

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON FEBRUARY 27, 2004, REGARDING STORM DRAINAGE

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 11:00 a.m. by President Allen S. Wyett. The following Elected Officials were found to be present on roll call: Mayor Lesly S. Smith; President Allen S. Wyett; President Pro-Tem Samuel C. McLendon; Councilman William J. Brooks; Councilman Norman P. Goldblum; and Councilman Jack McDonald. Also attending the meeting were: Town Manager Peter B. Elwell; Town Attorney John C. Randolph; Public Works Director Albert P. Dusey; Director of Planning, Zoning and Building Robert L. Moore; Assistant to the Town Manager Sarah Hannah; Town Engineer James Bowser; Assistant Public Works Director Paul Brazil; and Town Clerk Mary A. Pollitt.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Town Clerk Pollitt, and President Wyett led the pledge of allegiance.

III. APPROVAL OF AGENDA

The agenda was approved as presented.

IV. CONTINUED REVIEW OF CONCEPTUAL SITE PLAN FOR STORM DRAINAGE PUMP STATION (D-1) NEAR LAKE WORTH INLET

Wyett:

This is a continued review of the conceptual site plan for storm drainage pump station (D-1) near the Lake Worth Inlet. We understand the great concern of our neighbors who live directly near the Inlet and also the concern of their neighbors who live to the south who are often subject to flooding. We understand that people at the Inlet are living on high ground and don't flood, and the people living several blocks to the south sometimes do flood. We have re-studied the situation, and

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

I think I will call on Mr. Dusey who has several different solutions and will review them.

The following is a memorandum provided as backup for the following discussion:

TOWN OF PALM BEACH

Information for Special Town Council Meeting on February 27, 2004 at 11:00 a.m.

To: Mayor and Town Council
Via: Peter B. Elwell, Town Manager
From: Albert P. Dusey, Director of Public Works
Re: D-1 PUMP STATION SITE PLAN
Date: February 26, 2004

STAFF RECOMMENDATION

Staff recommends that Town Council evaluate several additional considerations in deciding the most acceptable alternative for the D-1 Pump Station.

GENERAL INFORMATION

Town residents have requested consideration of several additional alternatives for the D-1 Pump Station, as follows:

- 1. Expand the existing Station D-9 at Mediterranean and Lake Way.**
This would be our first choice if it were feasible. In fact, D-10 will be expanded as part of the overall drainage improvement program. It is not reasonably possible to expand the existing wetwell and replace the outfall pipe while maintaining storm protection for the basin during construction, which also happens to be the rainy season. In order to expand the wetwell, both the east and west sides of the existing station would have to be excavated and a new wetwell constructed. The distance between the existing building and adjacent property lines is only 11 to 12 feet. In addition, the outfall pipe would have to be up-sized (replaced) in an easement that is heavily occupied by adjacent property owners and runs nearly 200 feet to the Intracoastal. We cannot envision how one could reasonably accomplish the station expansion while maintaining existing pumping capabilities. Failure to do so would result in varying levels of flooding during summertime rainfall.
- 2. Locate the Generator/Control Building on the D-9 site.**

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

There is sufficient room in the southeast corner of the D-9 site to construct a Generator/Control building. A large electrical conduit with wiring would have to run about 2,000 feet under the street system to the pump station at the inlet. The remoteness of the control element of the building is of concern, but we believe we can overcome this problem. Because of access constraints to the new building, its cost will be higher than normal. For example, a crane will be needed to get the generator and other building materials to the rear location. We estimate that an additional \$300,000 will be required for this alternative, but it is certainly attractive from the standpoint of community impact. A variance for side/rear yard setbacks is expected to be necessary for this building. A control panel wall will also be necessary at the Inlet Dock.

FUNDING/FISCAL IMPACT

If the Control Building is sited at D-9, the additional project cost is estimated at \$300,000. At this point in the program, it is suggested that staff attempt to absorb this cost in the overall program.

APD:ms

cc: H. Paul Brazil, P.E., Assistant Director of Public Works
James M. Bowser, P.E., Town Engineer & P.W. File
Jane Skittone, Director of Finance

Dusey:

Good morning. For the record, Al Dusey, Public Works Director. Since our back up we gave you for the last Town Council meeting, we've done a number of things. First, we have met with ten to fifteen residents, they were coming and going for a bit, at the Inlet-area residents and the Attorney Barry Curtin, to discuss what was happening up there and about where things would be and just discuss some of the questions and issues. Out of that meeting came the decision to send an informational packet to everyone in the basin and that is from Angler Avenue to the Inlet, Ocean to the Lake.

The reason we did that – there is interest apparently, we would expect, for those who may have flooded back in the 2000 storm, and other people in the basin who travel in and about that neighborhood. Of course, the concerns about the proposed building that would block a substantial part of the view at the Inlet. So, we mailed that packet, and we did so with all the information that we had obtained up to that point, and that included a pretty good idea of the size of the control building, the siting of the control building which of course is greatest concern, I believe, we believe that the structure would be 15 ft. x 27 ft. in dimension with a height of either 15.7 ft. for a structure that has a slope roof and 12.4 ft. height for a building with a flat roof.

Again the mass of the structure will have a detrimental impact on the views that one will see from that area. We are not trying to say that it won't. We put it as far to the west as we can to try to minimize impact to the adjacent neighbors, but it is what it is.

The control building contains a generator that turns on automatically in times of power loss which can happen during rain storms. Of course, that's the current level of service being provided to all of our pump stations with the exception D-2 which is scheduled for replacement as part of our improvement program. We take great pains to sound proof these buildings. In this particular case, we have found a special muffler

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

that is used in hospitals that is, I guess, the best you can get as far as noise tennuation.

So, we now know about the size of the building. We know about where it is going, and we searched out other ways to provide a pump station. Of course, the station itself, the thing that contains the pumps is underground – it's actually located at the location of the original pump station that was in that neighborhood back in the 80's which was abandoned when D-9 was constructed so we have kind of migrated back. The problem – that's obvious to us, it's not obvious to everyone else is that we need access to a body of water to discharge the stormwater – either the Lake itself or, in this case, the Inlet. We are not allowed to discharge into the Ocean by State regulations. So, we need a piece of property where we can site an underground station where the road is large enough, and it has to be near the Lake so we can pump to the Lake.

We have permits, conceptual permits, for all the stations. We went through a process with the South Florida Water Management District and somehow convinced them that they should allow us to do these things. Again, what we are proposing is in response to the storm we had in November of 2000 that flooded, we believe, about 100 homes – first floor flooding of 100 homes and probably a whole lot more garages. It was a 100 year storm. It was 8 inches of rain water in 4 hours. A 100 year storm is that which has a 1% chance of occurring in any given year. It doesn't mean you have a 100 year storm in – you can wait a whole 100 years for the next one. You can get three in a row, you can get three in the same week, but of course that is unlikely.

The Town did a number of iterations on studies on flood routing on all the basins north of Wells Road, and this particular basin accepted or approved a level of service that would protect homes with the first floor elevation of 5.5 and above. In order to do that, a pump station needs to be sited around the Inlet, to collect water that would be coming from the east to the west in that area and also be inter-connected to the other pump stations so that if that starts flooding, it back flows into this station, because what we need more than anything is additional pump capacity to get water off the island when we get these helatious rain storms. So, we are very limited as to where we can place the pump station. Again, we have to have access to Lake Worth or the Inlet in this case.

We searched the basin to see if there was any way we could do that as part of the initial study. We actually took two of these streets off this basin and routed them to the next basin down – I think it is D-2, the next basin down. You can't do that with the whole basin because of the elevation changes – you would be digging holes in Lake Worth that might hit oil or something good like that, but they would be very, very difficult. So, we have done about what we can do as far as diverting some of this water to a different basin.

