

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING REGARDING DRAINAGE HELD ON WEDNESDAY, FEBRUARY 13, 2002

I. CALL TO ORDER AND ROLL CALL

President Brooks called the meeting to order at 9:30 a.m.

On roll call, the following Elected Officials were found to be in attendance: Mayor Lesly S. Smith; President William J. Brooks; President Pro-Tem Norman P. Goldblum; Councilman Jack McDonald; Councilman Samuel C. McLendon; and Council Allen S. Wyett.

Also attending for all or part of the meeting were: Town Manager Peter B. Elwell; Town Attorney John C. Randolph; Public Works Director Albert P. Dusey; Town Engineer James Bowser; Director of Planning, Zoning & Building Robert L. Moore; Zoning Administrator Paul Castro; and Town Clerk Mary A. Pollitt.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. APPROVAL OF THE AGENDA

Town Manager Elwell announced the Palm Beach Daily News incorrectly listed the starting time of this meeting at 1:00 p.m.

Councilman Wyett made a motion to approve the agenda as written. The motion was seconded by President Pro-Tem Goldblum and carried 5-0 on roll call.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

IV. Consideration of Consultants' Reports and Recommendations Regarding Drainage Improvements in the D-2, D-4, D-8, D-9, and D-10 Drainage Basins

Brooks:

Mr. Elwell, who is going to handle this?

Elwell:

Mr. Dusey will provide an overview to you and then you will hear a presentation from each of the consultants, and we will proceed from there.

Brooks:

Mr. Dusey please.

Dusey:

Good morning. For the record, Al Dusey, Public Works Director.

The following is the backup memorandum submitted at this meeting for discussion:

To: Peter B. Elwell, Town Manager

From: Albert P. Dusey, Director of Public Works

Re: DRAINAGE BASIN STUDIES

Date: February 11, 2002

Town Council hired Smith and Gillespie in March, 1973, to examine the entirety of the Town's infrastructure, including private utilities, and determine condition and improvement needs. In March, 1976, a good portion of the Smith and Gillespie study was completed, including the drainage element. In this Long Range Public Works Plan, Smith and Gillespie defined drainage basin limits, examined existing pipes and pumps, and developed a set of recommended improvements to provide a certain level of service.

The three-year frequency storm (1 in 3 chance of occurring in any given year) was selected for gravity storm sewers and the one-year frequency storm was selected for design of storm sewers that terminate at pumping facilities. These were selected as "practical and economical criteria." Further criteria was included as follows:

The Pumps must be capable of handling the peak flow associated with a one-year

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 2/13/2002

frequency storm and the pumps must be able to remove, within one hour, the excess runoff produced during a five-year frequency storm. No flooding will occur during the one-year storm and the minor flooding from the five-year storm would be removed from the streets in one hour.

Additionally, the Plan suggested a runoff factor of 0.35 for low to medium density residential development, and 0.75 for commercial and high density residential. These factors were based on generalized standards rather than actual development in Town. Runoff factor is a measure of how much rainfall will leave a property based upon its pervious and impervious surfaces. The initial time of concentration for the first inlet (the time it takes for rainwater from a property to collect and flow to the inlet) was 10 minutes for commercial and high density residential, and 30 minutes for low and medium density residential. The Town accepted all of these drainage criteria as its level of service.

I am told that sometime in the late seventies, the Town experienced a very heavy rainstorm, perhaps something like we had around Thanksgiving, 2000, which caused substantial flooding in the north-end. A referendum was conducted to bond finance drainage improvements for almost all the basins north of Worth Avenue. The referendum passed and bonds in the amount of \$12,900,000 were issued. Based on the Town's adopted level of service and design criteria, substantial improvements were made in the D-4 basin (Miraflores), D-6 and D-7 basins (Mid-Town area), D-10 basin (Via Marilla) and the D-9 basin (Mediterranean). In addition, some pipe work was done in the D-8 basin (Country Club Road). Since that time, the Town has completed substantial improvements in the D-14 basin (Society of the Four Arts), D-18 basin (El Brillo) and D-16 basin (Jungle Road). And, of course, we have replaced deteriorated corrugated metal pipe throughout the system.

Then came the storm on Thanksgiving weekend, 2000. The drainage system was overwhelmed, homes and garages were flooded, and street flooding was widespread. One particular area, the D-4 basin at Miraflores, was badly affected by this storm and to a lesser degree by other storms both before and after the Thanksgiving storm. Along with some other improvements, the Town Council agreed to investigate the D-4 basin more closely to try to determine why this area was having problems. This study, completed in April, 2001, found that the development that exists in this basin was more intense than envisioned in 1976, and the runoff coefficient was .63 not .35. In addition, the time of concentration was more likely to be 10 to 15 minutes rather than the 30 minutes assumed in the Smith and Gillespie study. Applying these revised runoff factors to the formulas confirmed that the existing system was undersized. Staff recommended, and Council authorized, more detailed analyses of the D-4 basin and the other four basins in the north-end to determine what needed to be done to potentially bring these basins to a higher level of service.

The first thing we asked our consultants to analyze is what needed to be done to the existing systems to meet the current Town level of service (1-year/1-hour storm). The second level of service we asked our consultants to investigate was the 3-year/1-hour storm which is the Florida DOT standard as well as Palm Beach County standard and others. And, the last level of service to be investigated was providing a drainage system capable of minimizing or eliminating house flooding from the 100-year storm. The consultants agreed that the 100-year/3-day storm is the industry standard and the storm which the South Florida Water Management District requires to be used for new development

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 2/13/2002

calculations. Properties are to be protected from flooding from this level storm as part of new subdivision drainage improvements.

Additionally, the three civil engineering consultants were directed to obtain survey information on the existing drainage system including confirmation of pipe sizes, inlet sizes, etc., as well as home and garage elevations for properties that appeared to have flooding potential from severe rainstorms. Our three civil engineering consultants proceeded with the analysis of the five drainage basins and we met periodically to review progress, answer questions, etc.

The basin studies are complete which brings us to the Special Town Council meeting. The studies resulted in similar conclusions in a number of areas as follows:

1. A runoff coefficient of from 0.6 to 0.65 is representative of development currently existing in these basins.
2. Because the runoff coefficient is higher than the coefficient used to size the system in the Long Range Public Works Plan, the systems do not meet the current 1-year/1-hour level of service.
3. In general, the difference in cost to meet the 3-year/1-hour level of service is not significantly higher than the 1-year/1-hour level of service.
4. Additional pump station capacity is needed to reduce flooding from the 100-year storm as well as the 1-year and/or 3-year storm in most basins. (D-8, D-10, D-2, D-9).
5. Inlet capacity needs to be improved in all basins.

Attached is a Basin Study Summary which attempts to catalogue the findings of the studies on one sheet. The engineering consultants who prepared the basin studies were asked to be present at the Town Council meeting to give a short presentation and answer any questions about these analyses.

At your request, we have obtained from each consultant information regarding the prioritization of projects within the basin(s) they analyzed. Each consultant also has provided cost estimates for increasing specified pipe sizes by 6-inches throughout the entire project. This information will be helpful to staff in formulating the details of an implementation plan in accordance with whatever policy direction we receive from the Town Council.

If you wish to discuss, please call.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

(Continuing a verbatim transcription of Mr. Dusey's comments regarding his February 11th memorandum:)

Town Council hired Smith & Gillespie back in March, 1973, to examine the entire Town infrastructure, including private utilities, look at condition, and make a determination what improvement needs the Town needed to pursue in order to bring things up to a reasonable standard. Three years later, in about March of '76, a good portion of that study was completed including the drainage element. This became the Long Range Public Works Plan and became the plan for the Town for Public Works improvements for the years to follow.

Smith & Gillespie defined drainage basin limits, examining existing pipes and pumps, and developed a recommended set of improvements to provide a certain level of service to the Town. A three year frequency storm, that is storm with a one in three chance of occurring in any given year, was selected for gravity storm sewers that outfall directly to the Lake. The one year frequency storm, that is the storm we expect to see every year, was selected for the design of storm sewers that terminate at pumping stations. These were selected in the terms in the study as practical and economical criteria.

Further criteria was included as follows, and I'll read it to you because it is important:

The pumps must be capable of handling the peak flow associated with a one-year frequency storm and the pumps must be able to remove, within one hour, the excess runoff produced during a five-year frequency storm.

Not only did the system need to handle the one-year/one-hour storm but also the flooding caused by the five-year/one-year storm within an hour after the rain stopped. That's to say that no flooding will occur during the one-year storm and the minor flooding from the five-year storm would be removed from the streets in one hour.

The Plan additionally suggested a runoff factor of 0.35. A runoff factor is a measure of how much water will leave developed property based on pervious and impervious surfaces. They assumed runoff factor of 0.35 for low to medium density residential development and suggested 0.75 for commercial and high density residential development. These were based on generalized criteria available at that time rather than a measure of what was in the Town. Also, some other design factors were considered. The first one that is very important in design calculations is the time of concentration, and that is the amount of time it takes for rain, once it hits a property, the furthest point in the property to actually accumulate and come out to the Inlet. You don't design systems to take all the water at the same time, because it doesn't always come at the same time. It comes in measured amounts. The Town accepted all of these drainage criteria as its level of service. That becomes important, because it was the basis for everything that followed.

I'm told that sometime in the late seventies, the Town experienced a very heavy rainstorm,

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

perhaps something like we had at Thanksgiving of 2000, which caused substantial flooding in the north-end. A referendum was held at that time and passed, and the Town embarked upon a \$12.9 million project that was funded by bonds—general revenue bonds. Based on the Town's adopted level of service and the design criteria, we previously mentioned, substantial improvements were made in the D-4 basin which is centered—with the pump station at Miraflores, the D-6 and 7 basins which is the entire Mid-Town area, the D-10 basin which is the pump station on Via Marilla, and the D-9 basin which is on Mediterranean Road. In addition, some pipe work was done in the D-8 basin which is the Country Club basin, and of course also in the D-2 basin which is the Palmo Way basin. Since that time, the Town has completed substantial improvements in the D-14 basin. That's the Society of the Four Arts pump station; the D-18 basin which is on the end of El Brillo and the D-16 basin which is at the end of Jungle Road. And over the years that Jim and I have been here, at least, we have also replaced deteriorated corrugated metal pipe that was placed thirty or forty years ago.

Then came the storm of Thanksgiving weekend, 2000. The drainage system was completely overwhelmed, homes and garages were flooded, and street flooding was widespread. One particular area we concentrated on, after that storm, was the D-4 basin and Miraflores. This area had experienced more than its share of street flooding and even home flooding, garage flooding from storms both before and after that point in time. We thought this would be a good point to concentrate a very quick study to determine what is happening here. Why we are experiencing these problems that we hadn't experienced in the recent past, prior to that. That study was completed in April, 2001, and we found that the development in the basins that existed was more substantial than what was envisioned in 1976. The runoff coefficient was not 0.3 but 0.63, almost double. In addition, design factors like time concentration was more likely to be 10 to 15 minutes instead of 30 minutes concluded in the Smith & Gillespie study. All these things led our consultant to determine and conclude that the system was basically undersized. The way the Town had developed, or the fact that perhaps the factors used in the '76 study were not reasonably representative of what the development was in Town.

Based on the D-4 preliminary restudy, Town Council authorized staff, at our suggestion, to take a real detailed look at all the basins north of Wells Road. These were the areas that substantially flooded during that storm, and we embarked upon that study. First thing we did was to ask our consultants to analyze what should be done to the existing system to meet the Town's level of service which is a one year/one hour storm.

The second level of service we asked our consultants to investigate was the three year/one hour storm. This is a standard issued by DOT in its regular system on the Interstate system, and also by the County and other municipalities in this area. It is apparently the normal standard for this type of system. Of course, the last and perhaps the most important was to investigate a level of service for the one hundred year storm.

Our consultants agreed that the 100 year/3 day storm is an industry standard; particularly one

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

that is used by the South Florida Water Management District in reviewing development of plans that are occurring in the County. It's a very intense storm. It's charted very closely as to rainfall intensities. It's equivalent, over the three days, to seventeen inches of rain. During some of the hourly periods, there is intensity as much 5 inches per hour which is about as hard as it can rain for short periods of time. They use that as the storm that they would model to determine what needed to be done to our systems to protect our residents from flooding of homes.

Additionally, we directed the three civil engineering consultants to obtain information on the existing system—that is to go out and confirm what we believe was in the system—as far as sizing, elevations, and all the factors that you need to have to make design calculations, and also to take elevations on garages and homes, first floor in homes, for those locations which appear to have flooding potential from severe rain storms.

They then went through their analyses on the five basins. There are two ways to approach it. One is a widely recognized model that predicts rainfall and how it flows in a big system. Another method that actually sizes pipes, and they will probably explain a little bit of that to you today.

The basin studies were completed, which of course brings us to the Special Town Council meeting. The studies resulted in similar conclusions in a number of areas. I can run over those quickly with you. The runoff coefficient in all of those basins was higher than what Smith & Gillespie suggested be used by the Town back in 1976. The basins ran from .6 to .65. Because the runoff coefficient is higher than the coefficient used in the Long Range Public Works Plan that the system generally does not meet the 1 year/1 hour level of service. There may be elements of the system that do; certain pipes may meet that, but the system generally does not.

In general, the difference in cost to meet the 3 year/1 hour level of service is not a lot more than the 1 year/1 hour level of service which is not surprising when you look at the intensity of rainfall. It is not significantly different in those two storms.

Additional pump capacity is needed to reduce flooding from the 100 year storm as well as the 1 year and 3 year storms in most basins. The only one, based on the calculations, that was able to perform in the 1 year and 3 year was D-4. All the other four needed additional pump capacity.

The Inlet capacity—something that we suspected that the Inlet is just too small. You can't get enough water into the system. They have a tendency to clog. We've recognized that and we have taken steps to try help us in that area.

I have provided a drainage basin summary to you which attempts to take all of the information in the five basin studies – the critical information if you will – and put it in a format that might be easier to use. It summarizes the cost to provide the 1 year/1 hour level

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

of service; the 3 year/1 hour level of service and the 100 year storm on the three year pipe system. It tries to estimate the number of homes that would be flooded– the number of homes that might be flooded no matter what we do, and there were some we found that even with substantial pump improvements and pipe improvements, there are eleven homes, still, because of their particular situation–their elevation and other factors – it makes it very, very difficult to try to help them. We got down to eleven homes, and that is substantially better than I think where we were back in November of 2000.

Also, Mr. Elwell asked us to obtain some additional information that would help us in prioritizing work in the basins once the Mayor and Council decide how they want us to pursue this project, including prioritization of projects within the basins.

I wanted to mention, however, that we've done some things that are fairly significant, we believe, to try to reduce the problems we've been having. We do that as part of our budget process. As we know, we have a lot of inlet clogging in the systems. We're trying to get debris off the streets sooner, and keep it off the streets. One thing we've done, we're sweeping our residential once a week instead of once every two weeks. So, we follow up our trash schedule with the sweeping schedule.

We have a pilot project under way, between Coral Lane and the Palm Beach Country Club, where we are containerizing the yard clippings and such. To try to keep them in containers we have a mechanized piece of equipment then to empty that, and then we have to monitor it during these storms to see how well we do in respect to inlets. So far, the participation is very good in the pilot project, and we are getting a lot of trash off the street particularly this time of the year, because this time of year, as we know, we are not in our growth season and much of the debris that is generated off of properties is related to grass clippings and hedge clippings rather than the major cut backs on trees.

We are also in the process of obtaining a telemetry system for the storm water pump stations, something we haven't had in the past. That will tell us–by calling us– we have people on standby–will tell us if a pump problem exists. For example, if there is a pump failure of some sort. It will also record the operation of the pumps, so you can see the sequencing. It will provide us also with an early notification program when we have heavy rainstorms. We currently rely upon the Police Department – they do a wonderful job for us– when flooding is starting to occur, they have a lot of folks out on the road as you know. They call us. We come out and do our response. This system, however, will be monitoring our rain gauges, and it will tell us ahead of time when a rain storm is occurring in a way that should be of concern to us. We'll mobilize the troops faster and get them out faster. Hopefully, that will help also, and of course also establish a protocol that gets a very large response out to the Town when necessary particularly when clogging the inlets–to keep the inlets as clean as we can. Again, as we know, a lot of our problems even with lesser rain storms, is debris washing onto the inlets and causing us problems.

