussed. Mr. Bishop stated that Seacoast requires its low-pressure sewer customers to sign a service agreement that requires them to secure contract maintenance service for their pump stations. Mr. Jackson reiterated that the Loxahatchee River District does not require this third-party maintenance agreement.

Luke Connor with the Juno Isles Civic Association requested that the board direct a 6-month pause on the installation of a low-pressure sewer system. He stressed that all 338 Juno Isles residents have septic systems, causing no known harm to the waterways being identified as result of these homes having a septic system. Mr. Connor cited a Florida statute requiring connection to the central sewer system, once it is available for connection. However, the Florida statute allows the Health Department to manage the policy, and the Palm Beach County Health Department has stated that the policy exempts most of the Juno Isles homes from mandatory hookups. He stated that Mr. Bishop has also expressed that Authority policy does not require residents to hook up to its low-pressure system at this time. However, Mr. Connor noted that if the Health Department changes its policy, the Authority will be required to change its policy as well. Mr. Connor does not believe it's realistic for residents to be asked to pay for the connection cost upfront with no financial assistance, in addition to the monthly maintenance and usage costs that will also be required. Mr. Connor would like for Authority representatives to explore alternative policies and examine low-pressure sewer management practices similar to the City of Port St. Lucie and Martin County. He would like for the Authority to talk to elected officials and support staff, locally and through the State, to explore policy stabilization and support for financing options such as grants. He informed the board that Martin County has received a large amount of grants and believes this should be an option for the Authority, and the cost should be equivalent to replacing a septic system.

Jim Lilli, also with the Juno Isles Civic Association, is opposed to Seacoast installing the low-pressure sewer system. Mr. Lilli provided historical information, dating as far back as 3 years and 6 months, pertaining to the Authority's low-pressure sewer system master plan, in addition to items in the Authority's annual budget pertaining to an upgrade of the sewer system in the Juno Isles Community. Mr. Lilli stated that the Authority never informed the Juno Isles community of this master plan, nor were they provided the opportunity to voice their opinion on the matter. Mr. Lilli provided additional historical information on the grants that have been available throughout the State of Florida and Palm Beach County for various septic to sewer projects. He believes if residents were informed of the plan to convert Juno Isles from septic to sewer back in 2019 when the plan was originally made, they could have been involved in trying to obtain grant funding or inform the Authority that residents were not interested in the plan. Mr. Lilli believes that the high cost to connect to low-pressure sewer could even potentially force residents out of their homes, and he is not surprised at the results of the survey.

Ms. Marcus indicated she would like to wait to make a decision until it is determined if funding is available for this project. Mr. Dyess would also like to wait to make a decision. Mr. Weisman does not feel waiting is necessary.

Mr. Nason stated that if Roberts Rules are to apply to this proceeding, Mr. Weisman could not make a motion because he was on the losing side of the vote during last month's board meeting. However, he noted that the Authority's Interlocal Agreement states that the Authority Board should determine its own rules in conducting Authority business. Mr. Nason found no record indicating that the Authority adopted Roberts Rules, and therefore it is up to the Authority Chair to determine and enforce the board's parliamentary procedures. Mr. Ferris stated he would allow Mr. Weisman to make a motion. Mr. Weisman stated this is a follow-up meeting, and since staff added this item to the agenda, he believes there should be no objection to him making this motion, even under Roberts Rules.

MOTION

Board Members Weisman/D'Agostino moved to honor the request of the Juno Isles Citizens, remove the sanitary sewer design from the project and if new information comes forward before construction starts, it will be considered at that time.

The motion carried 88% to 12%.

YES: Palm Beach Gardens, Palm Beach County, Lake Park, Juno Beach

NO: North Palm Beach

COMMENTS FROM THE BOARD

Ms. Marcus complimented staff on the response to the sewer line break in North Palm Beach. Mr. Weisman complimented Juno Isles on their perseverance and research. Mr. D'Agostino thanked staff for the number of water main break repairs that were made in the Town of Lake Park due to construction. Mr. Dyess thanked Mr. Bishop for all of the information he was provided.

STAFF REPORT

Executive Director Rim Bishop stated the engineer's report and the financial report were in the packet. Chief Operations Officer Brandon Selle was present for any engineer report questions. Chief Financial Officer Daniela Russell was present for any financial report questions.

ADJOURNMENT

There being no further business to come before the board, Chair Ron Ferris adjourned the meeting at approximately 3:54 PM.

APPROVAL:

RON FERRIS, CHAIR

ROBERT WEISMAN, VICE-CHAIR

JOHN D'AGOSTINO, PRESIDENT PRO-TEM

DAVID DYESS, MEMBER

KAREN MARCUS, MEMBER

ATTEST:

JESSICA MOORE, AUTHORITY CLERK