That's where we are with the initial stations – we have a station located in the cul du sac, underground, which will not be seen. We will have to access that on occasion to get the pumps out, so we will be in the neighborhood, and then we need some kind of control structure to get the electricity to that station and to provide the actual electronic mechanism to tell the pumps to go off and on and what sequencing and those kinds of things, because these are automatic pump stations. We don't have to be there to operate them. They come on when it rains. In fact, we have what we call a duty pump that comes on as we get little rain storms or infiltration into the system, and if we get a little bit of water into the station, it comes on and pumps it out.

That's the base alternative and that's what was presented to you last Council meeting and deferred to this Council meeting.

We looked at another alternative, and that is to provide a station without automatic emergency power. We started with two stations similar to that down at 16 and 18 which are in the southern part of the Town. We ended up putting generators back in as emergency back up after the stations were constructed, but what that entails is you build the regular pump station and this is a very large station – this is substantially larger than the stations I just mentioned down in El Brillo, El Bravo, El Vedado area. You build the pump station, and then you put the controls on a wall. You can have a hookup for an emergency generator for that purpose, but that would be a portable generator – that's one you bring to the site when you have a power failure, and all the control structure goes on this wall.

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

Now, obviously, the wall is a lot smaller than the building. It's base is fairly large. We dimensioned that as about 12 ft. long – the wall itself would be – I'm sorry, the base of that would be 8 ft. x 15 ft. pad – about 17 ft. – I'm sorry – about 8.5 ft. high or a little bit shorter than that, but it's only 10 inches wide, so it is fairly small. It is not significantly different that what we have at D-12 and we wanted to show you what that looked like.

Now, obviously, we take great pains to landscape, to minimize the impact. This is looking at the wall which is behind that hedge from the east. That's what it looks like from the south if you are looking north at it. That is about what you would see. In this case, it would be looking to the south at the Inlet. This is actually looking to the east, and that's the panel on the north side of the wall. You can see a lot of electrical gear has to go here. In this situation, we have a remote station with controls in it, but we need to have this wall because you have to have emergency disconnects and other control systems near the station for safety for the workers and by Code.

So, this is kind of what the wall would look like, although we do obviously landscape to try to minimize its appearance, but we believe we could site the wall in a way that would be less invasive to that area and would have less impact on the view. We would tuck it as far to the west as we could so we could landscape it so that it blends into the surroundings.

Again, the power is then run through that wall essentially and if we would have a power failure, we would have telemetry on the system that would call us and tell us that we have a power failure, and we would dispatch crews to pick up a generator and bring it up to the site and hook it up. I'm told that it takes two people, because the cable that you have to haul from the generator to the wall is so heavy that it takes more than one. We originally thought it would be one person, but certainly doable.

The down side of that is generally, bad things happen like power failures on Sunday at 2:00 a.m. in the morning during the rainstorm. You have to call the folks out and it takes them a while to get there, and it takes a while to get up to the station. It's possible at some point in time that you have flooding in the system because of our inability to get to the station quickly with back up power. It's fairly remote, but it certainly could happen and it opens the Town to that criticism.

The next alternative is to provide the wall and all of its electronic components and not have emergency power – just accept the fact that on those rare occasions when you have a power loss during the storm, the station will not be pumping. We've asked FPL for information as to often that happens. We haven't got a response yet. But we have lost power to almost all of our stations at some point in time during rain storms. I guess that is the time stations fail. At least you know what your level of service is. There is not an expectation that something is going to happen, and it doesn't because staff did not respond in a timely way or something like that. It doesn't happen that often.

Again, this station is intended to handle a very substantial rain storm in this system. This is something like we had in November of 2000, and that doesn't happen every day. In fact, as you know, everyday rainstorms we handle without difficulty with our pump stations and without any substantial flooding in Town. So, this station is really there to take the big, big horrendous rain storms that we get on occasion.

The fourth alternative is to back off totally and defer the project for as much as a year and look for other opportunities. This means perhaps buying a property somewhere if one would become available. We know that would be very expensive, but that is actually how D-9 got constructed. The Town actually bought a piece of property down on Mediterranean right off of Lake Way and built the D-9 station, and I think sold the remainder of the property after it was done. We wish now that we would have kept a little bit more back then, but we weren't here at the time.

So, looking for an alternative spot for the control building and/or the pump station, we are certainly willing to go through that effort, but you know it's kind of like a needle in a haystack situation. It's not likely to result in success even after a year or maybe two years, three years. We would like to keep the

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

control building within 800 feet of the pump station – that's not an absolute necessity but the further way you get, the more chance for problems that you get.

Of course, the very last alternative is to do nothing. I say that sincerely in that when we took this task on, I think even as a Town, we didn't know if we were going to get permits for these things, whether we were going to get permits for all the stations – there was a number of failure points that could come up that wouldn't allow us to build this station. If this station is just too intrusive, and we can't find an alternative for it, do nothing is a viable alternative – just don't build it. What you accept, obviously, is a lower level of service for this particular basin and the potential of flooding on a number of homes when we get a very bad storm.

We were asked by some of the neighbors in the area to look at some other alternatives, and of course we did as we said we would. The first was to expand the existing station at Mediterranean and Lake Way. As I said in my memorandum to you yesterday, this obviously would be our first choice. We are doing this at D-10, so I want you to know we are very willing to do this. It is not something that is contrary to what we would like to do. You need sufficient room to do that. You need to be able to do that while you maintain pumping capacity for your system. Right now all the water in this basin goes to one hole – this low spot – and it's pumped out by D-9. If you try to renovate that station, you have to somehow try to expand the wet well first of all, because it has to take more water and more pumps. So, you have to try to maintain flow during the rainy season when you are building it, and then you have to replace the outflow pipe because it is too small. The outflow pipe at this station is not located adjacent to the Intracoastal. It is actually about 200 ft. away. The outflow pipe actually runs through a 15 ft. easement to the Lake at the rear of the properties and is heavily occupied by both landscaping, walls, and other such things. We have some pictures of that, but I don't think you necessarily need to see them, unless you would like to.

We do have a shot of the plan for the station. You can see on the bottom – the outfall pipe coming out. We have very limited area between the existing station and the sides. This is where you would have to expand the station to get a different wet well capacity. You need to get – to be able to take more water into the station and provide more pumps to take it out of the station. This is very confining. If this were larger, this would be a feasible alternative. In fact, at D-10, again, the site is big enough that we can expand the station and maintain the flow at the same time. This we do not think we can do that. You would also have to replace this entire pipe with a larger pipe which would be a challenge – particularly during the time when it is raining and that's when you build these things, in the summertime.

We can't envision how you could actually do this and maintain flow at the same time. This was built at a time when the storm sewers flowed by gravity to the Lake, and all these new pipes were put in and brought to this station. So now this is the collection point and the distribution point into the Lake. If there are any pipes that still flow to the Lake out of this system, I'm not sure where they are, but there may be a couple.

When it rains everything comes from the east and the north down to this location and comes into this station and gets pumped out. We don't think we can do that – expand this and get it to work. We can see, however, that there is a corner of this property, and it was asked, 'Could we put the control building here?' The answer is 'yes'. We think we can. We think we can site it back here so that it doesn't interfere with that pipe, and run conduit and electrical cabling about 2,000 ft. through the road system, underground, up to the station. That means all the power for the station up at the Inlet would actually come from this location, both FPL and emergency backup power. Again, size wise, we think it will fit. Construction wise, it would be difficult and expensive, because you are going to have to – this is so confining that you are going to have to bring building supplies and other things probably, in some cases, by crane in order to get it back here. So, you are going to pay a little bit of a premium, but it is a doable thing. It's a site that already houses a pump station so just like our D-4 situation, I think, is more palatable to the community, because they already have something here. Of course, it is heavily landscaped on all sides. I don't think you can see the stations from the neighboring properties.