That concludes my portion of the summary, and I'll be glad to answer any questions about

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

that part. If you have none, we'll move into our consultants if you will.

Brooks:

Mr. Wyett.

Wyett:

Just to get an update of the other day when we had 8 inches of rain. Could you give us a summary or what your reports were on this last major rain storm?

Dusey:

Yes, sir. Our rain gauge, which is very accurate now and automatically records, did record 8.11 inches for midnight to midnight on Sunday--8.11. The most intense part of that occurred between 3:30 and 4:30 in the morning. It was about 1.5 inches per hour. The second most intense part of that storm occurred around noon--noone to 1 o'clock. That was a little over--1.1 inches per hour, which is something our system normally can handle--barring clogging or something like that. There were problems on County Road at the Breakers. In fact, there were problems on Pendleton with water coming off the Breakers. We've talked to the Breakers. Of course, they are very concerned about it, and they are reacting to it. Their pump station worked fine. We thought they had a pump failure of some sort or maybe lost a pump. That can happen in a system. But in fact, their system did work as designed, and they still had some problems, so they are looking to make some improvements there also.

We had elements of our system that we would expect to have problems. For example, Sanford Avenue has a very small drainage system, and no matter what, until we improve that system and get a larger pipe to the station, we're going to have problems there. We had a couple of calls there.

We had some problems in an area that we just recently improved--Coral, Crescent, and Emerald. Coral Lane, I believe, Mr. McCluskey had a problem, either in or near his garage. There were a couple of problems on Emerald--street flooding as compared to house flooding. We are going to have some of that at times, and part of the reason for that, we're going to have to ask our consultant for that basin to take a look at what we have constructed, and if there is something that -- we've left a connection there that concerns me, and it may be causing some problems, but we left it to help the system, and it may be hurting the system. But the ultimate connection to the pump stations has not occurred yet. The one reason is that the D-12 system is, obviously, not built, so we cannot connect to it. We didn't have a program to continue the pipe system up to the D-4 system, but one of the priorities from the consultant is to put in that back bone system on Lake Way. We did a substantial hydraulic improvement in a manhole that is a kind of a hindrance to the flow of water. We did a substantial improvement to that last summer or last spring so that the water could get through there better, but that system is not performing as well as we had expected, and again we do not have the ultimate connections, so it can't flow as good as it should. We thought it would be better than it is, so we are going to take another quick look at it to make sure we haven't done something when we built it to or fail to do something and maybe it's hindering that

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

from performing a little bit better. The pipes in the road are 36 inch pipes. They are huge pipes, and it should be performing better than that.

Wyett:

Just to help you with that, I had a resident call me desperately. He didn't complain that his house was going to be flooded this time, and he was severely flooded the last time. He told me that the road, Emerald Lane particularly, the adjacent roads were under water, and could you just elaborate a little bit more of what I can tell him to look forward to in the future?

Brooks:

Mr. Wyett, if I could suggest as he had talked about Coral, Mr. McCluskey is here. He may to wish to give us some empirical, anecdotal evidence on it if you care to, or if you want to wait until later. And while he is coming up, Al, a question: Have we ever examined the feasibility of tying into a Doppler Radar System? I don't know how good the County's system is, but the television stations have state of the art systems that bring it right down to street level. If that would be helpful, I don't know if you have ever looked at that.

Dusey:

We have not done that, obviously. Something certainly can if the Council believes that...

Brooks:

Well we would rely on your input, but as I say, these Doppler systems today can bring you right down to street level.

Dusey:

Let us explore that.

Brooks:

You may just want to look at it. Whatever the cost for the....

McLendon:

What does it tell you, Bill?

Brooks:

Precipitation, intensity of it by color.

Smith:

Then Mr. McCluskey can evacuate?

Brooks:

Yeah. Basically, and there would be a fee but it would be no where near the cost and installation of a Doppler which is well over \$500,000.

Mr. McCluskey. I'm sorry, Sam, I didn't mean to...

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

McLendon:

With a telemeter rain gauge, that seems to be pretty good information.

Brooks:

Mr. McCluskey, if you could give your name and address for the record.

McCluskey:

Michael McCluskey, 202 Coral Lane.

I would say, without any empirical data as you said, Bill, that we didn't see any improvement from this event, based on the million plus dollars that was spent over the summer and the fall on Coral Lane, Emerald Way, and North Lake Way. Now, Mr. Dusey told me something that I was not aware of which is the connection has not been made, and so that obviously, and I don't know if you can quantify the percentage of improvement that connection might make.

Dusey:

I can't sit here and do that, but we would be able to do that for you with a little bit of work.

McCluskey:

The other interesting thing that Mr. Watchman and Mr. Elliott are here, and I was driving around sort of constantly Sunday morning, and Miraflores was dry up until—you know there was no standing water—up until about 11:00, 11:30?

Unknown:

Yeah. Easily, 11:30 or 12 o'clock.

McCluskey:

Then all of a sudden, Miraflores was under water in maybe an hour which to me indicates something may be going on in the system which is not right, because it wasn't a gradual thing. It was almost like the cup was filling up and all of a sudden, it over flowed. I went by the pump station. I could hear the generators. I don't know that the actual pumps and the wells were on, and I know the emergency, the interim emergency pumps, that Mr. Searcy engineered were not on. But again, after a million plus dollars and we here we are a year plus since November of 2000, I didn't see any demonstrable improvement. Our garage was flooded. That intersection of Coral and Crescent had two foot of water in it.

Smith:

I was in that area around a quarter of one with Judy Schraft, and we were driving around to see. At that time, I was happy to see the water was about two feet from your garage, and I had hoped....I'm sorry to hear that it went any higher. We also went to Mr. Watchman's. These are the key places, and his driveway was not under water, and I said 'thank God'.

One thing that we did notice that the trash was off the street. That was not a problem, but the leaves that were in everybody's ficus hedge, underneath, when the water hit them, they

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

all floated out and were suddenly going down the street. I don't know how you deal with that, but this was what was blocking the drain at the corner of Coral and Crescent were all these floating ficus leaves that were coming out of everybody's hedge, because there was one or two feet of water on the street.

McCluskey:

And as much clippings as sitting on the drain, you wonder what's down below in the basin that's clogging that you can't get to.

Smith:

Right, and there were a lot of just leaves, you know, but we knew it was not street trash, because the streets had been cleared Judy said. Earlier to that, I don't know what you do about that, and, of course, the Breakers was a total lake, and I was looking out and seeing Pendleton flooded and the garages and the houses there flooded after they have done their major work, so I don't know what happened there.

McCluskey:

According to the South Florida Water Management District, a 5 year/1 day storm event is 7.5 inches which is about what we had. The Everglades Club recorded 7.67 inches of rain, a little bit less than the 8.11 that Mr. Dusey said. So, I mean, that is a five year event which means that every year, you have a 20% chance of that occurring.

Smith:

And Golfview Road was also under water, and the houses there were flooded. They couldn't even get through to deliver the papers.

Brooks:

Mr. Goldblum, do you have a question for Mr. McCluskey?

Goldblum:

I drove Golf Road. There were a couple of houses off Lake Way that are far below the street level. They have to have their own pumps to pump up, and I don't know how we ever address that. One good report was Garden Road, which has always been flooded, was not flooded at all.

Brooks:

Yes, Mr. McCluskey.

McCluskey:

It was said to me over the weekend by someone that there is a pecking order, if you will, of the water that drains into the D-4 system. In other words, whose water gets to the pump first? We were told that Phipps Estates is first. The Miraflores area is second, Coral Lane is third, and that would seem to make sense because Coral Lane floods first, 'cause it is the last unit to have their water discharged. I am wondering if that is correct, if that's physically

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

correct, and if so, how could Phipps Estates, obviously being platted in 1995, sort of jump the line and have all their water discharged before the rest of us, and, we've talked about it before, in the platting of Phipps Estates, I don't see any retention ponds for sure—minor swales—it doesn't seem to me that there was a lot of thought given to their storm water management system.

Dusey:

Phipps Estates does not get to the system first. In fact, they do have a retainage system in the swale that soaks through, and, Jim, maybe you can help me with the details of that system. There is a pipe system underneath that, at a certain point, will collect water, but it has to get to an elevation before it (inaudible) but there is a lot of storage underground and in a swale, and I would say that it definitely would not get to the D-4 basin first.

McCluskey:

And you know there is a discharge on Miraflores, directly off Phipps Estates, and I saw a guy out there with a hose, pumping it into North County Road.

Dusey:

To North County Road?

McLendon:

North Lake maybe?

McCluskey:

No, no, no. North County. He had a blue hose, coming right off..

Goldblum:

Yeah, yeah. You're right. Where the caretaker is on North County, where North County floods all the time. He had a big, blue hose, the same as the fellow had on Golf Road, pumping water into North County.

Elwell:

From the Phipps Estates?

Goldblum:

Yeah. But Phipps Estates, when I went up Lake Way, was flooded which was about 1 o'clock.

Unknown:

Phipps Estates was flooded?

Goldblum:

Yeah.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Unknown:

Inside. You went in and ...?

Goldblum:

Well, I didn't go inside, but it looked it. The gate...I purposely went up there to see what was happening, and there was standing water. I don't know how deep, but there was standing water at the North Lake Way and the gates at Phipps Estates. Coming back down around, I went up Golf Road and down North Lake. I did see that hose where the caretaker lives, pumping out into North County Road.

McCluskey:

There's another one on Miraflores going right out into the street.

Goldblum:

I didn't see that one.

McCluskey:

It's not a blue...this is a temporary structure that is just pumping water.

Goldblum:

The big blue hose I saw was on Golf Road with the house I told you is way below street level, and I don't know what we can do about that. It's not something that we can address.

McCluskey:

But again, Mother Nature gave us a bit of a test case here for our million plus dollars in the Coral/Emerald/Crescent area. I was not aware that the sort of switch hadn't been thrown.

Goldblum:

Can I ask a question?

Brooks:

Sure.

Goldblum:

Does that Emerald and all go into the new 12 pumping station?

Dusey:

It's intended to. It's actually going to be a cross connection so it can go to either 4 or 12, so we should get (inaudible) out of both.

Goldblum:

Because 12 is still closed off.

McCluskey:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

But you are saying it isn't going to 4?

Dusey:

It is going to go to both.

McCluskey:

But is it going to 4?

Dusey:

It is going to 4 now, but the system in the street on Lake Way is small compared to what is connected to it.

McCluskey:

So it's got those big 36 inch mains and then we have something so it's

Dusey:

Yeah. Yeah. So there's constraint there, but again compared to what you had, I would have expected a better performance than what you got.

McCluskey:

But isn't it similar, Al, to a, you know, an eight lane highway dumping into a two lane road?

Dusey:

Yeah, Yeah.

McCluskey:

So that sort of defeats the purpose.

Brooks:

Mr. Wyett, Peter, then you.

Wyett:

Mr. Dusey, the testimony has just been given that water is being allowed to drain from the Phipps Estates to Miraflores. Is that correct?

McCluskey:

Yes, absolutely.

Wyett:

Is that part of the design that we approved for the Phipps? That their drainage should go out onto Miraflores?

Dusey:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Oh, not onto Miraflores. No, sir.

Bowser:

What's typical is, oh for the record, Jim Bowser, Town Engineer, many properties in the Town after they provide the required retention have a bubble up system near the street. Rear properties, rather than spilling over onto neighbors, these people set structures and when they meet their retention requirements for the Town, they will have a bubble up structure in the front yard, near the street, and the excess water then comes off and goes out into the street.

Wyett:

That's not my question. My question is....

Bowser:

No, no, no, Mr. Wyett, excuse me, but this is what was at this property. It comes off the caretakers property, and there is a pipe with a little concrete apron around it and I've seen a lot of water comes off of that, but they have the retention requirement at the time the Town had. The Phipps Estate Subdivision did go through the South Florida Water Management District for the permitting process for retention requirements. They do have a control structure that makes them retain the required water on their property, and once that water retention water is met, then they do overflow into our system

Dusey:

Into a pipe that goes to the D-4, not into Miraflores.

Bowser:

Right. Right, no wait, no wait, now, okay--only the caretaker property has a bubble up on Miraflores. The entire Phipps Estates control structure is immediately south of the D-4 pump station, and they make the connection to the D-4 pump station right at the pump station. The Phipps Estate is immediately adjoining to the D-4 pump station.

Wyett:

What you are saying to me is that the Phipps caretaker property, which probably encompasses the entire remainder of the Phipps, estate is allowed to pump its surplus water that it cannot retain onto Miraflores and invade the homeowners of Miraflores. The question I have, Mr. McCluskey, did you live in your present home prior to the Phipps development being completed?

McCluskey:

No. But I have one question. When the Phipps Estates were platted were they subject to the 1976 Smith and Gillespie levels of service? In other words, that's what they engineered to?

Bowser:

I believe they engineered to the current South Florida Management District standards at the

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

time they did, so it was not necessarily subjected to Smith and Gillespie. I think they did to a higher standard. Whatever was current with the Water Management District, since it was such a large piece of property, they had to go and get a Water Management District permit, and their rules govern which I think exceeded the Town's.

Wyett:

Can I just clarify that. I'm hearing two testimonies—one that the caretaker's property at Phipps is pumping onto North County which is one aspect which is with the hose, but I think I heard testimony by Mr. McCluskey that, and I think you confirmed it, there is a pipe, formal pipe, that pumps out onto Miraflores.

McCluskey:

Neil Elliott who lives on Miraflores can speak to it.

Brooks:

Excuse me sir, but if you could use the mike and identify yourself for the record.

Elliott:

My name is Neil Elliott, and I live at 222 Miraflores. The pipe that you are talking about is not a bubble pipe. It is hooked up to some pump. I've seen the street dry and all of a sudden that thing starts gushing out.....a pump is turned on. That's number one. Number two is the retention of water over there. At the back of my yard, there is a retainer wall coming up from the Phipps. It stops one-third in to my property and then turns back to the Phipps. Their property is now four feet above mine. The water flows around that, onto my property. This past Sunday, I had eight inches in my back yard because of this. It has been going on ever since they started developing the property. I've spoken to the Testas. They have told me it never flooded like that until they started developing there. So, also I was told at one point, when they were developing the property, that there was going to be a wall the whole length of Miraflores to keep the water in. Is that true? Is that going to happen? And, if it is, when are they going to finish putting that wall in?

Smith:

I don't remember. We would have to look back at the plans. It was my understanding, too, that, because Miraflores never did flood on the south side, but it was my understanding that there was eventually going to be a wall on each individual property on Phipps to protect Miraflores, but I don't remember, whether or not, it was a condition of the approval.

Elliott:

It stops at my property, and then all the water comes around.

Brooks:

Mr. Moore, do you have a recollection of this situation?

Smith:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

He can certainly look up the records.

Brooks:

Yeah.

Wyett:

Bill, while he is walking up, it is unreasonable for the Phipps development, a brand new development, to cause harm and have water invasion of the neighboring streets. If there was a design error, if there was something the developer did not provide, this needs to be looked at.

Brooks:

Mr. Moore is going to address that, Mr. Wyett. Mr. Moore, for the record please.

Moore:

Bob Moore, Director of Planning, Zoning & Building. I actually can't remember, but I believe Mrs. Smith is correct that each property, as it was raised to meet, it was very low in there, to meet the 7.5 foot flood elevation was required to put a retaining wall on the north side of their property which would be the south side of the Miraflores properties, but I don't know the answer, but also Mr. Bowser is correct that the system, before the subdivision could be approved, was reviewed and approved by the South Florida Water Management District.

Brooks:

If you could research that for us, Mr. Moore, we'd be grateful. Yes, Mr. Elwell.

Elwell:

Thank you, Mr. President. Several items have been raised in the last few minutes regarding particularly the Phipps Estates and its relationship to the neighboring properties that clearly we need to look into further outside this meeting and follow up on, and there may be some, either enforcement actions or other actions that the Town needs to take in that regard.