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

One of the down sides, and we don't want to over state it, but now we are 2,000 ft. away from the station with the electrical control systems. We are about 800 ft. over at D-12 and my electricians don't sleep well at night when it is raining, because of that. The further away you go, the more potential there is for problems with the control systems and causes the pumps to go off and on when it is raining, but according to electrical engineers, you can do this, and we don't doubt that. There may be other ways to control the generator, perhaps by telemetry systems where you send signals back and forth, but we are willing to try all of that to make it work, it this is what you would like to choose.

So, those are all of the alternatives that we have considered. The cost of the last alternative, we think, is about \$300,000 more than doing any of the other things that we had talked about. The wall with all of the electronics and the emergency generator would probably be a little bit less than building the control building. I think we could probably save some money there. Of course, you give up a little bit when you do that. We think, given the status of our drainage program, that we could absorb this – we would certainly try to absorb this \$300,000 in the program, but we saved a lot of money on the initial construction on Lake Way and some things are going to go over and some things are going to be under, but in the whole, we would hope that we could take care of the additional funds if you want to go in this direction. So, we are prepared to try to answer any questions that you might have.

Goldblum:

Al, when we foresee storms coming, do we not bring in people on site to clear sewers and things like that? Don't we have an emergency crew that we always have available and bring them in?

Dusey:

Yes, we have a crew that is aware of what they need to do if we get hit by a good storm. We actually stage a person or two when the prediction is for a heavy rainfall. We bring them into Town ahead of time, but more important, we have telemetry on our systems now that is set – we're the first ones in this State, maybe the country to do it – but when it rains at a certain level, it calls us and tells us it is raining – it's raining hard, come on out.

Goldblum:

What I am driving at is that we can get an electrical generator on plan 2 where that electrical panel wall is in time to forestall any flooding. Am I correct in my thing, or not?

Dusey:

Well, yes and no. It depends on our ability to get there. When this happens at 2 o'clock in the morning on a Sunday morning, and it's really raining hard, and the system says come out because it is raining hard, and we have it set so we will be out when we don't need to be, quite frankly, we have it set conservatively because we don't want bad things to happen, the person still has to drive in. Of course, he is driving in during the worst conditions you can have, you know, at night in a down pour. We would expect that we could get a generator there fairly quickly. It could be a circumstance where we don't make it in time, and it is raining so darn hard that we start to get some street flooding. Raining perhaps even a little bit worse than that, but we think that it is not a bad alternative, quite frankly. The wall with an emergency portable generator backup is a pretty good alternative.

Wyett:

I just want to remind everyone to turn off their cell phones. Mr. Elwell?

Elwell:

Thank you, Mr. President. I just wanted to phrase that slightly differently and really emphasize what Mr. Dusey just said. I think the bottom line, Mr. Goldblum, for all of you is that we can't make the same assurance, we can't provide the 100% assurance to the residents that is provided by a built in place emergency back up system, but that 'yes' we would anticipate that both through modern weather forecasting and through steps the Town has taken to have the emergency alarms go off when there are heavy rains or there are any malfunction within the system. The telemetry system alerts the appropriate people. The

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

appropriate people respond. We've set up teams of people to be on call to come out as fast as they can get here, but relying on that system instead of relying on something that kicks on mechanically as soon as the power cuts out is something that is less full proof, and so it is only important to know – we have a lot of confidence in that system. We don't think that it leaves the community irresponsibly vulnerable to flooding. We wouldn't predict that flooding would occur indeed in the manner you would predict if you did the wall rather than the building but didn't provide any emergency backup – didn't provide the portable generator which I think is option 3 here. If you selected that, as Mr. Dusey identified in his presentation, you've identified explicitly a lesser level of service, and the expectation would be if the power goes out, there will be some flooding.

With the portable generator, the expectation is that we would get here in time and there wouldn't be flooding but we can't make the same promise to the community that we can make if it is housed in a building and turns on automatically. It's just important that you understand that - slightly less level of assurance.

Wyett:

Mr. McDonald?

McDonald:

Thank you. Mr. Dusey, would you clarify for me – my understanding is that if you were building, enlarging this station, you wouldn't have drainage capability at that time. Is that what you said?

Dusey:

Yes, sir. You have to maintain the ability to pump the water out that comes to the station, and we don't see how you can do that given the confinements of that station. There is just not enough room to do what you need to do to expand the wet well and maintain your pumping stations to get the water out when it rains.

McDonald:

Then how is this an alternative if you can't do what you need to do?

Dusey:

It's not an alternative. I'm sorry. The expansion of that station itself – trying to get a bigger wet well, trying to get additional pumps, we don't think it is feasible. I'm sorry I didn't make that clear.

Elwell:

I'm sorry. We had previously indicated in the original backup on this matter, a couple of weeks back, that had been examined by the engineers and determined not to be feasible as an alternative, and we were asked to take another look at that and confirm that was a proper judgement that had been made – that there really wasn't some way that it might be able to be accomplished, so the purpose of going through that today was to advise you and to advise the folks who had asked us that indeed it was re-examined and indeed it is not a possible alternative.

Dusey:

But the second alternative – the second piece of that pie was putting the control station – generator station on this site and running wires up to the Inlet. That is feasible, some problems with it, it is not ideal, but it is workable.

McLendon:

What controls the height of the building? It isn't the engine is it?

Dusey:

It's the – mechanical systems have to and control systems have to be above 7.5 which is the flood elevation for the Town. We start with anything mechanical or electronic at 7.5 and then go up from there. How low your ground is, you have to go up to 7.5 and then you start putting your stuff in.

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

McLendon:

Would that include the beams underneath the engine, to support the engine? I would think that they would not have to be above that.

Dusey:

The fuel system – you buy these generators and they have self-contained fuel underneath, and I don't believe that is at 7.5, that's below 7.5.

McLendon:

I'm firmly convinced that this is where you and I proposed it – that's where the station should be. It's a natural location for it. It's a low spot, easy discharge facilities, and at one point, I think the proposed station was back at Ocean Bay Terrace – near the Lake – wasn't it? I did not agree with that location.

Dusey:

Early on in the study, there was a vacant piece of property, south of the existing station, and I think we looked at purchasing, but it didn't give us the relief that this does. When the engineers saw this opportunity, they were very pleased with the feasibility of doing this and how much...

McLendon:

I'm not suggesting that I want to go back and look at it. I was happy when you got rid of what I thought you had proposed previously.

Dusey:

The other problem is that the plumbing that was put in about twenty something years ago with the new station would have to be replaced if you keep bringing the water there. What we are trying to do is to get water out of the system before it gets there.

Wyett:

Mr. Brooks?

Brooks:

Thank you, Mr. Wyett. Al, just so I think so we can remove consideration of D-9, did I not hear you say we would have to increase the size of the pipe that would discharge the water into the Inlet, and would that require an additional permit from the South Florida Management District? Because they have permitted us now at whatever 'x' thousands of gallons would be discharged, but it would require an additional permit?

Dusey:

It would. I'm not sure they would be adverse to that, but the actual stations that we built in the early 80's predated the necessity for permits, so none our stations - the old stations - are permitted anyway, and if we do anything to them, we have to re-permit them.

Brooks:

Did I also hear you say that it would extend the electrical connection to 2,000 feet?

Dusey:

That's if we put the control building generator here instead of up at the Inlet. We have underground wires that go about 2,000 feet to get up to the station.

Brooks:

And did you estimate an additional \$200,000 and \$300,000? I think that if we look at it then, D-9 is probably off the table. I think also number 5 which is off the table - the total 'do nothing' in light of – it would be greatly in conflict with the Strategic Plan. So, Mr. Wyett, I tend to think that we are down to 1 or 2, alternative 1 or alternative 2, further discussion unless there is any public discussion.

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

Wyett:

Mayor Smith has some comments.

Smith:

Al, can you tell me, by the street names, what is the area that we are talking about here? What are the blocks – from the Inlet to where?

Dusey:

Take from the Inlet – all the way to Angler. Are we talking about the basin, Mayor, or just what this pump station is going to collect?

Smith:

Yes. The basin.

Dusey:

The basin goes all the way from Angler to the Inlet, Ocean to the Lake.

Smith:

And as I understand the houses directly on the Inlet, within a block of the Inlet, do not suffer any flooding problems.

Dusey:

That's correct. They are on the higher side of the basin. When you say 'basin', it literally slopes down to a low point.

Smith:

And which are the streets that have the worst flooding?

Dusey:

That's down toward Mediterranean, Lake Way, in that area. It's all the streets, but they are concentrated more in that part of the basin – that's a lower part of the basin.

Smith:

I think it would be interesting – we have the Inlet owners here who are not flooding and don't want the house next to them and then we have the ones 4 and 5 blocks away who are flooding and do want the problem solved, so I would be interested to hear what solutions and compromise the people here today are going to come up with on this. I think the thing to do would be to do nothing and then tell all the people in the flood area to notify the real estate brokers that their houses flood when it rains. So, there has to be a compromise here, and I am sure that with the neighborhood discussions that they have had, there is some thought on compromise – aside from Mr. Curtin's big, blue building. I thought it was a blue blob, but he said it was a blue building, and so that would be my thought to hear from them right now.

Wyett:

I would like to add in a comment. The emergency system is designed to take over when we don't have normal electricity. Well, we are entertaining, though we haven't made any decisions, about underground wires. One of our problems in Town is if one electric pole goes down in the system, we lose electricity for many, many blocks – maybe a whole side of the island. When we put the north/south wires underground, should we decide to do that, the reliability of our electrical system will vastly increase which would take us up through a hurricane 3 or a major storm. Should be we have a storm at level 4 or 5, the island is under water, all the pumping capacity in the world won't help us.

We also have, as we all know, a new wire coming across the Inlet, and we should investigate to find out if this electrical generation system could be hooked up directly to that new wire, so that we have dual service to this generation system which would give us back up – which would affect the type of reliability we would

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

have in this generator, so we could build the pump station in the circle there, make that decision today, and possible defer the type of service for the emergency generation system until we have a better idea of the type of electrical system we would have. If the Council reaches a decision, which would be done this season hopefully, elects to go underground, and we could allow you more time to study that so we would have the pump system that would work for the basin which most of the time, because it's rare to lose our electricity as you pointed out, and it would give us a greater understanding; it would give protection for the type of storm we had yesterday which had it continued a little longer, it might have given those 29 homes a little problem, and it would also allow the residents of the Inlet some comfort, and at the worst they would have a wall, if that is the best we can do, or some other type of system, but they wouldn't have the building. At the very best, they might not have the wall, but we can't promise that yet.

Dusey:

The wall has to be there. You have to have electrical controls and panels and those kinds of things have to be above elevation. That's an essential part of the station no matter what we do.

Wyett:

My opinion is that we can't reach a total decision today, because there are other factors coming in. The other question is: Why are we using diesel fuel instead of gas? Is there any reason for that?

Dusey:

If I am not mistaken, I think the gas company turns the gas off during storms – during hurricanes particularly, because a lot of their systems get ruptured. That's their experience in Dade County. In fact, a lot of underground systems as trees bend over and such, they actually pull up piping. So, I think that as a precautionary measure during the hurricane, the worse situation, I think they shut the system off.

Wyett:

Okay. Mr. Goldblum.

Goldblum:

Al, I heard you say you're electrical people don't sleep well, even with an 800 foot line from Seminole to Everglade, and now you are saying that a 2,000 foot line is reliable?

Dusey:

It's problematic, but the engineers say you can do that distance. It's just the further you go, the more that can go wrong. Someone is digging, digging and they pull it up by accident, we've got a serious problem. We're out of business for a while.

Goldblum:

All right. The next thing is, you say we have to put up a wall with all the electrical controls no matter what we do as long as we put the well there. Is that correct?

Dusey:

The electrical stuff is either in the building or on a wall. Those are the only two choices that you have.

Goldblum:

It will not cost that much more, and that's what Mr. Wyett suggested, to put the emergency electrical connection on that wall and go forward from there. If we want to change something later on, we can do it, but the electrical connection for an emergency is there in case there is a major storm.

Dusey:

Yes, sir. You would want an automatic transfer switch on that. I don't know what it would cost at this station. Typically, they are \$20,000 - \$25,000. We can hold off on the generator if Council would want to do that.

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

Goldblum:

We have generators in stock – emergency generators.

Dusey:

We have two, but they are actually committed to different parts of the system for the same purpose.

Goldblum:

How much are they?

Dusey:

\$60,000 - \$70,000. This is a very large one. I don't want to give you the wrong number on that. We don't have a number of that yet. The ones that we have cost in that range. This could be a lot more. This is a BIG generator.

Elwell:

That's a point I wanted to add right there as well. Because of the size of this generator, and again we view it as a very feasible alternative in order to address the concern about the viewscape. So, we don't mean to discourage you from seriously considering it. You need to know what you are considering and if you move that way what you are deciding upon. It would be a very large generator which raises some issues – some logistic issues which we can address, but it makes it more cumbersome and again when this thing is going to get transported out there, it is likely to be under the worse possible circumstances. At least it's heavy rain – might be in the middle of the night. We'll need at least two people operating it. So, it can be done. We again just want to reinforce that it is a less cost alternative than building the building. It is also a less fool proof and dependable alternative, and you just need to accept that, and if you can accept that, weighing all the pros and cons including the viewscape issue and the neighborhood impacts, it is a reasonable way to go. We don't have a firm price at this point because of the size of it. The other thing that makes it a little more cumbersome, a little less reliable, is the fact that you have to re-fuel it during the storm – if the storm goes on for hours and hours where the built-in-place system has a tank and can operate for a longer period of time than what the portable can. The portable needs to be operated manually and re-fueled during the storm event if the storm event goes on for a while.

Wyett:

Mr. McLendon?

McLendon:

Yes. I want to make a comment about the possible wall. Aren't you concerned about the vandalism on the instruments and the equipment on that wall? I wouldn't want a wall with all my pump station controls out in the open.

Dusey:

Well, we haven't experienced that at 12 yet. We may want to fence it and then landscape it, just to make it a little more secure. That area is used by the public as you know. The Inlet dock– there are people who go up there and fish and whatever.

Elwell:

For the small additional cost, we would probably plan to do that – put a fence and a gate on it and then put the hedge around that.

McLendon:

I'm not suggesting that we do that, because that is not the alternative that I lean toward. I lean toward the station with the building there.

Brooks:

Al, can you ballpark for me the gallon capacity for the portable generator that we have been talking

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

about? Would it be 100 gallons, would it be 10 hours.....?

Dusey:

A hundred or less, and I think it is a matter of hours – 3 or 4 hours – something like that, but decent. It's not terrible, they serve the purpose.

Brooks:

I really am leaning towards the portable generator approach, realizing that it perhaps does not have the reliability that the permanently installed generator would, but, again, if we are under a hurricane watch, that gives us at least 48 hours before anything could hit. Tropical depression – not quite as much, but I think that in light of--- this building is just awfully cumbersome for me to look at, and I would, subject to what the Council wants to add or the citizens want to add, I would go more with the electrical panel. I think Mr. McLendon's point on attempting as humanely possible to prevent vandalism is a very valid point.

Wyett:

I would like to go to the – ask anybody from the public here who would like to talk to come right up now at this point and express your viewpoints.

Dusey:

Mr. Wyett, while we are waiting for that, I would just like to make one comment. With the hurricane coming, it would be in place for a period of time. They would pull it, because it is not protected from flood stage, and once it would go under water, it would be of no value to us. We would get it on higher ground so we would n't be pumping. In fact, our stations actually shut down once the water starts coming overland.

Wyett:

Mr. Zisson, would you identify yourself please?

Zisson:

Yes, I am Jimmy Zisson. I have lived in the north end for 26 years. I currently live at 1600 North Ocean Boulevard which is about a block and one-half south of the Inlet, and prior to that I lived at 208 Indian Road which is a block away from the Inlet.