I wanted to make just a couple of quick comments, because assimilating what several different have said and bringing it together in a package, I think there is some perspective here for us about the larger question facing you today and facing us all today in addressing the level of service of drainage in the Town, and what it should be, how well we are meeting it, and what we might need to do to the system to do better. That is, in terms of gauging what Sunday's storm tells us, the information that Mr. McCluskey had from the South Florida Water Management District, that this was approximately a five year storm—something perhaps a little less than a five year storm—if you remember in Mr. Dusey's presentation a few minutes ago, the Smith and Gillespie study identified that in a five year storm there will be street flooding, and that the system should be designed sufficiently well to pump that out within an hour after the most intense period of rain. That in fact sounds like something that

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

occurred here. It may not have been exactly an hour and, in fact, with the other information that we have heard this morning that Smith and Gillespie may have underestimated the need, and the system is under designed when we implemented that report over a period of years following the mid 70's. One might reasonably expect it would take a couple of hours, rather than an hour, to pump out, but we would definitely have expected to see street flooding from that five year storm. That's what we saw. I think we have clearly identified, both from our own observation and what we have hear from the Town's residents, additional issues to look at--specific property issues to look at, to make sure that if there has been anything done that is not in accordance with the approvals and so on, that we address that, but the general magnitude of what we encountered with Sunday's storm is about what we should have expected, and in fact reminds us of why we are here to look at the system and the improvements that can be made to the system.

The one other comment I wanted to make was just in terms of specific level of performance at the Coral/Emerald/Crescent improvements from this summer. While we are disappointed in that performance and need to look further at whether there is something else that is a technical engineering concern there that may need to be addressed, the lack of a connection--complete connection--into the larger system and particularly the fact that other improvements are needed to that larger system--the trunk line in Lake Way is undersized--which we knew, and we now have confirmation of through the studies, and you will hear more about that in a few minutes. How critically important to all of the side street improvements for them to perform to any reasonable level of improved expectation, we've got to have a trunk line that can handle that and get the water to the pump station. So, it comes in pieces. The improvements come in pieces, unfortunately, and I just want to caution that it is not an indication that the investment was a poor investment, or we're not getting the bang for our buck, but there still is a heck of a lot of work to be done to make it all work effectively.

Brooks:

Do we move now to the consultants' report?

McLendon:

I would like to say a couple of things.

Brooks:

Mr. McLendon has...I'm sorry, Sam.

McLendon:

What is the number of inches associated with the South Florida Water Management District's standard design, a hundred year/3 day storm? What's the number of inches of rain?

Dusey:

Over the three days, it's 17 inches, but then they also chart hour by hour during that time over that three day period.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

McLendon:

When was that criteria adopted as their requirement?

Dusey:

I need help from our consultant.

Consultant:

(inaudible) 1972.

McLendon:

That was in effect when Smith and Gillespie did the report. I probably don't think it is in there--allowed for.

On the pump stations, are we in a situation where we absolutely cover the notification in our receiving station whether the telemetering stuff -- the pumps -- are on. The pumps come on with a level switch. Right? It starts. Supposed to start. It increases more pressure in the discharge. Are we telemetering both from the pressure switch and from the level switch to be sure the pump is actually running and pumping water?

Dusey:

The telemetry system absolutely tells you when the pump is operational, and when the pump shuts off to the minute. It will tell you that. Yes.

McLendon:

Does it also tell you when it is called for? That is, if you have something to look at, to say whether it's been called but it's not running.

Dusey:

The well elevation is also monitored, so the information on...

McLendon:

Put the two things together, you should know that then.

Dusey:

Yeah, but I'm not sure what the question...on a telemetry system, if you look at the computer, it will tell you that there is a sequence on pumps running. The first one goes on, then the next level, the next one goes on, and there is a sequence. If one skips, then you know it is not running.

McLendon:

But it may have its signals calling for it to run, but if you don't have a little pressure switch in your discharge pipe that would...

Dusey:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

No, I don't believe there are any pressure switches in discharge pipes.

McLendon:

Well, there should be, because the pump could be spinning and not pumping.

Dusey:

There is automatic protection to shut that off. The systems have fail-safes in them so that it doesn't run free.

Bowser:

Excuse me. I think Mr. McLendon was suggesting that a pump would be operating if the impeller failed. The motor is running, and it is not pumping anything.

McLendon:

Whatever. You should know if it is pumping water or not, if it's called for, and I don't think you have that.

Bowser:

We could check and see if we could put a pressure--whether it would sense pressure on the discharge of the pump, and that is what you are suggesting is that we check the pressure in the discharge.

McLendon:

That's the full proof place to know whether the pump is running or not. I guess that will (inaudible) the rest of it.

Bowser:

I can say it, and Al can probably confirm, I'm not sure if we've seen if a pump was running that it didn't pump. I know that can occur, but the probability of it running and pumping zero is probably pretty slim.

McLendon:

I spent approximately two hours that Sunday afternoon doing the whole north end looking at places. I saw Coral and Crescent--I would have guessed the water was about a foot there, but I didn't go down Coral, because I went on Crescent to County, but I was very pleasantly surprised that up on Mediterranean, it looked like it was in great shape, and generally speaking, I thought things were improved, but we have a long way to go.

Brooks:

Thank you. Before we go to the consultants, I think Mr. McCluskey or Mr. Watchman or somebody out there had a request. Use the microphone, Michael.

McCluskey:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Michael McCluskey again. Mr. Dusey, just to close the loop, when do you think—literally—when do you think that connection is going to be made so that all of the improvements are going to be firing on all cylinders?

Dusey:

I think that is going to depend to a great degree on what the deliberations are of the Council today.

McCluskey:

Okay.

Brooks:

Michael, we did terminate the contract with Florida Blacktop as you probably read or at least someone told you, so hopefully we will have it completed for...what are we shooting for, Al, October?

Dusey:

D-12 will be...yes.

Brooks:

October. Mr. McLendon...Mr. Goldblum.

McCluskey:

That does that include also increasing the pipe size to the D-4 pump station?

Dusey:

No, sir.

Elwell:

The Lake Way improvement that is so critical to the rest of this would be a high priority in whatever program we pursue based on the deliberations.

McCluskey:

But the plan is to increase the pipe size on North Lake Way to the pump station?

Dusey:

Yes, sir.

Brooks:

Mr. Goldblum.

Goldblum:

Michael, I was over, day before yesterday, looking at the pump station, 12, which would affect you to some degree. The pumps are there. They were getting ready to lower them and

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

hook them up electrically, so I don't think it would be much longer before they are running.
Jim? No? Why?

Dusey:

That may be true, but the connection to that system is not there.

Goldblum:

That doesn't connect to that system?

Elwell:

That's part of what is still going to be completed by next summer, and even then I'm not sure it will be complete.

Bowser:

Yeah, it won't be. No. We need again the drainage study reports and your action today will bring that along.

Goldblum:

Okay.

Brooks:

Anything else. Can we go with the...I'm sorry, Sam, did you have something?

McLendon:

Can I say just one other thing? I forgot to mention--when I was at Miraflores, Sunday afternoon, I would say about a third of the Inlet, near Bill's house, was clogged, and I took my umbrella and knocked the ficus leaves on through the grating, but the water was not building up. The amount of Inlet that was open was taking everything it was getting at that point.

Brooks:

Mr. Watchman, did you have...come on up please.

Smith:

And when Mr. Watchman finishes, if I could just ask a couple of questions. Thank you.

Watchman:

Thank you, Mr. President. What happened in Miraflores was the water was building up and at about 1:30 it happened that there was a Public Works guy there checking things--riding around the neighborhood--and he and I watched the water rising. It was maybe a little before 1:30. The water was about 60% of the way up my driveway toward my house, and I was watching it climb, and it climbs fast, because it is all running down Miraflores to the lower end, the North Lake Way end. The fellow with the pipe at the top of the street which is on

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

the south side of the street, the last house on the corner is pumping water as fast as it can be pumped from Phipps into our street, and that, of course, adds to the problem, and brings a lot of those trimmings and things down the street at great rate. It was only a matter, it looked to me being out there watching and clearing and watching the water rise on the tire of a car parked across the street which was well over the hubcap, I mean over the lower edge of the hubcap. It looked to me that we had another half hour or maybe 45 minutes when fortunately the rain slowed and stopped. I don't think we should walk away and think that somehow the problem got solved at Miraflores. Nothing has been done about Miraflores and it still has a problem which very nearly got us the other day. I had somewhere between 5 and 8 inches of water on top of my property, all over, all the way around in the back and that was still there the next day, and then I had installed a new, big sump pump under my house, and that eventually pumped all of that water out into a catch basin in the street.

It was very close, and the mood in the neighborhood is that it started with Phipps, and, of course, having a pipe from Phipps pumping water into our street—which you guys seem to know about—is astounding. It's generally believed in our group that the Phipps water as it enters the wet well directly from Phipps and it seems to take priority. The second priority seems to be Miraflores, and the third priority is whatever is from Coral and Emerald, etc. It is evident, I think it would be evident to anyone who came over and watched what is going on, that the water coming in from Phipps, comes in first, and has to be blocking the flow from any where else. Look at the timing—the commencement of these major floods in that general area and the timing of the completion of the Phipps set up. Maybe this is not logical or maybe it is. It seems to me there is a problem there, and it ought to be looked at much more carefully than is reported in the D-4 drainage study—much more carefully, because I think there is something really wrong there. I think you have 24 houses and several acres that disappeared in terms of runoff, and I think that it is not hard to figure out, at least in terms of time, what happened – what has changed things. It's much worse. I carried a petition to every house in the area. I saw what was going on in the backyards of the houses on the south side of the street. The water is pouring over the backs – over that retaining wall, because the ground is graded up behind the wall to the top of the wall. Where else can the water go? It goes into the swimming pools and the back yards of people like Neal and all of his neighbors. I think something has to be done about that. I think that we're really suffering for the presence of the Phipps Estates, and as lovely as those homes are, I don't feel any particular affection for them.

Brooks:

Mr. Watchman, you are absolutely correct, and Mr. Elwell and Mr. Dusey and Mr. Bowser have received your message loud and clear. Candidly, I don't have an answer for you when that was granted or how it was granted, but ...

Elwell:

Excuse me for interrupting, Mr. President, but I think it is important to recognize that much of what is being discussed raises the question of whether there may have been work done there that is contrary to the approval or not, and we are going to be determining that.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Brooks:

Okay. Madame Mayor certainly.

Smith:

I understand your concerns, Mr. Watchman. I understand we have all of the consultants sitting here today. However, we have all seen the reports. We've all had a summary from Mr. Dusey and Mr. Bowser on what is happening, and I'm wondering—is the Council prepared today to start talking about what work we are going to do today, or is this going to be just a hearing everything and questioning the individuals? I would like to see the Council start to take some action on which of the projects should be done first; which ones the Council are going to go ahead with. I appreciate Mr. McCluskey and Mr. Watchman here, but I think if we could start taking some action, we could get this show on the road. We've seen your reports, and they are wonderful reports. I understand about 10% of them, but they have explained it all to me, which are the important projects, and I think the time has come to start doing something, and that's my feeling rather than spending another two hours listening to our wonderful consultants telling us how they did the work.

Brooks:

I totally agree, Madam Mayor, and that is what the agenda said. It's not to minimize the concerns of Mr. Elliott, Mr. Watchman, and Mr. McCluskey, and hopefully we can address those concerns as we move forward in a pro-active manner.

Smith:

Now. Right.

Brooks:

Right, but Peter, the consultants are up now?

Elwell:

Yes, sir.

Brooks:

Let's call it. Thank you, Michael.

Smith:

Why don't we hear the consultants first who did Coral Lane and Via Linda?

Dusey:

Actually, they happen to be the first ones on ... We're going to go from south to north, and that's the D-4 basin which runs from Coral Lane to Via Linda, from Ocean to Lake. Metric Engineering is the company who did that basin as well as one other.

Smith:

Maybe you even have a solution to what we can do with the Phipps property.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Wyett:

Gentlemen, keep this conversation in English so we can understand it.

Smith:

I know you are going to explain this to us.

Answer (Metric Engineering):

I am going to do my best.

Brooks:

It looks like a Rorschach ink blot. Will you please identify yourself for the record please?

Marquis:

My name is Martin Marquez and I am Metric Engineering Vice President, and with me today is Mr. Tony Kakoullis who is the drainage engineer in charge of this particular study.

A few months ago, we were hired by the Town to do an elevation of the existing drainage system for the D-4 and also for the D-9. What we were supposed to do was to evaluate whether the existing system has the capacity to handle the current drainage requirements of the basin. In order for us to determine that, we went through several steps trying to get as much information as possible. So, the first thing we did, we reviewed the 1973 study that we have referred to in several locations this morning. We also obtained field plans as much as they were available. We also have the project flown—meaning we took aerial photographs. The intent of that was to determine what is the level of development that the Town experienced today, meaning how much is it built out—up to date. We also have (inaudible)—what that means is that we have information that identifies the topography of the basin meaning we are trying to get an idea of what are the drainage patterns within the basin, and to accurately delineate what the drainage areas were contributing to every specific part of the system.

We reviewed plans for the pump station. We evaluated those to determine that they were functioning according to the design criteria. One thing that—and I have to thank Mr. Dusey because he gave quite a good summary of our results or our findings—one of the things we identified immediately is that the runoff coefficients that were used in the original design back in the late '70's is not consistent with today's level of development. That is why we took the aerial photographs. We went from .35 to a .60 in this particular basin.

Then what we proceeded to do was, based on the criteria, we tried to run an analysis of the whole system. By the way, we went out there and surveyed each and every drainage structure that we were able to identify. In many instances, we found that there are some structures within private property that we don't have much access to, but for the most part, you could say that we have a pretty accurate survey of the drainage system, and we also went out there and surveyed the finished floor elevations of houses and garages. Once we modeled the existing drainage system, we tried to run it for the one year storm event, and we found it to

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

be deficient. Basically, the existing system, with the current level of services, is not enough. You need to improve.

Brooks:

We understand that.

Marquez:

So, then we ran it with a three year...okay, what we did then...it doesn't work. We have already the pump station. Let's see if it is the pump station. The pump station is adequate in the D-4. So what we needed to do is we needed to improve the drainage system itself--the pipe system within the basin to make sure that the water gets to the pump station. That's one of the problems we are having.

So, what we did, and allow me for a minute.....we developed this--I know you cannot see this well--but we did an analysis of what it would take to upgrade the system to actually meet the one year storm event requirements and the three year storm event requirements. We came up with a plot that shows all of the upgrades that need to be done--all the pipes within the system. If you check--that was in the report--you'll see that for the one year event and the three year storm events, there are quite a few pipes that need to be upgraded, particularly in the (inaudible). Because what happens, you'll be talking about the water, you know, all of a sudden the street is dry and all of a sudden it starts--well it just so happens that the water is at the end of one of the basins and then starts traveling towards the center--toward the pump station. It takes a lot--it takes quite a few minutes--so all of a sudden, the water is getting all at the same time to the pump station and it's not, you know, the pipe sizes are very small for the kind of water they need to take.

So, when you talk breakdown, let me give you an idea. I told you a few minutes ago that we have the topography of the basin. If you ever (inaudible) that, you'll find out that there are some physically low spots, high spots, that are in the basin, and there is surface run off. Water runs from parts of the basin to other parts of the basin. Miraflores is a natural low spot. Most of the water is going to go to Miraflores. There is nothing we can do about that, but there are some ways that we can address/do in order to alleviate the problem.

We did an analysis for the one year and the three year storm event just like Mr. Dusey addressed. Later we were asked, also, to do an analysis for the one hundred year storm event, and determine how many houses would be flooded when we have a hundred year storm. The first thing we needed to do was determine what kind of pipe system we were going to have in place at the time that storm hit, basically. We going to upgrade the system to the one year storm event or the three year storm event....what size pipes we are going to use. In consultation with the Town, we decided to do the analysis assuming we had upgraded the pipe system to three years which is similar to what was designed at the Coral/Emerald part of the basin.

Our (inaudible) yields that for the hundred year storm event, the pump station we currently

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

have is not able to handle such amount of water, and there are two areas that are critical, mostly the area of Miraflores and the area found at the corner of Crescent and Emerald. We tried an additional pump station, just to alleviate that particular problem in the area around Miraflores, and even though that solved that particular problem, the area on the south would still be under water for the hundred year storm event. We also looked and didn't run trying to determine or find a place of who can put pump stations on the north end and the south, and with the help of the Town Engineer we came up with two potential locations for pump stations, and when we did our analysis using two additional pump stations, we determined a certain number of houses and garages that would flood.