I am happy to be here today talking about something that is secular and not religious. Good to see all of you under those conditions.

My only sense is that the proposed \$2 million north end Inlet pumping station to protect private property, with pre-existing conditions, is mis-placed, and here's why: I know we haven't talked about the \$2 million overall, but in conversations with Town officials, that is the number I understand that this will cost. I really think that the next \$2 million that this Town spends, should be spent on EMT, Fire and Police and staffing equipment that would potentially save lives every year and every where in Town instead of a new pumping facility that the Town Public Works officials say has a 1% annual probability of being necessary in any particular year.

If taxpayers money were no object, there are two big ironies to me with regard to the proposal. One is that we just got hit with a 100 year storm in November of 2000, and none of the areas indicate in the engineering study adjacent residents who are here with me today were in fact flooded for any period of time in the houses that were indicated to be flooded in that kind of a storm, so I am not sure of the accuracy of the work that has been done in projecting the flood areas; although, I can understand the reason they are shaded is because they are below either the 5.5 or the 7.5 elevations that are required.

To my memory, the only housing structure that has been totaled by severe flooding in the last 25 years that I have lived in the north end was Annie's Inlet Dock House. Guess where that was? I think it was around Thanksgiving of 1984, the same fall that the Mercedes tanker landed – in the same storm – the

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

Mercedes tanker....

Smith:
'87.

Zisson:

Thank you.....landed in Mollie Wilmot's back yard, and the joke is, this is precisely where the new pump's generator station is proposed to be built with a new panel. Simply put, it is the most vulnerable point in the north end based upon past experience. That dock was taken out and that generator, I believe, that panel would be taken out by high water from a storm surge, and this was an unnamed storm, not by a lot of rain fall. I have seen major flooding in and around Bradley Place during the above times. I understand that is now alleviated by the recent and expensive improvements there and also along major portions of North County Road. I am not sure what has been done about that, but bottom line is I don't know of – and I'm sure there might be – any structures that have been totaled apart from Annie's Inlet Dock House by severe rain falls other than the one above.

On the other hand, we have a number of 50, 60, 70, and 80 year old houses in the north end, on both non-conforming and conforming lots, that have taken everything that Mother Nature has thrown at them and are still standing. Seems to me that property owners of non-conforming lots, and I was one, and their homes are aware of pre-existing conditions including the flood risk when they bought the property. If not, shame on the realtors and shame on their closing attorneys. It's their choice to live there. It's also their choice to improve it to become conforming with the above 7.5 ft. new FEMA required grade and the drainage and run off systems that Building & Zoning rightly require for all the new builds.

I don't think it is really the Town's or the taxpayers' responsibilities to spend a great deal of money, in this case more than \$2 million, removing any and all storm water flood risks to these properties. As an aside, I think we should require higher special assessments for all new builds to amortize these infrastructure upgrades. It seems we are doing a lot of them.

I am not an engineer, and I think that Mr. Dusey and his staff and Mr. Elwell have done a terrific job giving the alternatives and proposals for what the strategic plan has called for, but it seems to me in the alternative and for a fractional cost, the Town could buy or lease or arrange for contingency access for a heavy duty portable pumper, trucks, and tankers that were mobile and could be used where and when – to handle heavy flood conditions. I am not sure that is feasible or not, but it seems like it should be a contingency that deserves further study, particularly in the worst hit areas.

I think the Fire Department already does this in some of the bad flooding that we have. The Town could also source and arrange for advantageous group pricing of individual generators and heavy duty pumps that homeowners in particularly vulnerable areas could acquire for private property protection. Again, to source, not to pay for this.

Perhaps, the Town could source but could not underwrite special group supplemental flood insurance in lieu of FEMA, because FEMA won't insure properties below grade for those wishing to take out such insurance. Seems to me that individual property owners could replace their hardscape asphalt, paver or brick drives and walkway areas with more porous materials like gravel and water retaining landscape. Install robust on-site drainage and run off systems. I have seen houses with uses for berms that seem to do well, and you know people use sandbags in low land residences and other municipalities and towns.

Again, the Town has a tremendous staff, and I think in this case that we would be well advised to re-look at some of the alternatives that might adequately, if not definitively, address the street flooding problem that we experience, but I think the big priority should be the public safety of all the Town's residents to the fullest possible extent instead of protecting certain private property which I think this \$2 million proposal winds up doing.

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

For me, there are 3 other things that we could do right away that I think that are a lot more important. The most important one is to have robust and reliable cell phone coverage on the entire island by all the major wireless carriers. I think it is a much more imminent public safety need than building pumping stations. Simply put, there has to be some unobtrusive locations throughout the Town, if the Town would allow, for carriers to deploy new multi-ray antennas to be deployed while also adding to the Town's income and its safety.

I went to check up on an elderly friend, who has since passed away, about a year ago, only to find him locked inside, screaming on the floor with a broken hip and I couldn't get a signal on my Verizon phone to call an ambulance. That shouldn't happen anywhere to any cell user in Palm Beach, not on Bahamas, not on Worth Avenue, not going south to Mar-a-Lago, not around our schools. It's a joke, and we need to fix that now.

The real environmental hazard I've seen over the last two years, and I think Mr. Wyett referred to it, are the arcing electrical transformers that start small fires in adjacent trees, downed live utility wires that lay in pools of water blocking roads and causing major hazards. This is much more of a public safety issue than pumping stations and this should be addressed now in my opinion.

Finally, I think this Council and the Town would benefit a lot from the use of the Palm Beach Adelphia local public access channel – I believe it is channel 18 – to telecast all Council meetings – much like a Town of Palm Beach C-Span. I am told meetings are now available on live audio via the Internet; however, as a practical matter, more people watch cable than listen to meetings over the Internet – just check the C-Span ratings. This would go along way to involving all Town residents in Town government process. But, again, I think we have things that are nice to do, and I think this falls in the nice to do category, but I think there are things that we need to do, and I think that in this case our priorities are somewhat misplaced, and I would urge you to reconsider some of the alternatives that have been mentioned here today.

Thank you.

Small:

My name is Ann Small, and I am speaking for myself. I have been a resident of Palm Beach for 34 years and have lived in the same house on East Inlet Drive with my husband and 4 children. I am against the construction of the generator building, panel, and wall. I feel alternatives should be fully evaluated. It might take some time, but the Town Council should do that. I can remember when it was Annie's Dock House many years ago, and my family would get bait, ice cream, and cold drinks. When Annie's Dock was removed after the hurricane, there was a commitment by the Town to not build anything in that area again, because they never wanted, as the residents did not want, the view and the access to be compromised. I feel very strongly that our Town should find an alternative site for the generator building, panel, or wall.

Thank you for allowing me to speak.

Wyett:

Is there anyone else?

Eigan:

My name is Robert Eigan, and I live at 1616 North Ocean Boulevard which happens to be directly next to the dock.

Actually the last two speakers have taken some of the things that I wanted to say. I've lived up there now for 26 years in one house, but we've lived up in that area for almost 38 years now, having leased a home – my wife's parents leased a home two doors from the dock on East Inlet Drive.

The character of that area is different than the rest of the Town, and those of you who don't live up in that area and don't spend a lot of time up there, don't really understand it. Both of the previous speakers

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

referred to Annie's Dock House. Well, for those of you who didn't know it, there was a dock there - it was a wooden dock - and there was a house, built on the dock, and it included a garage. Annie parked her car there and ran this - she had bait and everything else like that, ice cream, and sodas and whatever it may be - but I remember taking my daughter out there, and my daughter is now 38 years of age, but I remember taking her out there as a child.