Of course, there are some houses that are so low that there is not much we can do unless you have a pump station right there and then when it rains. Pretty much that is an overview of our procedures for the (inaudible) doing the recommendations.

Brooks:

Any questions? Mr. Wyett? Al, did you want to comment before I go Mr. Wyett? Mr. Wyett.

Wyett:

What is the last storm we had? A five year storm for practical purposes. The County said it was 8.1—some other measurements were 7.8, 7.9, but it is in the ballpark of a five year storm I believe.

You gave calculations for a one year, a three year, and a hundred year. Can you just tell the Council the difference between what this area achieve if we made improvements for a three year level and we have a five year storm?

Kakoullis:

My name is Tony Kakoullis, and I am the drainage engineer who worked on this project. The storm sewer system is designed for a three year rational method. Now for a five year—if a five year storm hits then the system will be inadequate. Okay. The storm sewer system, in general, is designed for a three year storm—that is the maximum standard today that we design for. The house elevations—any new development—any new development today for any construction, it is required that the houses are built above the hundred year flood plain. All the problems these basins have is because the houses are old, they were built back then when, and they are below the hundred year flood plain. It is very simple.

I want to mention – to answer your question – for the five year storm is apparently going to be undersized, but it is going to be much better than what it is today if we upgrade for the three years. Have in mind, that between the one year and the three year—that I know if it is only 15% more so I would assume it is a small increase as well.

Wyett:

My question is – to zero in– if we are going to rebuild in any manner, shape, or form of

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

significance, shouldn't we design at least for the five year storm?

Kakoullis:

I wouldn't. No.

Marquez:

The common practice is to design the pipe system for the three year storm event. That is the common practice on all cities around. (Inaudible) If the County does so (inaudible) the Department of Transportation does as well. However, keep in mind that you have a pump station that is designed (inaudible) What they increase in the pipe sizes is going to do—it is going help release, it's going to help you store more water to the pipe and take the waters to the pump station a lot faster. So, where you are talking about decreasing the time that the water is actually going to affect some of the property. You're talking about making everything dry, I don't think there is a pump size big enough to achieve that.

Wyett:

Let me zero in a little bit more. I understand that. I didn't ask you to go to the hundred year storm, and I understand this area is low, but if we are going to spend good taxpayer money, is there any advantage and what would the cost differential be to go to the five year storm, because these gentlemen and their neighbors who are not here and they are numerous, are still going to have flood unless you tell me that the three year level is going to keep the water out of their garages and homes. I mean my responsibility—this Council's responsibility wherever it is possible—is to give a level of service and certainly that level of service is a dry house.

Marquez:

Well, all I can do is do the five year analysis and indicate to you what the effects are if we have that particular pipe system in place, but it is a matter of cost.

Wyett:

That's what I am asking. I want to know – the people of this community are asking this Council to spend some money. If I'm going to spend a dollar and only get 3/4 results, I want to know how much more I have to spend to get better results.

Brooks:

At this time, Mr. Wyett, we have no idea what the little bit more is unless Mr. Dusey can help us.

Wyett:

That's what I am asking.

Marquez:

Well, the only way for us to, I mean, we're talking money.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Wyett:

Yes. I just want to know how much money.

Marquez:

Exactly. The only way for me to know is to go and do the analysis, tell you what's the difference between 3 and 5. We didn't run that in our analysis.

Wyett:

Is that a computer analysis?

Marquez:

Yes.

Kakoullis:

Yes. So, sir, that you know. D.O.T. designs I-95, let's say, and evacuation routes for a ten year storm. Other major roads like Southern Boulevard, Congress, all these four lane roads, they're all designed for three year. Now, if we want to design for a five year storm, our storm sewer system, your storm sewer system—that's fine, we don't have a problem with that. Maybe 15% more of a flow, perhaps they are going to get 6 inches bigger, you know, that's fine, but what I am saying, by designing this storm sewer system for a three year, I feel you're providing the pump station capacity, you'll be fine. You should be fine. I wouldn't want something else too....

Wyett:

All I want to know, so I can look these gentlemen and their wives in the eye and say 'We did our best and this is what we can afford to do'.

Brooks:

Mr. Dusey, please.

Marquez:

I understand.

Dusey:

I, first of all, am going to disagree with our consultants, and I hate to do that, publically, that the storm we had may have been a five year storm for a twenty-four hour period, but it sure wasn't a five year/one hour storm.

Goldblum:

That's my question.

Dusey:

So the intensity of this storm was really—didn't even come up to the one year/one hour storm of 2.3 inches per hour. We never got 2.3 inches per hour in this storm, so if this one we had

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

on a three year/one hour design system, the system would have functioned perfectly is the answer to your question. This is not a five year/one hour storm. This may have been a five year storm based on twenty-four hours which is a whole different intensity.

Brooks:

Yeah. Thank you. Yes, Mr. Goldblum.

Goldblum:

The one question I had, Al. I heard you say that a hundred year storm is seventeen inches in three days. We do not get a three year storm here usually unless it is a hurricane. We get flash flood storms here that happen within six and eight hours. What does that relate to – to the three day/seventeen inch storm? Is there an equation or anything?

Dusey:

I have to rely on anyone of our consultants maybe two.

Brooks:

Come up please, sir, and identify yourself and if you could answer that question, we'd be grateful.

Foy:

Jay Foy with Shalloway, Foy, Rayman & Newell, Inc. I'll just give you a couple of numbers. The 17 inches, there's 35.9% occurs in the first two days which is roughly six inches. The 11 inches occurs in the last day. The peak hour of that storm is roughly 5 inches in an hour. That occurs in a 15 minute increment, however. That is not 5 inches over the total hour, and so I don't know your answer to 6 hours of what that equates to, but those are the numbers that are on the top of my head—the 5 inches per hour maximum and the maxim day 11 inches in the maximum day.

Brooks:

And you said 15 minutes within an hour, you get how much—5 inches?

Foy:

The intensity during the worst 15 minutes is 5 inches per hour. It doesn't last for...

Brooks:

There is no system in the world that could handle that.

Foy:

It doesn't last for a full hour, so you don't get a full 5 inches in that hour. I said the maximum intensity. You don't have 5 inches in 15 minutes, you have 5 over 4 which is 1.25 inches in 15 minutes.

Brooks:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Thank you, sir. Mr. Elwell.

Elwell:

Just one quick clarification, too. That what he just described would happen—that sequencing where the 11 days falls on day 3 means that 11 inches falls on day 3 means the 11 inches in that most intense hour are both occurring when the ground is saturated, so that you have information before you today on how to address that kind of storm, and that's pretty impressive intensity.

Goldblum:

Okay. That's what I wanted to clarify.

Brooks:

And I doubt there is a system that could handle it, candidly.

Okay. Where are we?

Gentlemen, excuse me. Have you finished with D-4? Go ahead sir.

Marquez:

I would like to add something. As you know, the Phipps Estates, which is this area here that includes Via Los Breezes and Via Tortuga, has been permitted by the South Florida Water Management District. We have a detailed survey of the area, and this tells us that half of—first of all—we pulled out the permit from South Florida, and the Phipps Estate drainage basin according to the permit, it's much bigger than what we came up with. They go all the way here and they go all the way to Kawama Lane; however, the topography tells us that half of these homes go down to Kawama and half of these homes go down to Miraflores, and even the walls have holes on them that allow the water to come down and go out. That's the fact of the matter. The basin is much less than what was permitted. They say we take care of 30 acres and the basin actually....I'm sorry—20 acres...and the basin is actually 15.2. That's the conclusion I reached. This is a very detailed contour survey. Very detailed. This is a high point here and half the homes go down and half the homes go up.

Brooks:

So the retaining wall is a misnomer.

Marquez:

I think the retaining wall even has holes on it.

McCluskey:

Mr. Brooks? It's Michael McCluskey. I've been told, and one of the fellows from the Town can either confirm or deny it, that there are ten more platted lots in Phipps Estates which would make sense to what you're saying that there is more acreage that what has been described which means there are ten more homesites that can be built as the drainage plan

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

sits today. Phase 2. Is that true?

Marquez:

But I think that may be confusing to the issues here. The additional area comes from the actual topography, once you delineate the drainage area, based on the high points and the low points, then you realize there is a lot more area that they are not accounting for.

Smith:

An the more we hear, the more reason to put in a moratorium so that we can find out everything that is going on in Town, because this is unbelievable.

Marquez:

I'm sorry, Mayor. What I am saying is this: in their permit, they said they took care of 20 acres, but that's showing they are taking care of only 15 and the rest is flowing to Miraflores and it flows to Kawama.

McCluskey:

Can I ask one follow up question? Have you done an as-built analysis? We're talking about designing a system to a three year event or a five year event. Have you done an analysis of what is in the ground today and what event our system today would handle? I mean, don't we need a base line in other words to say our system can handle a 6 month event? It can't handle a one year event. It can't handle a three year event.

Marquez:

What we did, we basically (inaudible) took the existing system that we've run, the one year storm event, and we found that to be inadequate. At what level, I don't know.

McCluskey:

But you ran..you took the as-built in place today, laid on a one year event and the system failed.

Marquez:

Right.

McCluskey:

Okay.

Smith:

No point in doing anything more if the one year doesn't hold.

Brooks:

Mr. Flamm, please.

Flamm:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Al Flamm, a Palm Beach resident. I must admit in part, I'm asking my question with my Strategic Planning Board hat on. In your executive summary, you indicate under data collection that the recent photograph is a testimony of the rapid development that took place in the last ten or fifteen years. Are you in a position to guess for us if that development had not taken place as you obviously as you say, 'rapid development has taken place', you have it before and after (inaudible). If that development had not taken place or how much of that development would have taken place, would our system today be perfectly adequate?

Marquez:

No. I'm not ready to...

Brooks:

Sir, thank you.

Kakoullis:

Based on the 1976 study, the system was adequate but then for the one year.

Flamm:

It was adequate...

Kakoullis:

not then...in 1976.

Flamm:

In other words, you can say, qualitatively, that the development that has taken place in the last ten or fifteen years has had a profound effect on the inadequacy of the system?

Marquez:

Very much so.

Flamm:

Okay. That's the first part of the question. The second part: in your proposed solution, are you assuming this same rate of development will take place or are you assuming that no development will take place?

Marquez:

We are assuming everything is built up.

Brooks:

Oh, boy. I wish I could go to the bank with you on that, but...

Smith:

It's built.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

McLendon:

No, the study is based on that.

Goldblum:

That is what the study's based on.

Smith:

But let's not debate this, because we see how everybody is tearing down and building bigger unfortunately.

Flamm:

No, but the assumption is that the current development is what we are solving towards and no further development.

Marquez:

You see, remember, 1976 – the design that the system as it was back then and they failed. When you design a system, you design for future, having in mind what is going to happen in the future. First of all, this is pretty much built out anyway, and when we pick up lots to determine how much coverage each lot has, how much impervious area each lot has, and how much non-impervious area it has, that's how we came with the coefficient, the .6, we applied it everywhere. That's how you are supposed to do, because you see houses built now. There is an empty lot that we're proposing to have a pump station but then there is a huge house there. It's all going to be built up except some grass areas, some trees that are going to be left alone. So what? We apply the coefficient of .6 everywhere.

Brooks:

Okay.

Marquez:

Before we embarked into this detailed analysis, we did a preliminary analysis of the system, trying to determine the reasons it was (inaudible). One of the first things we did was we took in the basin we had, picked randomly, several houses and we tried to measure the percentage of pervious and impervious for these particular houses. That is how we determined as an average of the whole, you know, we have (inaudible) throughout the whole basin. We determined then an average of the whole basin of the runoff coefficient. That's how we determined .6. Then we applied that .6 to the whole basin, whether a lot was developed or not, that is the coefficient we applied uniformly to make sure that we account for the development of that lot in the future.

Wyett:

In this area, you mentioned that there—it was mentioned and Mr. Moore may be able to comment on this—when Phipps was developed, approximately ten lots were reserved for the Phipps use who originally owned all the land, and that land could be re-developed and sub-

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

divided to approximately, I think, ten more houses. So we aren't fully developed in that area, and the runoff is being absorbed.

Brooks:

Mr. Wyett, why don't we hold that. He's explained the equation that going from .35 to .6 as an average and the coefficient, you know, we can keep going and going here with 'you know', 'the Mayor knows', 'I know', 'everyone knows'. We can talk about split lots. We can talk about a 2,000 square foot home being knocked down and a 4,000, but I don't think that is helping us make progress right here. We are getting very amorphous in my judgement. Mr. McLendon.

McLendon:

Can I refer to your--this is D-8 we're talking about?

Brooks:

D-4.

McLendon:

Excuse me. I take my question back.

Brooks:

Okay. All right. Mr. Elwell, what's next?

Dusey:

Next basin to go over is D-8 which is West Indies to the Palm Beach Country Club. Jay Foy will give you a brief presentation on that basin.

Brooks:

Gentlemen, how about we'll take a quick break and be right back. I won't say two minutes or one minute, but a quick one.

Break – Resume meeting.

Dusey:

We're up to D-8 because we're taking it from south to north.

Brooks:

Okay. D-8. Thank you, sir.

Foy:

My name is Jay Foy with Shalloway, Foy, Raymon and Noll. I will be covering the D-8 basin for you. I've got it up on the projector here.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

This is the cover sheet. The D-8 basin covers, you don't see all of it there, but the D-8 basin covers from Via Linda up through Country Club Road. There's a little difference in the hundred year and the pipe design. In the hundred year, we have included half of Via Linda and the pipe design we did not, because our pipes don't go down there, but that's a detail.

This sheet shows you the finished floors which will make more sense to you when I go to the next slide. You basically have 22 finished floors that are at elevation 6.0 or below in this basin. You have real problems in terms of finished floors here. As you know, your current criteria is 7.5. The FEMA one hundred year hurricane element is 7.0. This study is not a hurricane study. This is the one hundred year rainfall study. With the existing system, if you got the 17 inches of rain, you would have 21 homes flooded. They are identified here—they are on Country Club, Fairview, and Ridgeview. The flow comes—drain pattern— it's like a bowl—but in the south side it comes from the west side goes towards County Road, flows north and then once it gets up to the north end, it flows back to the west. It sort of makes a 'U' turn. I have had the privilege of being on the corner of County Road and Ridgeview during one of your rainfall events and saw the water swirling around the corner like it were a race track. It was kind of interesting. When I came back to that intersection, your maintenance people had cleaned out the inlets, and it was doing much better, but when the inlets get clogged, it just by-passes everything.

The bottom line on this—your existing system— you have 21 homes flooded for the one hundred year/three day storm.

I'm going to tell you about the one hundred year storm analysis first, and then the one and three year storms. I'm doing it in reverse order. What do you do about this? The first thing I looked at—you have an existing pump station with two pump stations in it. You can add a pump. What does that do for you? You go from 21 homes flooded down to 17. A new pump—you don't have to add a whole lot of infrastructure; you add an inlet, a pair of inlets, right in front of it, you save 4 homes from flooding.

For those four people, that is quite substantial. I also had the privilege of riding down this road when this lady was stopping me in the street saying 'please, slow down. The wake is going in my house.' That home is at elevation 4.14—terrible. It is existing, and it gets flooded very easily. Adding a pump and very little infrastructure, you save four homes. The next step to solving the problem was if you add the same number of pumps with one additional pump and a conveyance to get it there, you're down to ten homes flooded. We saved all the homes on County Line and also on Fairview. We haven't affected anything on Ridgeview.

But it's down to ten homes. That's saving eleven homes.

The next step in a hundred year study was what do you have to do—there's some intermediate steps in the report, but I'll skip those because they didn't solve the problem—this is what you need to do to solve the problem. I've shown a new lift station that has three pumps, the same size as the upgraded lift station on County Line, Country Club, I'm sorry, and a new drainage

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

system along Ridgeview. It solves the problems. It's tripling, not doubling, but tripling your existing drainage discharge. I noticed there was a question in one of the correspondence about can we get that permitted? It is a good question, but the philosophy here is if you are protecting finished floors, how can they, South Florida, say no to you having a solution to solving your finished floor which is our own criteria? This is quite expensive, and the location of the pump station doesn't have to be exactly there. It could be down here where another empty parcel is. It could be anywhere on Ridgeview, but you will have to construct a new force main all the way through to the Intra Coastal.