To treat this subject, shall we say, in the fire house manner in which you have treated it up until now, I think is terrible - it's objectionable to the residents who live up there. Previously, and I'm talking about a lot of years ago, because I built some buildings here in this Town a long time ago, we used to have workshop sessions where a subject like this that was so important to the residents of an area would be brought up in a workshop rather than be brought up in a public meeting where a decision was supposed to be made at the end of it. We haven't had a pump station that worked as well as it should from what you are saying in that area since the Town was founded, and I'm sorry, I'm not knowledgeable enough to know when that was - but to do it now and, frankly, to have surveyors out there this morning, deciding where things are going to go and marking up the streets - when this hasn't even been decided yet, is quite objectionable to all of us.

Another year is not going to do anything to any of you - to this Town or to that project, but I will tell you something, it is going to at least allow the residents in that area - be that Mayor Smith as you say - coming from the low-lying areas or from the high-lying areas - it will give each of us the ability to voice our opinions and work with the Town. I have some basic questions about this whole system, even the one that is proposed to be built now - number 1 of which: Where is the outfall going to be? And if it is the current outfall that's there now, during a storm, it gets covered, and I wondered how they are going to be pumping water into the Inlet if the outfall is going to be covered. We don't know the answers to these things, and it's unfair to you to be presented with these things, and please, Mr. Dusey, I am not asking for any specific answers at this moment in time, but I am just saying, it's unfair to you to be presented with these decisions without having had a proper lead up to that.

I thank you for your time.

Smith:

I can tell you that when this subject was brought up at the last Town Council meeting, it was mentioned that the Town Council have a work shop. The Council said, well, let's make it a regular Town Council meeting so people will see how important we feel it is. So, this could have been called a work shop, but it was never the intention of the Council to make a final decision today. This is the beginning of the process for the north pump station, whether it will or will not happen. It's not the final thing today.

Eigan:

Are you saying that no decision is going to be rendered today?

Smith:

It was certainly the purpose of the Council when they put it - to have this special meeting, that a decision would be made today. This is the beginning to hear from all the residents and the people who are interested in this. We could have called it a workshop. Next time, maybe we should call it a workshop, and everybody will feel more relaxed.

Eigan:

Calling it a workshop - you send out an agenda of what is going to be discussed at a workshop, and so that we, and I'm talking about the residents, if we have an interest in it, can actually be focusing on parts of it. One of the things Mr. Dusey said was asking FPL exactly what their experience has been in terms of no power available during a storm - during a rain storm - we don't know the answer to that.

Smith:

Well, what he did say about the gas company turning off the gas, they told me they do turn off the gas

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

in the event they —no — I'm just telling you the question of whether Mr. Wyett said do we use gas or diesel? It's diesel, because they do turn off the gas lines. They told me that, because I was just looking into getting a generator.

Eigan:

You're talking about running a generator. I'm talking about whether the power to the pump station itself actually goes out.

Smith:

Sure. This is what we're here to talk about today. You know, there was an agenda for the meeting today.

Eigan:

Yes, ma'am. We certainly do, but we certainly don't have answers to all of these things, and we were led to believe that you were going to be rendering a decision today.

Smith:

Oh, maybe you read that in the Shiny Sheet. Can't believe everything you read in the Shiny Sheet.

Wyett:

Mr. Eigan, I think what you are stating is that you are asking the Council not to reach a decision today.

Eigan:

That's exactly what I am asking.

Smith:

And there was nothing determined that it would reach a decision today.

Wyett:

Mr. Eigan, having it a regular meeting allows the Council to reach a decision but doesn't mandate it.

Eigan:

I certainly hope you won't be mandated to do so.

Elwell:

May I speak to that timing question?

The reason that Mr. Eigan spoke in the manner that he did, and the reason that the other people in the room feel as though you might be headed towards making a decision today is because I've led them to believe that, and the reason that I have led them to believe that is the same reason that we did mention when this item was briefly considered at the February 10th meeting, that in order to stay on a schedule that would allow this project to be constructed before next winter season, a decision needs to be made as soon as possible, and a delay even of another 10 days to March 9th affects that schedule, not critically, but it does. So, if you have received enough information that you felt comfortable proceeding with a decision today, whichever alternative that might be, including if somebody has a better idea, then staff would have received its directions, we can proceed with a project with a relative assurance that we are going to complete this by next Thanksgiving and not affect the ambience of the neighborhood next winter season.

If you delay today, and I'm not suggesting you shouldn't, you've just been urged to and there maybe others who feel that more time to look at more issues might be more appropriate, and you might determine that that is best for the community, but any further delay, and particularly if you were to delay anything past March 9th, really then you need to seriously consider a year's delay rather than month to month or week to week because if a decision were to be made hypothetically in April or May, now you are guaranteeing that the construction is going to carry on past the holidays and into January next year, and for all the reasons that we are well aware in terms of the general approach to these projects and the desire of the community more

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

broadly defined not to have those kinds of impacts during season, that's why we were having this as a special Council meeting today to try to keep the project moving if indeed you determine you had enough information available today.

Wyett:

When I was visiting up there with you and many of the people in this room, I was observing the traffic and talking about lagging into the season, I realized you couldn't have construction in the season, because it is a major traffic pattern for many streets in the area.

Smith:

Always has been.

Wyett:

Right. So that option was not available. However, we did discuss the option of during off-season of building in this center circle, the pumping station, and that could be done because that could function without the electrical reserve system which is an emergency system. So we could, as a Council, authorize the building of the pumping station which is in the center, it's sunken, it's out of the way, and the beautification of that circle and the area, and defer how we do the emergency system to another period of time.

Elwell:

You can defer how you do the emergency system if you went with what I believe we're calling option 3 today, but you would still need the wall. The wall is an integral part of the actual pumping station. It has what you saw in the picture here today. It has all of the switches and wiring that connects into the pumps to actually run the station. So, you could defer a decision related to the emergency power, and you could go in the interim with constructing the station and knowing that when the power is out the pumps will be off. You could do that as an interim solution. It might indeed become the permanent solution if you didn't someday become satisfied with one of the approaches to emergency power, but even that solution would require that the wall be constructed with the switches on it which is indeed a much less intrusive one visually.

Wyett:

Once the wall is built, the only difference is whether you put the equipment – on the wall –

Smith:

Well, you're not going to spend money to build the wall, if you're not going to do the project. I mean, this doesn't make any sense.

Wyett:

That doesn't make any sense.

Elwell:

No, the basic equipment on the wall is what runs the station. It is not the emergency backup.

Wyett:

No. Once you build the wall, the wall is in. That is really the intruding piece.

Elwell:

Yes, sir, but that's why I'm saying you can't really do what is under the street without doing the wall. So, therefore it's a package.

Smith:

Thank you. That's Dr. Kuvin.

Kuvin:

Good morning. My name is Sanford Kuvin, and I also live on East Inlet Drive and have lived there for

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

over 40 years.

Mayor Smith you alluded to the fact that this more a discussion as to what might happen, but ...

Smith:

I said it could be.

Kuvin:

It could be. In fact, Public Works has painted signs and markers on the Inlet. One of them says 'Road Closed' in two foot letters at the exit of East Inlet Drive. If this is a discussion, that surely is a pro-active movement.

Smith:

You are criticizing me for not having driven up and seen the two foot letters. Let's not get so picky, Dr. Kuvin.

Kuvin:

Not at all. What I am criticizing is the fact that it seems that Public Works has taken definitive action in anticipation of a decision being made. Why on earth would you paint in two foot letters 'Road Closed' with all sorts of other markings if that weren't the case.

However, more important is the fact of risk/reward ratio, mainly of going ahead with this project at all. As I have indicated, I like so many residents here today have lived for decades at the north end. We are extraordinarily familiar with it. I must tell you - anecdotally - I don't have engineering proof, but I have never seen North Ocean Boulevard or the streets adjacent to it flooded. Now, we are talking about a 1% annual probability of flooding. I would guess that the chances of a category IV storm are equal probability, and we are totally unprotected against a category IV storm. We live on this barrier island with the knowledge that there is a risk and a reward for living here. The rewards to all of us in this room are pretty obvious. We love this Town. The risks should be obvious to us as well. Mainly, that there is a risk - a risk of a Category IV storm or of flooding once every 100 years or whatever it may be.

It strikes me, and I would support what Jimmy Zisson said, that there are other priorities that this Town should be looking at rather than a total fix - a total protection for something that may never occur, certainly during our lifetimes or others, and if that were so, then we should be putting that same maximal effort into a category IV storm which we are obviously not. So, the risk/reward ratio seems out of sync to the residents who live in this Town. Now, always, at least in public health, and I daresay in public affairs, the will of the majority should take precedence and the good to the majority should take precedence, and in an instance like this, it seems clear to me at least that the majority will benefit most, given the budget, given the intrusion, given the fact that the north end dock will never, ever be the same again - not only to the immediate residents - but to the Town's residents, its visitors - everybody knows about the advantages of the dock, not just the residents who are privileged to live adjacent to it. So, I would urge you to give due consideration and pause and if the pause requires a year's pause, then so be it. But, there is no urgency to act now. In fact, there is no urgency to act at all. There are numerable alternative plans that could be thought about and discussed at workshops and other meetings. But right now, it strikes me that the risk of doing something now is far greater than the rewards you are going to receive.

Thank you.

Wyett:

Mrs. Marix?

Marix:

I'm Yvelyne deMarcellus Marix. I live at 1570 North Ocean Boulevard which is on the corner of Arabian, and I have lived there since 1960. We did own the property shortly before we built the house, so

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

we've owned it before that.

So, I want to make several comments about this whole picture and then about this map. I have never, ever had any flooding in my house or in my garage or in my driveway. Sometimes, when it is very, very wet the water will come from Arabian Road two or three feet towards the drive. I have never, ever had flooding there, and I did tell that to this Council more than one year ago when discussing these different things. I have also spoken to a great many other people like Stanley Watson who lived there well before I did. He has never been flooded. Many, many other people I know have never been flooded, and one of the things that concerns me the most is this map that was sent out which allegedly shows the houses that flood, I gather. Now, it says houses, but these are all picture of garages – almost without exception. There are one or two that show more than that, but no one has ever even bothered to call me up during all of this process, and I'm here all year round and say, 'Did you ever flood?'

So, the research involved in these flooded houses is to me very, very disconcerting when I know it is not a fact. It's so disconcerting that it does trouble me if the same system of research on some of the other projects which we have embarked on and spent money on. Maybe they all had better research than we've had, but I do not believe that the research on the flooding of Arabian and Carribean is that adequate because as I say, I have never seen it flooded. I agree with the previous speakers that there are more important things to do. There are. I agree that we don't want to destroy the dock, and that's true, but my bigger worry is the fact that I feel that the research behind this has to be somewhat inadequate since we have not flooded.

Now, I think, more or less, from 1958 or so, I've never seen water up there, except in one corner of my garden where it gathers around my rock garden, but that's miles from the house, and water goes down after – maybe 3 or 4 hours, and this has gone all through these big storms we've had. So, I do agree - first of all, that the research is very faulty on this matter. I do agree also that most of the residences have never flooded. The matter should either be adequately researched or not pursued at this point. We've heard many possibilities here about what could be done, what might come up with our underground wires and things. Since, it is not urgent, let's put it to one side, worry about more important things, and not go on digging this road up. Frankly, I just wish someone would just re-pave the road. It hasn't been paved for years, I think it must be. It is pot-holed by the heavy trucks – the fourteen wheelers that go by. I feel like poor Mr. Stetson. He got so angry when it busted the bottom of his car. He sued the Town and got a settlement. So, I wonder how many people should start thinking about that. So, we do have more important things to do, and I would certainly ask you to reconsider this rather drastic cure for an illness I don't think exists.

Thank you, very much.

Raffo:

Dick Raffo. I live at 173 East Inlet Drive, and I'm two houses away from Annie's dock. My purpose is to make you aware of some of the things that are going on up there which I think we haven't brought to your attention. I was happy to see Allen Wyett there a couple of weeks ago at our meeting that we had, and he saw some of the action that goes on up there.

We are a very friendly and a very small little area – nice little community, but we have some problems. What do I mean? We have motorcycles and bike riders coming up there and using our dock by the hundreds – Saturdays and Sundays doing terrible things. They drink – they stop and drink our water. We have a water fountain up there, and then they relieve themselves behind the dock, jump back on their bikes, and go south. God forbid you should say something to them. They are the rudest people in the world. 838-5454 is a very familiar number. You call and you call. Nothing happens. Our area is famous for the missing police. I forget the dock tourists – they stop and 'Where is Singer Island?' They stop, they're lost. Well, if you can swim, it's right across over in there. They are lost. If you can't swim – I like the sign. It says 'No Outlet' – is an electrical plug!

I have to tell you about the fishing people. They park the cars on our streets and fish and drink beer at our dock. Allen Wyett was there when they had to call the cops to get a person who was drinking beer and

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

fooling around on the dock. They relieve themselves and go home. Now, what's new? Town water pump station on our dock getting crowded – big massive building – for a little generator. A building that intrudes – that any of our intruders could hid behind and do other things.

I have some solutions, of course. Remove the water fountain. Good-bye. Great landscaping, clean up our area. New gates and the most important: police coverage – close the dock at sunset. Patrol cars in our area and neighborhood. We need them up there. We have a lot of people doing a lot wrong things in our section.

The big view of the Florida Power and Light poles around our dock – they are underground, and they are going to install new power lines under the dock. I like Allen's idea – maybe they could hook up to that board they are talking about. I don't think that everybody on this board knows what is happening in that area. Of course, you don't live up there, but everybody in the room can tell you the problems that we have.

Any questions?

I'd like to say one thing that we have to do is that we have to have Dr. Kuvin put up a nice, new hedge in front of his house to make our area look better.

Smith:

He's listening. Mr. Raffo, you know that the water fountain was a gift to the Town in memory of the woman's son who died. Now, I think that if you feel that the water fountain is the main problem, then you should talk to the donor about it, and tell her you are so concerned, because it has been vandalized a number of times. The plaque has been taken off, and when Public Works see that happens, they go and put a new plaque on it, and she is very grateful. So, if you feel it is a big problem, I suggest you talk to her.

Raffo:

Excuse me. That is not my job to talk to her about that. I'm telling you the problems that are there.

Smith:

No, but if you think it is a problem that it's attracting...

Raffo:

Definitely, definitely a problem, and putting the building up there is going to be another problem.

Smith:

I'm not talking the building. I'm talking the water fountain.

Raffo:

The water fountain is definitely one of our biggest problems at that Inlet in attracting people.

Smith:

Well, then I think that if you would talk to her about it – I don't want to tell her to take out the water fountain that she donated.

Raffo:

Excuse me. Where does she live? Do you have any idea where she lives?

Smith:

Yes, certainly. What's her address?

Elwell:

Yes. I have actually spoken with her, because it was made clear to us at the meeting that we had a week ago – longer – couple of weeks ago, I guess – up at the Inlet – that there was some interest from the residents

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

of the area to have the fountain removed, so I spoke with Mrs. Stein.

Smith:

I think she would understand that, but I don't wouldn't want to see the Council do it, and I am opposed to the building there, but I mean when you put the building and the water fountain in the same category, that makes it a little difficult. I'm sure she would understand it, it you think that it was interfering and it could be moved to the Lake Trail.

Elwell:

Mr. Wyett. If I might.

We can address security today if you would like, but given the fact that there is a limited amount of time for this meeting, and there is a 2:00 p.m. forum this afternoon for the entire community and because Mr. McDonald has made a request, and as you know from our initial review preparing for the March 9th agenda, we will be having on the March 9th Town Council meeting agenda this matter of security at the Inlet dock. So, there can be a full discussion of the kinds of issues that Mr. Raffo has raised. I think it would be best to keep those set aside until March 9th and further address the drainage question today.