I couldn't solve this one hundred year problem without spending a lot of money. This one was in the report at \$4.1 million. We'll get to that later, and since I have found out it is about a half a million more. Anything else I want to say about this? We'll save it for questions.

The next analysis was the one year--the DOT type analysis of pipe sizing analysis--what you have to do to upgrade your pipes. What is shown in yellow on the sheet are the improvements necessary to upgrade the pipes. It is almost all of the system, not quite all of the existing system, but it is almost all of it, and the costs I will get into later.

For your information, the one hundred year storm peak intensity, I told you, is about five inches per hour in a fifteen minute increment. So is the one year. It's also about five inches intensity peak, but because of that runoff coefficient we talked about earlier, everybody did, it's a direct multiplier, 6.6 or 6.65% times 5 gives you three inches, so it is a direct multiplier of reducing the amount of rainfall, so this is sized to a much lesser quantity of flow, but it all stays in the pipe. The one hundred year design that I talked about before, it's acceptable to have water on the roads. It is not acceptable to have water on the finished floor.

This design keeps a 100% of the water for the one year storm in the pipes. The hundred year design keeps the water out of the finished floor. They are different type analysis. I'm just giving you an oral perspective on what they need.

The next slide is the same analysis with a three year storm vs. a one year. It's going to be hard to recognize the difference. That's because there is only one additional pipe that was added on Ridgeview that currently meets the one year criteria but had to be boosted up to the three year; therefore, there is very little cost difference. There's also one other difference--I had to increase the pump station size, because the amount of runoff did increase.

Cost is the last slide on this basin. My cost presentation is a little different that the presentation by (inaudible), but you can get to the same point--we summarized it differently. I said the one year design has 8 homes that will flood if you use the one year pipe design. It cost you \$3 million, but I wouldn't recommend that. I would go beyond that. I would go--well if you are going to spend the money on the pipes, you might as well upgrade the pump as well. You might as well go to the \$5.8 million. I don't see the purpose of putting in all these pipes and not protecting finished floors, but the one year design in the summary memo is correct at \$3,065,000.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

The next is the three year design. That jumped to \$4,800,000 because of increased pipes, and remember I had to change the pump station, and the hundred year design is less than the three year design, because I am allowing water to be transmitted via the streets. It doesn't all stay in the pipes. It flows over the streets as well. So, we have pipe conveyance and street conveyance that is conveying the water to the pump station. The pump stations are in the low spots, and this will work—it will keep your finished floors protected. It does not address garages. It does not address the fact that you will have water on the streets, but it does protect your finished floors.

With that, I think I am going to make this real short and hopefully any questions could—we've already got into a lot of technical details—so I was trying to avoid that—just get through the results.

Brooks:

Thank you very much, sir. Gentlemen, any questions? Mr. Wyett.

Wyett:

Could you just repeat for me the number of homes that are preserved in the three and hundred year program?

Foy:

This chart shows—if you did the one year design, you would have eight homes that still flood, and if you did the three year, you would have five homes that still flood. I said I wouldn't particularly recommend that you are doing all of these improvements, you ought to increase the pump station size as well and get the finished floor protection, but if you decide, and of course it is your decision, to go with those designs, then that would be the results.

Wyett:

Any how many homes are flooding now?

Foy:

With the existing system and that design storm, it would be 21, and there hasn't been anecdotal data that shows that many are flooding, but I don't think you've been hit with a seventeen inch storm or an eleven inch storm in one day.

Wyett:

Under a one year storm condition or a three year storm condition, how many homes are actually flooding?

Foy:

We tried to find that out, and we never did get a real good answer, but there's at least a half a dozen that we've noted. Jim, can you help me out on that one?

Jim:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

I'm not sure.

Foy:

Okay. We tried to find that out through public records and talking to people. We talked to some of the maintenance people in the field, and it's just not recorded.

Wyett:

We have a problem, and this is a low area, I believe, that is what you said.

Foy:

Very low. Your lowest inlet is 2.29 at high tide which we used—that's the design detail we used at 3.6 as tidal. If you didn't have a way to prevent water from coming back in, it would be flooded just due to the tide.

Wyett:

There is another analogy, other than pipes to look at. One of which is buy the homes up; raise the land up and then resell it, because that's FEMA level and it won't flood in the future based on height.

Foy:

Well as homes are redeveloped, you will require them to build up to 7.5. The positive side is that home won't flood again. The negative side is that's going to affect everybody else who hasn't built up as yet.

Wyett:

No, it's a major program, and it may not be practical.

Foy:

You've got 22 homes that are 6 or below. FEMA elevation is 7.0 and your criteria is 7.5. I don't know how many you have below 7.5. We shot the ones that were obviously low.

Brooks:

Mr. McLendon.

McLendon:

I just wanted to...you just answered it to a degree...of the 21, 8, and 5 homes, how many of those are below elevation 7 or are they all below?

Foy:

We shot 25 homes of which we targeted by eye if we believed they had a potential flooding. All of those were below 7. I did not shoot all of the finished floors in the D-8 basin. I know there are at least 10 more that are at 7 or below.

Brooks:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Mr. Elwell, Mr. Dusey, Mr. Bowser, any observations on Jay's...? Okay. Thank you, sir. We move now to D-9. Are you handling D-9?

Dusey:

Actually, D-10 is the next...from south to north, D-10. CAPTEC Engineering. Joe Capra will present that...from Bahama Lane to LaPuerta Way.

Capra:

I'm Joe Capra with CAPTEC Engineering. I appreciate the opportunity to come and tell you a little bit about what we have analyzed for your D-10 system.

I'm going to give the exhibits that are on the boards here. If you want to look at those, they should be clear to you. First of all, I will give you some statistics: 120 acres in the D-10 basin; as Al told you, it basically goes from Country Club to LaPuerta Way. Country Club is down here—LaPuerta Way is up here. 120 acres—there are 313 residences in this area. Just so you know, there is one pump system for this drainage area. There's four gravity storm sewer systems in it.

Basically, what we found—analyzed about 12 different lots. We have an average lot coverage of about 65%. As everybody's been talking to you - elevations out there range from 4.0 to 6.0 feet NGVD. We have (inaudible) as much as 20 feet NGVD. Obviously, where the problems are, is going to be in the 4 foot area.

We would like to show you in the existing system, this map here, I put two of them together—it's in your second page—this depicts the existing system—the gray line shows where all the existing pipes are out there. Pretty much, we found like everybody else, that they were undersized for the amount of impervious area. Again, we looked at the three year storm event when we analyzed the size of the pipes and modeled all of this.

What we then did—we talked about improvements. What this exhibit shows you: proposed improvements—we kind of high-lighted the areas. We put them both together for you—again they are on the second page—what is darkened for you, shows the improvement area. It would be on the second side of that second page. Okay? This pretty much shows you—these turquoise colored areas are the areas that are shown in bold on the right hand side of your exhibit number two there. Those are the areas that we are improving the pipes.

For example, this pipe system—there is a 66 inch pipe there now. We are going to keep the 66 inch pipe. We're proposing adding another 42 inch pipe there. A lot of the items we did in Lake Way for example; this storm sewer system doesn't exist. Okay. You are building one right here in the Eden/Garden area, and that's why they probably didn't have so many problems during the last storm the other day. In general, we're going to short cut this water here to get to the pump station for the umbrella area. Again, we are going to do the same thing on North Lake Way. You can see we are adding quite a bit of pipe improvements. We

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

are going to increase the size of the pump station. Presently, there are three 30 inch pumps in that pump house. We are recommending that you put five of them in there.

In general, you can see all of the improvements that we are proposing throughout the basin. I recognize there is a lot of money being proposed here, but that is what it would take to handle a three year storm. We are designing the pipe system for a three year storm event.

A couple of things I would just like to show you—once we have sized the pipes, increased the size of the pipes at the pump station for the three year, we then looked at what the flooding would look like for a hundred year storm event. What you have on this exhibit, and again on your third page, I've shown you on your left side what the existing system had for a hundred year storm event and then what it would do when we increase the size of the pipes and the pumps. On the right side of your sheet, is this—if you look at this top sheet here, you can see we have quite a bit of flooding—there's road flooding—on this exhibit, you'll see we've depicted a garage with a car, we've depicted a house with a house, and you can see the ones that flood by the color (orchid). You'll see the homes that flood and they are depicted on that exhibit there. That is the existing system. The number for that: 45 garages and 12 homes if you were to count all those pink spots that are the existing system. That is on the left side of your sheet.

If you then look at the right side of your sheet, you'll see how the flooding decreases somewhat. Remember, we are at a hundred year storm event here. So, you're still going to have flooding in your roads. Okay? We kind of explained that in the study. You can see that we have decreased the amount of pink houses and garages and we are down to one house, the one house here on LaPuerta Way will still flood. It's below the road elevation. It's at an elevation 4.68 for example, so it's very low. But all the rest of the homes in the basin, with increasing the size of the pipes above the three year storm, will stay unflooded except this one up here. You do still have some garage flooding and any where from three inches to six inches is what we show on our model, but obviously on the model, there is some error—ability for errors on that—but we have decreased the amount of flooding homes—we have decreased the amount of flooding in the garages. I think the thing to recognize in some of the costs, we not only looked at the overall basin improvements and improvements to the whole basin, but we also looked at areas where there are inlets that are inadequately sized where you are going to get puddling in the roadways, and we replaced those. There are some areas where we have six inch pipes coming out of these inlets, and of course, those six inch pipes are not sized adequate enough. Typically, your rule requires eighteen inch pipes in those areas, so we did increase the size of the connection pipes, and those are what those connection and inlet costs are that you see in the bottom here—half a million dollars almost. You can see the breakdown between the pipe pump system, system A and B, and they are different direction systems, southwest, southeast, northwest. Again, we are going to take and still have...increase the pump size capacity, the pump system will take over most of the gravity systems. We also recommended that you maybe keep a gate valve available for those type systems for reliability in case there is a situation where the pumps were out, and I know you are proposing using generators and such with them, but you

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

still have the ability to use the pipe system; however, you can't combine the two. You have to keep them separate or else you will be pumping Lake Worth.

In general we tried to look at the impact to the residents. We looked at costs. We looked at maintenance. That's why some of the inlets are being resized, and we're putting a hooded grate on them. We've also looked at reliability again on the inlets and gravity system, etc. With that, I'll be happy to go over any questions.

Yes, Sir.

McLendon:

It makes me shudder to think in terms of a sixty inch concrete storm drain plus a forty-two in the same narrow residential street. It has to be (inaudible) to do that, doesn't it?

Capra:

Well, there are two reasons why we proposed that. First of all, what we have throughout the Town is rock, and we know that they have already broken through that rock and have put in the sixty-six inch pipe. We also know that main trunk line, down Via Marilla, is part of the existing system....everything comes to here. This part of the basin comes down Ocean Boulevard and down Via Marilla to the pump station. The whole south side of the basin comes down Via Marilla, so we are trying to short change some of it. That's why it really would have been a sixty-six inch pipe, so we decided we could short change some of this out of here and also minimize the impact. There are also utilities in that road right-of-way, etc., but there is some reason why we chose that. We went to a smaller size, we also recognized that there would be some cost savings because they have already broken through the rock in that area.

McLendon:

These things are like a sail boat at sea. They have to have the right-of-way, and if you are putting in a sanitary sewer, how do you put a sanitary sewer to cross a sixty inch storm drain? That's pretty tough.

Capra:

Again, we're going with the forty-two inch. That's why we went to the smaller size, because we knew we had to get services across, and the estimate of the services are about two feet below.

Bowser:

I believe to answer the question, the sanitaries are in the rear of those properties. It's not in the streets, and the forty-two will parallel the sixty inch when in crosses North Lake Way, so we know we have a corridor that's available. We'll shadow that across Lake Way.

McLendon:

Thank you.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Brooks:

Thank you, sir. Moving north, D-2?

Dusey:

D-2. Yes, sir. That's Jay Foy again. That's Nightingale Trail to Ocean Terrace.

Foy:

Hello, again. Jay Foy with Shalloway, Foy, Rayman & Newell, Inc. We're going to talk about the D-2 basin again. I have it up on the projection if you want to dim the lights again.

The D-2 basin is from north of Terrace all the way down through Nightingale. This is a depiction of finished floors again. I'll switch over to the next sheet and show you which one (inaudible), but in this basin I told you before we had 22 homes that are 6 and below. This basin only has 5. The problems here were a lot easier to solve because of the home elevations. The existing system in the hundred year analysis shows that there are only 6 homes that are flooded. The one on the north is at finished floor elevation 6.14. It floods in the analysis because it is so far away from the pump. The pump is at the end of Palmo Way, and the drainage system of pipes connecting it are such that it just can't convey the water. This system, as opposed to the other system I talked about, has different problems in that the other system, the D-8, because of the number of low finished floors relative to the land, you had to increase the pump size. This system, the major problem was that you don't have a pipe conveyance system to take it to the pump. You already have in place an emergency pump that if you are allowed to operate it by permit can handle the flow. Again, this is allowing the streets to flood for the hundred year but not the finished floor, but you don't have the pipe system. There is only a 36 inch pipe that goes from Lake Way through to the pump station. It cannot take, no matter what pumps you put at that existing pump station, you could not pump through the 36 inch pipe. So your major problem in this basin is the conveyance to get it there.

All that was necessary for conveyance, if your lowest homes are here, was to increase the major trunk line to the pump station and run a line to the lower areas. You have the 5 homes that are at 6 or below are located Palmo through to Nightingale. This is the lowest home at 5.41. So getting the conveyance was the most important there. Therefore, for the hundred year storm, it was a lot cheaper to solve this, less expensive, I shouldn't use cheaper. It's a lot less expensive to solve this problem for the hundred year storm with just the conveyance system, and I did have to make that pump at the existing pump station operated all the time. It is not just an emergency pump as currently permitted. We also want to put a generator in there which would serve as a back up to and allow it to function during electrical failures.

Next we go to the one year storm design. That's where you resize the pipes. Again, almost all the pipes are inadequately sized, because of that runoff coefficient that was previously used. Your costs go way up, and we'll get into the cost sheet, because not only am I replacing or you would be replacing the run, here, you're replacing every run in the entire system to allow the pipes to convey the water instead of a combination of the pipes and the

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

roadways. Now if it is your desire to have drier roads for the lesser storms, you want something like this. If your ultimate goal is to have the hundred year storm protected and the finished floors, you can spend less. That doesn't protect your cars that are in garages or your cars that are in driveways nor the cars that drive through. They are different goals that you have to choose. The three year design is almost the same thing as I said in the D-8 basin, there was one other piece that had to be added, and the costs therefore are very similar.

The last sheet that I have is cost which sounds the opposite of what it should be, because I show that the one year storm costs \$6.4 million; a three year is \$6.7 million; and the hundred year is \$1.5 million. In the summary sheet that Al gave you, it showed the hundred year with the three year pipe design was more expensive and that is because it is a combination of the two, not just a hundred year design, so that doesn't mean that number is wrong. Actually, I think I asked you to revise that to \$6.7 million, but in the chart I think it is \$8.2 million.

Wyett:

What should it be again?

Foy:

\$6.7 million. It is the same cost as my three year. The three year storm in this basin handles the one hundred year storm. Your finished floors do not flood with either the one, the three, or the hundred. As you can see in the second column, it shows that zero finished floors flood. The difference in this basin—you've got a real cost choice on this basin—in the D-8 basin, I don't think you had a choice. I think you have to go with this more expensive system, because you have to protect finished floors. On this basin, you have a lot more opportunity if you so chose not to spend so much—to spend the \$1.5, solve the finished floor problem, you would still have the street flooding problem, but you wouldn't flood the finished floors. Again, you would have garages that flood. Are there any questions on this one?

Wyett:

You got me a little confused. On D-2, we allow dry homes but wet streets, what is the cost?

Foy:

\$1.5 million.

Wyett:

Instead of the \$6.4 million?

Foy:

\$6.4 million is for the one year design. That means you replace a lot of pipes.

Wyett:

I know, but what figure should I put on my chart to have dry homes, wet streets?

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Foy:

\$1.5 million is dry homes and wet streets..

Wyett:

Instead of the \$6.4 million?

McDonald:

\$6.7 million.

Smith:

One year, one hour?

Foy:

One year is \$6.4 million, and the dry homes, wet streets is \$1.5 million.

Smith:

That's the lesser?

Foy:

Right.

Goldblum:

So we have two figures for one year. Is that correct?

Foy:

No. For a one year storm is \$6.4 million.

Goldblum:

Correct. Now what is your next figure?

Foy:

The three year storm is \$6.7 million. The hundred year storm with street flooding \$1.5 million. The other number Al gave you is the three year pipe design with hundred year storm? It happens to be the exact same thing as the three year pipe design. It is \$6.7 million.

Dusey:

Instead of \$8.2 million.

Foy:

The three year pipe design does protect the finished floors, as does the one year. Any of these solutions protect finished floors--everyone of them. There are zero houses flooded with any of these.

Goldblum:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Is the \$1.—what—5 million or 7 million?

Foy:

\$1.5 million for protecting finished floors.

Smith:

It's \$6.7 million plus the \$1.5.

Foy:

That was a number Al produced on his chart. What I was saying was the three year storm actually already protects finished floors. You don't have to add the \$1.5 to it. We had some confusion.

Brooks:

So we can go with the \$6.7?

Dusey:

That's correct.

Foy:

\$6.7 ends it.

Elwell:

Instead of \$8.5.

Foy:

Right.

McLendon:

\$1.7 permits the streets to be flooded.

Foy:

The streets will convey part of the water. Yes.

McLendon:

I think a six inch curb, twenty foot wide street—(inaudible) slopes will support a 42 inch pipe, won't it? Somewhere in that ball park?

Foy:

You threw a lot of numbers out there, and it's hard to classify just for that. It's a function of the drainage area, impervious—I would be reluctant to say yes to that one.

Goldblum:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

We can settle for \$6.7 million and protect every house. Is that correct?

Foy:

You could settle for \$6.7 and that does everything that you ever wanted to do. It doesn't address the five year storm. Now, there was a question about protecting the five year storm earlier, and that is not this design. This is three year.

Elwell:

Mr. President?

Brooks:

Yes, sir.

Elwell:

Could we just ask Mr. Foy to go back very quickly to D-8 and give us that same number. I think the clarification he just provided on the one hundred year storm is important for this D-2 basin. We ought to also have it on the D-8. Could you just give us quickly again the \$5.85 million/100 year project for D-8 would be dry streets in the one hundred year storm, and you had a wet streets number?

Foy:

Yes, in the D-8 basin, the dry street number is the \$5.5 million. Is that the same number?

Elwell:

We've got \$5.85.

Foy:

We went up to \$5.8. I know Al and I talked about that. The wet street number is \$4.1 in this report. I did mention when I said this that I met with the pump manufacturer since, and his pump costs that he told me over the phone have gone up a half million dollars for the pump stations, so this is published as \$4.1, but it really should be \$4.6. I apologize for that, but I got the information after I published it.

Elwell:

That's fine. Thank you for the update.

Brooks:

Thank you very much, Jay. Let's move to D-9 please

Dusey:

We're going to be back with Metric Engineering. D-9 runs from Angler Avenue to East Inlet Drive.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Marquez:

Good morning again. My name is Martin Marquez, and I am with Metric Engineering. With me is Mr. Tony Karlulos.

I am not going to go into the details as far as what I did for the original—for the D-4. I think the procedures were pretty much established then. I'm going to go to the point as far as what the major issues for this basin are.

In our analysis of the storm sewer system for D-9, we found for the one year storm event, it is inadequate just as it was in the D-4, and of course for the three years also inadequate. The most critical part of this particular basin is the fact that the pump station is inadequate as well. Not only do we have a conveyance issue, but we also have a pump station problem. We of course did the analysis for the one year storm event requirements and the three year storm event. We came up with a cost for updating the one year storm event of \$3,875,000 and for the three year, it came out to \$3,974,000. The difference is just over a \$100,000 and the reason is because the pipes have to be upgraded to about similar size for the most part. Most of the difference comes in the area of the trunk line or the bigger pipes.

We also addressed the issue of an additional pump station. We looked at areas on Onandaga or nearby. There is a potential location for a pump station in order to make the system work.

Those are our recommendations for updating the drainage system. Now this pump station has an approximate cost of \$1.5 million. When we go to the other analysis which is for the one hundred year storm, we found that there are quite a number of houses that are around elevation 5.0. As a matter of fact, there are quite a few that are under 4.5, particularly garages. We added another pump station towards the south in order to help us alleviate the problem with the one hundred year flooding, and we came up with six houses being flooded and about twenty-four garages as a total. That's adding an additional pump station on top of the one required. So, basically, we are adding two pump stations—one for addressing the one and the three years and one for the one hundred years. No consideration was given for an additional pump station in the particular basin. We just stopped our analysis at that particular point, and that is my recommendation.

Brooks:

Thank you. Mr. McLendon.

McLendon:

You've got me confused. Where's the cost of the added pump station in this table—well I guess you haven't seen this table.

Marquez:

It's included...

Brooks:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

It's included in the \$6.94?

Goldblum:

It's included for the three year and the one hundred year. Is that right?

Brooks:

\$3.9. Excuse me. \$3,974,000.

McLendon:

That includes two stations?

Marquez:

It's the existing pump station here. The analysis proved that the existing pump station does not have the capacity to pump out the one year or the three year for that matter, so the cost for upgrading the system for the one year, as well as the three year, includes the second pump station which is...alone, the pump station is \$1.5 million approximately. Does that answer the question?

Brooks:

Thank you.

Mr. Elwell, I know we are not going to take a formal vote, per say, but you would like soem direction from the Council.

Marquez:

Excuse me, sir. I would like to add something we forgot to say on D-4. Remember you guys improved – down south on Emerald and Coral and you guys did a C&E improvement, and that is very normal, and I'll tell you why. On Emerald and Coral, the design came up with 30 - 36 inch pipes, and the trunk line is only 24. The first step you do, when you upgrade a system, you always upgrade the trunk line first, always. So, this is going like backwards. That's why it didn't improve anything.

Smith:

Now you know the reason.

Brooks:

Mr. Elwell. Mr. Dusey. If you could kind of formulate to help us here with these deliberations. We have listened to these fine consultants, and we thank them. We've listened to the citizens, and we certainly commiserate with Mr. Watchman, Mr. Elliott, Mr. McCluskey, Mr. Barton.

Let me be very candid. I have an engagement at noon. I'd like to make it. If I don't make it, it's not critical, but I would like to make it. It's Ash Wednesday, and if you could help me, I'd be grateful.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Smith:

And it's a higher power. So, do you figure we're going to finish by noon? No. Jerry Frank is saying no. We're taking a break at noon? What are we doing?

Elwell:

We can attempt to finish in the next five or ten minutes. I think that is going to be difficult. Yes.

Brooks:

I don't want to dictate to the....

Smith:

Considering your date at noon, I think we can take a break. Really. I'm certain Mr. McCluskey will agree with the nooner.

Brooks:

Allen, I'd be happy to take you with me. Today is a three collection day, and you're pretty comfortable.

Goldblum:

If we take a break, I have to leave here at 2:30. That's all.

Brooks:

Can someone give me a feel for our time.

Smith:

All right.

Elwell:

I have less than five minutes of remarks I'd like to make to put into context what I think you need to decide and how you might go about deciding it.

Brooks:

Should that be after the break, then, your remarks?

Elwell:

That would be fine. Then you had an indication that there are members of the public who would still like to speak.

Brooks:

I think Mr. Barton said he wanted to speak. If anyone else....if I could leave at 11:55 a.m., I don't know if Mr. Goldblum would take over, and we would re-group at 1:30 p.m. Is that fair?

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Smith:

Are we breaking and eating? Okay. Then we stop at 12 o'clock.

Goldblum:

I can call for an eat break.

Elwell:

If that works for the Council, it certainly works for us.

McDonald:

I can't come back this afternoon. There are still four of you.

Elwell:

Would you like me to make my brief remarks? I don't know what you are going to be comfortable with. My sense was that you might need more time and to hear some more input. Maybe you won't need that.

Brooks:

Well, I think we've heard a lot. I think we know what the problem is. The question now is how do we get our hands around it firmly and effectatiously.

Elwell:

That's what I would like to suggest. Would you like to hear that now?

Brooks:

Yes.

Elwell:

First, there is an important thing we need to know on the side, and then I'm going to try to frame a question for you of how you might approach this. It was mentioned briefly by Mr. Foy in one of his basin presentations. I think it is critically important that we all recognize the permitting hurdle that is ahead of us for whatever course of action we take. We are talking about pumping substantially greater quantities of water into the Lake faster. The point has been made, outside of this meeting, that ultimately, whether it drains naturally or we pump it at some rate, everything that rains on this island is going to end up, other than at the beach area, the vast majority of any water that lands on this island is going to end up in the Lake, but what we're talking about in order to protect people and property, in particular, here, pumping it at a substantially greater rate which puts greater concentrations of fresh water into the brackish water body and the South Florida Water Management District will not eagerly smile on that.

We think that there is a strong argument to be made that because we are protecting homes

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

from being flooded, that, in fact, in the final analysis we should be able to carry the day and get a permit, but that is not at all guaranteed, and we need to let you know that from the outset that there is an uphill climb. These are concentrations of water, as we found out just from the emergency pump permits this past year, South Florida Water Management District is not generally inclined to permit, so it will take great effort.

Assuming though that we can get permits to pump whatever it is you might decide, ultimately, is our level of service that we want to achieve, I think the question before you, at the risk of over-simplifying, is clear. It is not easy. It is complex, but I think it is clear, and that's how much work to do and how fast to do it. The how much is the level of service question: Do you see us attempting to achieve the 100 year level of service that has been laid out as the most aggressive option or is there a lesser program that will provide substantially enough benefit that you believe that is an appropriate level of service and an appropriate program to adopt—for the Town to pursue?

The how fast being that, again, at the risk of over-simplifying, basically, the choice between bonding a program and going very aggressively at it over the course of a few years—4, 5, 6 year type time frame—to construct this great quantity of improvements that would be necessary, certainly, if you go for one of the larger programs that have been proposed vs. a pay-as-you-go approach through the Capital Improvement Program. If you were choose pay-as-you-go, the current Capital Improvement Program would be all but overtaken by the drainage work that would be need to be done, because of the magnitude of what we are talking about. Our suggestion there would be that we step up the commitment to the Capital Improvement Program which runs between \$3 and \$4 million a year, generally, now to something approximately \$3 million greater. That is just for talking purposes, but as a reasonable first estimate of what we are talking about in order to really approach the drainage improvements in a way where we will see, and we have talked about this very briefly earlier about the need to do some of the major, more expensive improvements before you are going to see the benefits of some of the lesser improvements; so there is a need to pursue this at as fast a pace as we can reasonably approach it.

We think that if you were to approve increasing, and I'm certainly not asking you for action on this today, but to just get sort of a conceptual feel where you think you may want us to go, if we approach it, again for talking purposes, say \$3 million additional into the Capital Improvement Program, there's a first year or a transitional period impact that is approximately something between \$400 and \$500 a year in taxes per \$1 million of value—in terms of millage impact. We are looking at something a little less than half a mill to raise the \$3 million additional that would be sort of dedicated to drainage while we continue on with the Capital Improvement Program as it might have otherwise been approved.

That would allow us to do the work in a manner that would less impactive to the north end of the island, and I think that is an important consideration for you when you make your determination of how fast to go. You are weighing the competing considerations of the importance of the work; the need to do it as quickly as we reasonably can to realize the full

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

benefit of the improvements vs. the fact that you have been presented with a program that particularly at the higher end, or even at the some of the lower end, a lot of the piping improvements are at the lower end improvements. The pump stations tend to come more at the higher end of the spectrum. We are looking at replacing pipes in almost every street or every street in the north end, and if we were to do that in a four or five year period, first of all with a much greater chance of having some projects that are less successful because there is just too much work occurring at the same time, and second of all, I think it is just the impact on the folks living there may be intolerable. So, if instead, that work is spread out over a longer period of time where we approach the higher priority projects first, but do it on a pay-as-you-go basis that we have been operating under for now 15 to 20 years in the Town, I think that is a responsible way for you to approach the project. The important factor there is, of course, going to be how those projects are prioritized, and that is where I think you need to look to us. If you can give us an indication of level of service and pay-as-you-go vs. bonding, how much and how fast, you can rely on us or the consultants to come back to you to recommend a program of what the highest priority, pieces of work are first and how we might approach those.

Goldblum:

One equation I think didn't come in--how do we protect over-building in properties that we are not doing immediately?

Elwell:

That's a good point. That is something that needs to be discussed more fully after we come back. Mr. Randolph can talk....it is important. The other issue that is important for us not to lose track of before we finish the discussion is about the issue of raising homes that are so low that there is really nothing we can do with the drainage system to protect them. I think we need to discuss both of those things, but they are issues of important that are unrelated, in my opinion. They are related, but they are not inter-dependant with the level-of-service decision that is really the fundamental decision here of how we move forward with an improvement program.

Brooks:

I'm going to run, and I know Mr. Barton wanted to talk. With the exception of Mr. McDonald, are we happy with the 1:30 regrouping?

Smith:

Sure, and maybe everybody can mull over the word "moratorium" while we are on a break, because it seems we've got such a problem here.

Wyett:

Peter, do I understand, to clarify for the general public, the half mill equals approximately a 10% increase in the ad valorem taxes?

Elwell:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Yes, approximately 10%.

Wyett:

So, for public purposes, this program would increase taxes, real estate taxes, 10% across the board. I think another formula we need to look at and need to study, is a cost/benefit ratio. Some streets, there is no doubt in my mind, need a lot of work and a lot of help and other streets we have to look at. If we have to do it, it should be probably as you said, by priority if the far end of the project, if the cost/benefit ratio is pretty low, and we also have to analyze what residents should be doing for themselves, and what are the chances of some of these houses, eventually— all houses are low—eventually being replaced, but some houses have got to be replaced sooner. If there was one house on the street that was going to be - hypothetically was going to cost \$1 million to save one house, it is cheaper to buy the house; tear it down; raise the land and re-sell the land, and the result might be less.

Elwell:

I'll very briefly respond to that before we break. Two things. One is – I want to make sure that I am not misunderstood that when we talk about raising up \$3 million per year—approximately a 10% increase to the tax rate—that's purely for talking purposes. That is not a recommendation at this point. The actual numbers would depend on both the prioritized list of projects and what your level of comfort is in relating this priority to the other competing priorities on the Town's plate. So, but in the initial discussion, that's an accurate figure. Probably more important, what you said is right about the cost/benefit and the prioritizing. That's why that becomes so key. If it is going to be a more methodical program over time rather than an extremely aggressive short time frame project, the prioritizing becomes the critical factor there, and that's where, I don't think, we're prepared to sit here today to have a meaningful conversation about that. I think that is where you need to rely on us to bring you back a program.

Goldblum:

I would like to adjourn now, and then after lunch hear David Barton. 1:30, David? Give us...I know you did a lot of work studying this and hear your remarks. I think we all got a copy of it, but whatever you want to emphasize.

Smith:

1:30.

Goldblum:

1:30 prompt. Thank you.

The meeting adjourned at 11:55 a.m. and resumed at 1:30 p.m.

Brooks:

Mr. Barton, are you up first?

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Barton:

Whenever you are ready.

Brooks:

Thank you, sir.

Barton:

For the record, David Barton, Jamaica Lane. I was given some advice by the President Pro-Tem that I was supposed to be nice today.

Brooks:

Just for the record, sir, if you could identify yourself and your street.

Barton:

I did.

In the process of trying to be nice, I'm going to be direct, and also I had given to each councilman a critique, having read all five reports, which I hoped I wouldn't have to refer to, but one of the councilman said he hadn't read it, and I want it in the record so I will breeze through it because I think it ought to be in the record. I'm going to leave my summary last and just put specific concerns which have not been addressed in what was talked about here this morning.

Brooks:

Excuse me, David. Did Mr. Dusey and Mr. Bowser get a copy of your report? Al got it? Good. Thank you.