Raffo:

I'm anxious to ask you, Peter, what was her reaction when you told her about the water fountain?

Elwell:

She didn't understand how that could be necessary and how the fountain could be the cause of certain behaviors and asked the question, which I think is a reasonable question, that we need to discuss in the fullness of the security discussion as to whether some of the other things that you have raised about enforcement activity and/or securing the dock in a different way, and other methods that the Town might address – other way that we might address the security concerns might be sufficient, and whether the amenity of a water fountain is really a cause of some of the activity that creates concern. She was very concerned about that, but she, at 85 years old, doesn't wish to come here and engage in a debate over whether or not it ought to be removed.

Wyett:

I would like to drop back to water fountain discussion right now so we'll go to Town Council. We're running out of time, and the Council has to have some deliberation.

Mr. Curtin, do you have anything you want to say?

Curtin:

I think in the allocation time, I would like to say something. Wally Till would like to say something and the engineer – we have an engineer here. Under the efficiencies, if we can move through it, Mr. Wyett.

Good morning, I guess it's good afternoon – my name is Barry Curtin, and I am an attorney representing a couple of the north end residents including Mr. Wally Till and Mrs. Diane Galdi, both of whom reside on East Inlet Drive.

My clients object to the location of the generator building at the north end dock upland area, the Annie's Dock location and/or where the water fountain is now, and they request that alternatives to this location for the generator building be explored, including locating it at the existing Mediterranean facility which is, I believe, the D-9 situation and also the option of using a portable generator which can be hauled up and has been discussed today.

Unfortunately, Peter, in your discussions, I became a little confused, and I'm relatively knowledgeable on the options. Could you just quickly clarify, because Mr. Brooks referred to them – 1, 2, 3 – because you put out an option yesterday which I'm not sure where that fits in?

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

Elwell:

Sure.

We have a memorandum dated February 24th and many of the people in the room have received that, I know. I'm sure not everyone, but you've had it, Mr. Curtin, I know, and the Council has all received it, that laid out five alternatives, and those are: option 1) being to move ahead with the original plan, constructing the building at the Inlet location; number 2) to be where there would be just the wall at the Inlet location and there would be a portable generator provided for the emergency backup; number 3) would be the wall at the Inlet location and no emergency power backup. If the power goes out, the pump stations shut off; number 4) would be the one year delay to seek alternative property somewhere else in the environs to obtain what is currently private property to serve as a location for a permanent generator; number 5) would be to do nothing and leave the current situation as it is, reflecting some of the comments that you have heard today, about the priority of this project compared to other needs of the Town. In response to questions that you raised, Mr. Curtin, and your clients about the potential for the re-use of D-9 site and that perhaps might have been too hastily set aside as not feasible, we did go back and take another look at that and that resulted in the memorandum dated February 26th which has two additional items on it. Number 1) on that memorandum, which for the purposes of today's discussion, we ought to call option 6, is the one that really isn't an option. You've asked further questions about it, and we have confirmed for the reasons that were explained in going through the diagram that's up on the board, it simply isn't going to be possible and practical to expand the existing station at D-9 at the end of Mediterranean. Therefore, that is not really available. We did go back, as you asked us to, and confirm that the engineers had made a reasonable conclusion there. We believe they did. But finally, option 7) was something new on the table today, which would be the possibility of building the emergency generator building so that there would be one permanently installed that would be on the D-9 site. It would have certain challenges to it as Mr. Dusey has described, but we believe would be feasible to construct it there and connect it to the Inlet circle location of the wet well and the actual pumps and at an additional cost compared to any of the other alternatives of \$300,000. That would be option 7 available to the Council.

Is that sufficient clarification?

Curtin:

Yes, it is.

I think that – I guess my clients would like us to focus on, under that nomenclature, 3 and/or 7, because Mr. Brooks when you raised the question about D-9, I wasn't quite sure from the discussion, but apparently

Brooks:

Excuse me, Sir. I totally oppose D-9, especially now with the additional \$300,000. Mr. Zisson was talking about better ways of spending this money, and now we are spending a tremendous amount of money if we went with D-9. So, I think my stance was rather clear. I can't support that much of taxpayers' money for something that many are now saying, 'Don't even do it', so personally I don't think D-9 is feasible. I don't want a 2,000 foot electrical hookup.

Wyett:

Mr. Curtin, unless you have some new evidence or new statements, I would like to move on. We've been discussing this for an hour – one and one-half hours – and

Curtin:

I think there was a point of clarification, because of the two options that Mr. Elwell put out yesterday, it wasn't really clear what the references were, and I wanted that point of clarification.

I think the key issue here is the maintenance of the panoramic view and that option 1, in our opinion,

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

should definitely be removed, and I would ask – I am going to show you a series of pictures, six pictures, that I would ask you to entertain and put in the record, but these show the level of the panoramic view, the amenity of the dock.

Wyett:

Mr. Curtin, I think the consensus, if I am gathering it, from all the conversations, we are not going to build the building. So, I mean, let's take that off the table.

Curtin:

Fine. If you don't mind, I would just like to enter that into the record.

Wyett:

I mean if any of my colleagues disagree with me, speak up.

Brooks:

I agree with you, Mr. Wyett.

Goldblum:

Mr. Curtin, there is one thing I would like to clarify. If we do 2, and we put the pump station down on D-9, the generator room in D-9, we will still need the wall next to the pump station up at the Inlet. Am I correct, Al?

Dusey:

That is correct.

Goldblum:

I want to make sure that everybody understands that so that my opinion is that we put the wall up, we have an emergency generator and maybe, I hear that generator has to be so big, that maybe that ought to be permanently mounted on a truck with enough fuel so we can roll it right up there and pull it away when we are done using it. That would keep it high enough off the ground. I don't know. That we would have to study.

Curtin:

Right. Okay. Well as long as D-1 is off the table, which is locating the building at the end of the dock, that was our principal objection. I think that on the others – to mirror some of the comments that have been made by some of the folks here today, we didn't hear until late yesterday – I think I spoke to Mr. Elwell at 4:30 that there was the option of putting just the generator building itself at the Mediterranean site, which we call D-9. Now, that was a 5:00 p.m. communication to us which we had urged earlier, but that was the first we had heard of it, and I don't even know if I was able to disseminate that to these other people. I spoke to Mr. Till last evening at about 5:30, so the solutions have been coming out – you know, it's sort of been a little bit difficult to stay abreast. Okay.

Goldblum:

But just remember that if we put the generator building at D-9, you will still have a paneled wall up by the pump station at the Inlet.

Curtin:

That is certainly preferable to the building which is where we were two days ago, but you've heard the other people's objections to that. From my clients' standpoint that is certainly preferable to that.

The only other thing – what I will do in a moment of efficiency.

Wally, would you like to address? Okay.

Minutes From the Special Town Council Meeting Regarding Drainage Held on 02/27/04

Brooks:

Counselor, I hate to jump in, but I am going to make a motion **that we postpone this entire decision for one year. We let the status quo go. Also I would like to see more people who perhaps live in the houses that would be affected. I think that mostly, today, we have heard from people who would not be affected.** That's my motion, Mr. Wyett.

Wyett:

Do I have a second?

McLendon:

Second.

Roll call: **The motion carried 4-0 as Councilman McDonald had left the meeting.**

End of Verbatim transcript.

President Wyett requested that the Public Works Department provide additional information to the Council.

Mr. Elwell said the residents who would be affected by flooding received notification of this meeting.

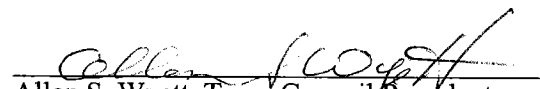
V. ANY OTHER MATTERS

There were no other matters.

VI. ADJOURNMENT

The meeting was adjourned at 12:30 p.m.


Mary A. Pollitt, Town Clerk


Allen S. Wyett, Town Council President