Barton:

The specific concerns--these are not necessarily in any order but came as a result of reading these reports all through the night.

Water engineering firms were not instructed to anticipate the north end maxed out scenario, forecasting anticipated building trends. This alone invalidates much of the recommendations.

South Florida Water Management District has a water management plan. Palm Beach ordinance 15-01 calls for individual property owners to have a water management plan. The obvious gap--where is Palm Beach's own watering plan? Here, this discussion is taking place out of context with a water management plan for the Town.

No references or assumptions were made by the consultants to the feasibility of the use of rain gutters, downspouts tied directly into the storm drains. This could be a significant factor in the consultants' calculations. This is on small properties. This is not necessary on Nelson Peltz's house where he doesn't need rain drains. You have to have it in the flood

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

areas for these small lots. If anybody would want to come up and see what I am talking about, I would be glad to show it to them.

No references were made to the feasibility of the properties retaining the first two inches of rain or to the effect, or lack of it, of impervious materials vs. vis a vis runoffs. Assessments of these major items should have been included by the consultant engineers—they are major in what we are talking about.

Cost references and recommended budgets in certain instances did not jive—they still don't jive. Not only that, they are still incomplete, and this information should be—here, I say it: cost estimates are incomplete. Each consultant had different caveats, but unknown costs. They need to be reconciled and the total cost at least estimated before you get ready to go ahead with this thing.

Priority assignments were not clearly designated nor was the consultant's strategy recommended.

The feasibility of a moratorium was not included. Three months have gone by since these reports have been in the hands of staff, and where are these references?

All recommendations, except one anticipate pumping vastly increased amounts of storm water into Lake Worth despite the South Florida Water Management District's restrictions to the contrary. The mitigation required will be a major issue. None of the studies indicated the South Florida Water Management was even consulted as to the feasibility of this. Suggested options were not provided.

One consultant suggested doubling a basin's pumping capacity. This is D-8, but not pumping additional amounts of water into Lake Worth. A catchment area was not clearly designed or located. No financing recommendations were made; although, Mr. Elwell did some here before lunch. Nor was there a summary listing of specific equipment needed vs. upgrades in existing equipment. Incidentally, there is still no diagram of the drainage system in this town and one thing so you can see what it looks like. For at least six months, I've said: Can I see what we've got now? What does it look like in a simple graphic? I can't imagine anyone proceeding without having that thing before us.

The consultant cited the questionable reliability of the use of gravity systems to the untimely impact of tidal conditions which they denied was any problem in the last two years since I brought this up. Tidal conditions have no impact on drainage in the north end. The consultant says they do. Yet, the consultant recommended the continued use of ...with some modifications. No other options were included.

Unclear was the reliability of various power systems for pumping operations. This is what you were talking about earlier, Sam....especially during adverse storm conditions. Also, sufficient references were not included about automatic turnoffs on storm pumps to match

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

demand.

Most of South Florida's coastal communities use a designed drainage system standard to meet the hundred year/3 day storm criteria. Each consultant seemed to agree that Palm Beach should do likewise, yet the Public Works July 5, 2001 of design criteria to the consultants did not clearly call for all options to include this generally accepted standard.

No mention was included of field surveys having been conducted among north end property owners, describing the nature of property damages. This should have been required, because you could have saved some money in some cases where they are making recommendations that aren't necessary and some they are.

None of the consultants' reports made references to the adequacy of the Town's new storm water ordinance, 15-01, which the Council passed in August or mentioned the possible use of cisterns in the Town's building code to retain the irrigation water for other use. Again, no water management plan exists, the umbrella for this study, or for making the decisions for what you are going to do.

All reports confirm that the main cause of today's drainage problem is increased lot coverage. Your former President almost ran me out of the Town Council when I said that was the problem last spring—here it is confirmed in spades.

No references were made to the adequacy of sea walls in general. The D-8 study did include this warning: If a hurricane tidal surge in the Intracoastal Waterway exceeded 5.5 feet, water would pour in overland through the large road cut southwest of the Country Club of Palm Beach to the center island, yet it did not include any remedial recommendations of what to do about it. There is no plan for rebuilding sea walls and, again, we are talking about water management.

Each study made references to specific benefits, house by house. Norman, this is what you were talking about—resulting in their recommended steps within current use configuration. Missing were cost estimates for protecting those properties, in isolated cases, which remain subject to flooding.

One study mentioned runoffs, one basin to another, but failed to mention any course of action—how certain basins could be inter-dependant. The adequacy of the Town management of its north end drainage system was not addressed. No mention was made of capital program supervision or lack of it, long range planning, maintenance programs, operations, research and trends, automatic review of the systems adequacy, and the like. These requirements, not only should have been addressed, must be addressed before you let any contracts of who is going to run it.

It would have been reassuring to have each firm's critique of the others' work vis a vis the ultimate benefit to the Town of Palm Beach and the executive summary of the executive

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

summaries, and I conclude this part by saying: this critique was made without receiving the requested cooperation of the Town's staff and consulting engineers—doing this thing and reading all that crap—they wouldn't even return phone calls. I don't know why, but they wouldn't. Puzzling, is why so much delay has occurred since the Town staff received the water engineer's report last November. So serious a problem requires priority attention. The Town planning department received these reports on Friday, three months after they have been here, and they are a key part of the management of the Town. They should of had this thing and had input into it and have had a critique available today. The Town staff's oral presentation, I feel is totally inadequate and doesn't provide the assurance or confidence of their ability to successfully move ahead. So, I went to what I call the summary of what to do about it.

The main finding that the study confirms is what the property owners in the north end already know—the area's overbuilt, it's over zoned, it's under regulated vis a vis the demands on the drainage system. There is an exhibit in here to cite the details.

Major shortcomings - this is a summary - a flawed scope of services, including only current use, criteria assumptions. Also, it did not recommend or anticipate the Town having a comprehensive water management plan. It's gotta have one. You can't go ahead without one. There will be one more stab in the dark. A glaring omission, as I said, was an executive summary of executive summaries. Recommendation next steps were not included. No guidance was provided how Town management should proceed—useful beginning. Despite the shortcomings and omissions, the five studies did clearly outline specific drainage capacity defects, albeit only for current land use criteria. The studies also indirectly brought into focus the question of why and how the Town staff and the Town Council allowed the north end to be over built beyond its drainage infra-structure. This is just not this Council. This is Council A, B, C,—back in the last ten, fifteen, twenty years. Nobody was minding the store as to keeping a balance between building and infrastructure.

So, to conclude this, I am suggesting the first thing you are going to have to impose, in my opinion, is a moratorium on building in the north end until this area has an adequate drainage system—an infrastructure in place. Plus, you can't go around building all these new houses and blocking the streets when you have all the streets torn up building pipe lines. It is going to be a nightmare. I recommend you appoint a water management board to draft a water management plan, first, for the north end and then for the entire Town. And, (3) direct this new board to oversee the revision of the five basin studies. They have to be revised and brought into some kind of cohesive plan within a water management plan, and any subsequent studies and contracting for all water-related issues. We don't need any more Bradley Places. When you get into the residents, you are going to get into a beehive. Lastly, instruct the board to recommend to the Town Council criteria for water management planning including staff capability and supervision.

So, I think you have to address this business of seeing the experience that we have had—one of denial that there is a problem, and now that we have had an experience of management

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

of related problems and here you have a complexity, which is in a dis-jointed state right now, of how you are going to go forward with whatever is decided by the Council.

Brooks:

Thank you very much. Obviously you have put a great deal of work and time into this, and your efforts are appreciated. I'm assuming, Peter, that this will be addressed, some of the points that Mr. Barton addressed will be raised in a proper forum by the proper authorities, Mr. Dusey, Mr. Bowser certainly, and you. Is that correct?

Elwell:

I think many of them already have. There are certainly points he has raised that are worthy of some further consideration--most particularly the moratorium question is something you need advice from the Town Attorney about, and you can address that further today. Beyond that, we are happy to talk to Mr. Barton, his thoughts about this as any resident as we move forward. I'm not sure if you had something more particular in mind, but we can discuss it.

Goldblum:

There is one thing you brought up this morning: How much water is going to be allowed to be disposed of in Lake Worth? Do we know how much water we are going to have? I think we have to go in with some kind of figure, not just saying we are going to dump the Atlantic Ocean in there.

Dusey:

Of course. The drainage calculations come up with a cubic feet per second or gallons per minute or whatever you want to call it for each of the stations--for each of the contributing areas. That's just a drainage calculation. So when you go to them, you have to go with that plus you have to go with a preliminary design of the pumping station, obviously surveys of sea grasses and those kinds of things in the Lake. So, it is a whole application process.

Goldblum:

It's a whole beehive in itself that we have to work through.

Dusey:

Absolutely.

Elwell:

It will likely prevent us on certain aspects of the improvements, that are outlined here, it will prevent us from moving as quickly as we would all like to, because there is going to be that regulatory process that we must get through. Hopefully, successfully. If the alternate answer from South Florida is that we can't do everything we want to do, we'll have to deal with that. But assuming we can prevail,

Goldblum:

Well, we're going to have to go legally if they are not going to allow us to do it.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Brooks:

David, if I could just jump in with what Normal said, we are aware, obviously, of the potential obstacles that could come our way from South Florida Water Management District. We would attempt by showing evidence gathered by Mr. Dusey and the Town to get the okay.

Barton:

You're going to have to have a water management plan. It just doesn't exist.

Brooks:

Just let me get to that. That would all be part of the process. Additionally, if we are unsuccessful in the negotiations with South Florida Water Management, and I don't think I am speaking out of turn, or rattling any sabers, the Town would be prepared to file a law suit against them. We don't want to go that road, because that is expensive and torturous. It goes on and on, but we are with it, and the water management plan I can let Mr. Dusey or Mr. Elwell address that.

Goldblum:

The other thing, Bill, in discussing this before it came to the table, I was kind of told that moratoriums wouldn't work, but I also recall that 70% of the lots in the north end are not fully developed according to our zoning. I think we have to put a zoning, or ask for a zoning change, that the square footage of bungalows not be exceeded on those lots. We could go to the cube of the house and make it a two story house to give young couples more room, but at least the lot usage would not be any more, so that's a main problem—that we control part of our over growth.

Elwell:

May I address that, Mr. President.

Brooks:

Certainly.

Elwell:

The moratorium concept is something you need to explore. It's not that you can't do a moratorium, but there are some particular restrictions on what can be done, how it would be done, how long it can remain in place, and I think you need to hear from the Town Attorney in that regard, but that is a tool available to you to address, at least in the interim, as we get geared up to do the improvement program that we still need to address, that is one tool that is available to you to make sure the Town is protected as best we can in the meantime.

Brooks:

Mr. Wyett.

Wyett:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Although a building moratorium sounds like a great idea, when you analyze the facts in the north end, there is almost no vacant land. You don't need one hand to count the number of vacant lots. It's a tear down, or it's an expansion of existing building. Current buildings that are older either have a one inch retention or zero retention if they are old enough. So, if you –to make the numbers simple–if you have a 10,000 foot lot on which, I think, 12 or 14% of the lots are in that category, and you replace it with a maximum house, I think it is roughly 4,000 feet. Am I correct about that, Mr. Moore? 10,000 foot lot?

Moore:

Roughly.

Wyett:

Roughly. That might be one floor or two floors, and you then have to adhere to the two inch retention. Assuming there was a one inch retention, and there possibly wasn't even that, you have a better retention with a new house than a house that remains that you don't re-develop. You also...have we put in, Mr. Moore, the drainage where the roof drains have to go down to a cistern yet?

Moore:

No.

Wyett:

That's a possibility that will also help mitigate the problem, and that's something we should be looking at, because right now, drains can end at the ground level and drain onto the street and onto your neighbors' property. So that would be a suggestion that could be something that could be done immediately, but a moratorium is not going to accomplish too much. If you had an open area–now there is one open area in the north end–the ten lots that remain in the Phipps that is now being occupied by the original family and they haven't indicated they want to move out, but that would be ten more lots with ten more houses. That could make that area worse before we solve the problem, and that could be an area we could be very strict about, and I don't see Mrs. Phipps moving out right now, but we could look at that issue, and no more than 'x' could be done, but be careful of the moratorium. There are all kinds of legal problems. Not to mention the fact that we depend on revenue from building, and right now, this recession we are in, building permits for new homes is way down. You're going to see less homes going up everywhere until this recession is well over. So that's not going to give you the solution you think it is going to give you.

Brooks:

Thank you, Mr. Wyett, but I think you are giving half a loaf here. Certainly, we don't wish to lose the revenue, but primary responsibility is towards the health and welfare of our citizens. Secondly, if we, and we will, proceed with, in some degree of fashion, with the consultants' reports, then we are having an exacerbated traffic situation, you know, we're knocking down houses and building houses, so, I hear you, and I'm empathetic. Obviously, there are legal pitfalls that Mr. Randolph will have to address, but I guess what you are

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

saying is 'Let's be careful with the moratorium.' I think we can all agree with that.

Wyett:

And also, don't look at it as the solution.

Brooks:

No, no, no. Mr. McLendon.

McLendon:

I just want to make one comment, primarily intended for staff, and I'm sure they already know it, but I would assume that the Water Management District, the further north our discharges are into the lake, the less critical they will be of them, because you have humongous tidal changes coming in twice a day, and I would think that would have some bearing on how much you can put in at any given point.

I'm sorry David sat down--on the water management plan--I've thought mainly on water management plans as being area wide drinking water plans and not so much storm water plans. Most storm water plans are done basin by basin or sub-basins, and I don't say I disagree with you on the water management plan and the need there is, because there are several components that are adaptable to what we are looking at here, but I don't to discredit--but I don't think this part (inaudible).

Barton:

Well, let's get down to something that is an absolute must in the north end. Water management plan on a property by property basis, vis a vis the neighbors, is the thorn that gets to everybody up there, because water is running off onto neighbors' properties. The FEMA law is absolutely misunderstood. It was talked about today by consultants as if you are required to raise land. You are not required to raise land under FEMA. You are required to lay the building at the first floor level, and the Town staff allows it to happen. It's graded off and it is going every which way, and there are properties that are at different elevations. They were talking about the Phipps property coming onto Miraflores. That stuff has got to stop, and what the Town did in the summer, and I only read it about a month ago. The ordinance...what is it, Bob....15-01? 15-01 which addressed the one inch to the two inch, they put something in there that was a very good idea, that every property owner has to have a water management plan when they went in to attend to their building or whatever they are going to do. It's a good idea, but the Town also needs one, and one thing, you can't have all the bickering that you heard here this morning about people dumping water on somebody else, and what happens, if it is not a new permit, the Town has no jurisdiction. You got to go sue somebody to stop them from throwing water on you if they don't catch it during the permitting period. All these details, and you talk about the devil being in the details, this problem about water--you're building on a swamp. Yesterday, I went to put another sump pump in, the water level is one foot right now after that rain. One foot. That whole area in the north end, between the two streets, was built on a swamp. They zoned the damn place as if there was no differential between a flood area and a non-flood area. The zoning has to

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

change. If you don't have a water management plan to give a basis for a change in zoning, you play hell getting the zoning changed. You have to have a basis for doing these things, and I don't mean to be emphatic, but anybody who wants to come up and have a look and see the properties we are talking about...our street, fortunately, is one of the least affected as some of the streets that have really been damaged.

McLendon:

I was going to say, I rode by yours, and I didn't see any big problems that day.

Barton:

That's because we bailed it out before you got there

Brooks:

Mr. Elwell, what's next?

Elwell:

Well, we can go back into what I had attempted to summarize before the break, if you like. Either now or later, before we are done today, I think you should hear from Mr. Randolph about the moratorium. I think that is an important interim step you need to hear from him about so you can consider it. Whichever order you are comfortable with, we can address it.

MORATORIUM

Brooks:

Mr. Randolph, are you prepared at this time, or do you need more time to research the question?.

Randolph:

I'm always prepared to talk about moratoriums, and we've talked about them here before. My advice will be the same today as it has been in the past, and I've never indicated to anyone that we cannot have moratoriums. We have had moratoria in the Town of Palm Beach in the past, and they have been very successful.

I have advised you, and will advise you today, that in order to have a moratorium, you first have to have identified a problem, and that is what you are doing here today, and that's what you've done. Secondly, any moratorium that you impose must be related to a resolution of the problem. In other words, you can't have a moratorium for moratorium's sake, just because people are tired of having building in the Town. So you have to identify a problem, and the moratorium needs to relate to that. If drainage is the problem, which it appears to be, and if you have experts...they have to be experts...that can go into court, if need be, and testify that a way to address the drainage problem is to have a moratorium on building until we can get a better handle on how we are going to resolve the problem, either through studies or actually doing the work that needs to be done to resolve the problem. Then you can give consideration to the moratorium, because in any moratorium ordinance that I would draft for

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

you, I would incorporate findings at the beginning to identify the problem.

Then you would want to make sure that the moratorium is of a temporary nature. You can't just impose a moratorium, in my mind, for ten years, or twenty years until the problem has resolved itself. So, you need to think of it on a temporary basis. Then, I would suggest, and this has already been suggested to some extent by Mr. Goldblum in his comments, that your moratorium be narrowly tailored to address the problem that exists. You can have a moratorium that just stops building all together, but I would suggest that it be more narrowly tailored than that, and it be aimed at resolving...if drainage is the problem...you may have other problems—other than drainage you want to identify in this moratorium...but if drainage is the problem and it is not going to hurt to allow someone to put on a second story, for instance, if that doesn't take up any more of the permeable property and exacerbate the drainage problem, then you might want to tailor your ordinance so as not to preclude all development in the Town, because the more strict you are in the application of this, the more likely you are going to be subject to attack, number one, and the more likely you are going to bring down the ire of your residents who may be stopped completely from doing something that it may be reasonable for them to do under the circumstances.

Having said that, I would suggest that if you are going to give consideration to a moratorium, and timing is important to you, that it be done during this Zoning Season, because it is going to be a zoning ordinance. It's going to have receive the same advertising, the same treatment as a zoning ordinance. You should do it during this Zoning Season, and it should go to your Zoning Commission. Now, the issue of moratorium has gone to your Zoning Commission in the past, but it hasn't gone with all the detail and the studies that we have at this point. If you want to take action in this regard, I would suggest that you do it as soon as possible and as advisedly as possible, and that you give direction for me to prepare the appropriate document that the Zoning Commission entertain it at its next available meeting, so that this can all be concluded during this Zoning Season. Otherwise, although there is an argument to be made that you could adopt this moratorium at any time of the year, I think you are safer adopting it during the Zoning Season, since it is a zoning ordinance.

That's the only thing I suggest is that you do it in an advised—not that you would do anything unadvisedly—but you pay particular attention to incorporate findings of fact within this document which would substantiate putting a moratorium in place, and that you do it on a temporary basis until you have a handle on the problem.”

Wyett:

“What do you call a temporary basis?”

Randolph:

“Well, you know, that is a difficult thing to answer. There is nothing to preclude you from instituting it for a year and then re-addressing it at the end of a year, or if a year seems too short, based upon the advice that you receive, if two or three years seems more appropriate. The longer you make it, the more subject to attack it is going to be and the more of a

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

frustration it is going to be on those who want to build, and that is why I say narrowly tailor it. Give people an opportunity during this period of time. You may even, and we've done this in the past, provide them an opportunity in the moratorium itself to allow for the granting of waivers or variances for good cause shown. I have a little bit of a problem with that in that if you start getting into doing that, you are now going to be accused, perhaps, of discriminating in some instances if you don't have very strict criteria for how you are going to weigh it. I would suggest that you narrowly tailor it to the point that it is not going to stop building altogether, unless you as a body and the experts think that you have got to stop all building in this moratorium. If you narrowly tailor it to the point where people aren't kept from doing everything that they want in regard to their property, then it's going to be more likely to withstand an attack."

Goldblum:

"Could we take that moratorium to last 'til one year after the drainage system for that area is put into effect to see what happens? Is that too long a time as far as you are concerned?"

Randolph:

"That's going to be a long period of time. I would suggest that you put it into effect for a shorter period of time, keeping in mind that you will be able to renew it if the problem continues to exist."

Smith:

"The last one we had was 18 months. That was in the '70's."

Brooks:

"18 months or a year with the right to renew it is good. As you know, Skip, there will be an abundance of evidence for the need. Whether that will all hold up—the coefficient on .35 on the '76 study up to .60 now, alone indicates there is a huge problem. The witnesses we heard today, from Mr. Watchman, Mr. Elliott, Mr. McCluskey, Mr. Barton—in all, keeping within the legal guidelines that you will astutely walk us through I think."

Goldblum:

"What do we do if the Zoning Commission doesn't approve it? Can we do it ourselves?"

Randolph:

"They make recommendations to you. They only sit in an advisory capacity."

Wyett

"There may be another way around having a moratorium. Even after the moratorium, you are not going to have a solution because the drainage program, as I have understood it, is ten or more years before it is completed. We might identify certain streets that may have a moratorium because the problem is so acute. Not every street is acute. You can also, as I pointed out, some new construction is going to give you better drainage control than the existing house that sits there. So, you could tighten up your drainage. I mentioned the

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

cisterns that could be required and anything else that we could come up with that would improve drainage. Did we also put in gutters as a requirement?"

Brooks:

"Allen, you are not addressing the question of a split lot to put two houses on that now has one and that's legal."

Wyett:

"That's another idea you could do. You could control building. Outside of the fact that you are not going to accomplish that much by just stopping it, there could be improvements to property that would stop it, which would reduce, property by property, the drainage problem, but you are also causing property value problems. If you can't redevelop a piece of property, and it is an old piece of property that begs to be torn down, it's not going to be possible to sell it. The seller is going to be stymied. What you are also doing is creating a built up demand so that when the moratorium ends, you are going to see a building burst, but you may not like it. People say, 'Why are there 3 houses going up? Isn't one house per year enough?'"

"You get all kinds of problems that need to be addressed, and I am not sure that a moratorium is the way to go, but greater restriction may be the way to go, because some of those restrictions should be permanent."

Brooks:

"Allen, there are 3 houses going up on certain streets right now, and I believe that Mr. Moore identified, correct me, Bob, there are 80 potential split lots in the north end. Was that the number you gave six or seven months ago when I believe we were doing Dr. Stambaugh's variance? It was pretty high."

Moore:

inaudible

Wyett:

"You could put a moratorium on splitting lots for 18 months while you are doing this, because that would increase the drainage problem by putting two houses instead of one. You might just want to look at other ideas besides a straight, ordinary, old-fashioned moratorium. I am all in favor of finding solutions, but I am not sure a straight, ordinary moratorium is going to be the solution."

Randolph:

"There are a lot of things—good ways to consider it, and one of the things you suggest that brings this to mind to me is, that rather than stopping someone from building completely, is that they be able to demonstrate to the Town, prior to building, that they are not going to exacerbate the drainage problem in any way, and they may be able to come in to you and show that they are going to put in a cistern; they may be able to show that they are going to

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

hold 3 or 4 inches—I don't know—I guess you would have to have an expert tell you what those things would be, but that is another way of doing it rather than...and that's why I say when you talk about narrowly tailoring it to the point where you just don't stop building."

Brooks:

"Allen, I certainly agree that there are many other ways we can look at it. I just sort of got the impression, not that you were dismissing it out of hand, but ..."

Smith:

"We want to look at the whole picture and see, before you make a decision, and as Mr. Randolph said it could be narrowly tailored. There are many other properties they can develop besides the Phipps property including Gosman, Peltz, both sides of the road. McGowen may be split. There are many other big properties that could go up. When you build new houses on those things, that is going to exacerbate the condition, but it is something that could be studied. So, it's merely an idea that I threw out, again, as a thought, and something we should look into before we dismiss it summarily out of hand. We have all of our experts here. You are the people who would be testifying in court. You're laughing. Have any or most of you participated in a procedure like that? Testified to the effects of a building moratorium? No. One."

SFRN (Foy):

"I have actually testified in something similar, but it can all be translated into a pre-post discharge criteria. What you are suggesting, Mr. Wyett, is that if it doesn't do any more damage, it's okay. You just put it in terms of pre-post—if it exists, you can get this much, and after you develop, you can get this much. If you have the same or less, it works. It can be an ordinance that just simply says that. If you get into the legal side of it, it gets much more difficult, and I have been through part of that, and it is not fun."

Wyett:

"Just to correct you one thing—I wasn't recommending 'status quo'. I was recommending an improvement over what was there."

Foy:

"Pre-post or if it is better or equal. Yes."

Elwell:

"I think that we should not try to actually write the moratorium or establish the terms of the moratorium today, but just get an indication from you..."

Brooks:

"And the man said just an idea to think about."

Elwell:

"No, I understand that. I'm suggesting though that before delving further into the detail of

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

exactly what would be prohibited-what wouldn't be prohibited-what might be allowed that if you wish for the concept of a moratorium to be further developed so that you may act on it during this Zoning Season, then the action today would be simply to ask for that so that the staff and the attorney can take to the February 25th Zoning Commission meeting this issue—to develop it further and bring something back to you at the March Council meeting that will be addressing it in some fashion for you at that time to give formal consideration; whether you are comfortable with it or you think it may need to be modified.

“Certainly the technical support for that exists from these studies and the testimony necessary to support it could be brought in, but I think we just need a general indication. A motion would be most helpful if that's what you, as a body, wish to have considered. You would be asking the Zoning Commission to consider this and provide its advice to you.”

Goldblum:

“I would like to make a motion—just as this gentleman said—that any construction would not allow anymore outflow of water from the property that exists today...as exists to our Code today which is 2 inches. In other words, like Allen says, if you have to put a cistern in, you have to do something, but no more water. There is a restriction on building that says no more water can outflow from the property.

Brooks:

“Mr. Goldblum, I don't think we need to be that specific at this time. I think what Mr. Elwell was talking about—I'm going to go to Mr. Moore in a minute—but you were talking more about a general look, as the Mayor said, and Mr. Wyett said.”

Wyett:

“Actually, if you want to talk about a moratorium, you should look at two sides of the picture simultaneously. Is a moratorium the best way to go or are additional building water restrictions the way to go? We just put 2" in but there are other things that Mr. Moore might address and tell us about.”

Brooks:

“But, Mr. Wyett, I think the purview of the Zoning Commission though would not be the right forum to address the latter. Let me go to Mr. Moore.”

Moore:

“The gentlemen from Shalloway actually said the remarks that I was going to say. In addition, however, as pointed out, we do have issues regarding construction on the streets, and if we are going into a crash program for correcting the drainage, I think it would be very difficult to have construction on the same streets and in the same area as we are having that drainage repair being done. Once that area has been finished and you don't exceed the pre-construction runoff, then I don't see a problem in that type of a regulation as far as we're concerned. I certainly don't speak for Mr. Randolph, but I do see a problem if they can demonstrate that they will not put more water into the system that exists now. I do see a

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

slight problem there.”

Brooks:

“Well, I think that is why we are talking more about a general study and look, Bob, where these nuances would be sandpapered and brought, hopefully, to a legal type resolution.”

Wyett:

“Another way to temporarily or permanently control this, we’ve gotten tough on variances, get tougher, and we’ve had site plan reviews for splits and various other things. Get tougher, and put rules and regulations in that give us more control on site plan approvals such as our property splits. This is not a simple solution. It needs to find out what legally we can do so as not to violate property rights. I didn’t quite understand Mr. Moore’s comment that a street would have to wait until the new pipes went in. We can’t put new pipes in on every street in the same year, and I understand it will be a ten year project roughly, so some streets won’t get it for ten years.”

Moore:

“I’m sorry, Mr. Wyett, if I didn’t make that clear. I apologize. What I was saying was that there should be no building permits issued while a street is under construction to put in the new pipes, and therefore, no competing interests on that street. Once those new pipes are in, then I see no problem.”

Goldblum:

“I would like to make a new motion. Professionals look at how to solve the problem that exists today during...putting in new drainage systems and afterwards, and gives a wide open view for you to do.”

Randolph:

“That’s a little too wide. I think if you want to give consideration to the investigation of a moratorium, that you ought to direct me and staff to look into that, to take it to the Zoning Commission, and come back to you with a proposal in that regard. The proposal might be that we not have one, but at least it would allow us to investigate it and that will give me an opportunity to start consulting with the experts and with the staff and putting together the language you would need to impose something.”

Goldblum:

“Would that include keeping the runoff to what exists today?”

Randolph:

“I would give consideration to everything that has been talked about here today.”

Goldblum:

“Okay. Fine. That’s my motion.”

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Wyett:

"That's going in one direction. I would like to amend that motion and simultaneously what provisions if we didn't go for a moratorium could be put into effect that we now don't have that would add to the drainage control. Just to have one investigation one way, which may not be the solution, no matter how well you draw it, let's simultaneously, so we don't waste time, look at what we could put in for additional protection to the Town."

Randolph:

"That's fine."

Brooks:

"And wouldn't that come out of the discussion that you would have with staff and the Zoning Commission?"

Randolph:

"Yes, but I think that with his amendment, it's clear that..."

Brooks:

"Okay. We need a second on this motion amended by Mr. Wyett. Seconded by Mr. Wyett. Mrs. Pollitt, roll call please."

Pollitt:

Mr. Goldblum	yes
Mr. Wyett	yes
Mr. McLendon	yes
Mr. Brooks	yes

Roll call vote: motion passed 4/0 as Mr. McDonald had left the meeting.

Brooks:

Anything else? Mr. Elwell

Elwell:

Yes, sir. Now, I'm afraid we need to go back to the question of the Town's capital project.

I think there is a pure policy question for you that you need to have some discussion among yourselves, perhaps, or address together at least regarding the level of service. What is our target in terms of the magnitude of the improvements that need to be made? I have offered you my advice, and I can add to that if you would like regarding how fast we go at it.

Brooks:

Okay. Mr. Wyett.

Wyett:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Well, I'm going to borrow a term from our President. Let's roll. I make the motion that we adopt in principle the report that we have to be done over a period of time, I'm going to use ten years when that is a variable because if we do anything faster than ten years this whole Town will be torn up, to prioritize those streets that need it the most and the most urgently and determine which streets are going to be attended to first and then those second and to implement that program and get back to this Council as soon as possible to give us a little bit more information, but basically this is a budgetary problem to be figured out each year in conjunction with Public Works' ability to handle this.

Goldblum:

I'll second the motion.

Brooks:

Discussion? Mr. Elwell.

Elwell:

Mr. President, that is everything we need with one exception. I am going to address the exception in a minute. As far as the essence of what you've just said, that's fine. It tells us pay as you go rather than the bond option, and we will further develop that for you, hopefully, by the March meeting. That would be our intent, and if we can't get a package of this complexity to you in that time frame, then I'll report back to you, in writing, about when we can deliver that to you, but the program that we would propose would be very explicit as to the highest priority projects and less explicit as to what must come later and we would continue to re-examine that as we go through a pay as you go process. We would also address, for you, the specifics of how we can increase the funding and what the impact of that will be on the tax rate in order to have a pay as you go program to do this through the Capital Improvement Program.

Wyett:

I didn't rule out a bond issue for this reason at this early stage. I'd like to do it through ad valorem, but if we would find in a given year that the ad valorem taxes would go up so substantially because the project was that large through study, I don't know what it is—maybe if you can do it through ad valorem that's wonderful, but if you can't, my proposal did not preclude a bond issue to handle the situation.

Elwell:

But the basic approach would be to increase the Capital Improvement Program to the point where we could do major drainage improvement over many years as a Capital Improvement Program item and also do the other capital improvements necessary. That's our basic approach to it. We could talk about the specific annual funding at the appropriate times.

Wyett:

I think the funding of this thing, you know, let's face it, the taxpayers are going to pay for this in the final analysis. We must find the most painless way to do it.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Elwell:

We quite agree. The one exception that I need to ask you for something more here in the motion relates to that level of service question you've talked about--accepting the reports that we have received today. I think that's quite wise. I think they are detailed. I think they're an important step forward for us in having a very explicit plan, street by street, of what needs to be done, but you have been offered three different levels of service in those plans, and we need direction from you as to what level of service you are asking us to design to.

Wyett:

Well, in studying the report, ...

Smith:

Why don't we hear from the whole Council and what they think. Don't you think?

Brooks:

Mr. McLendon was next.

McLendon:

My ears are getting a little tired. I would like to express a couple of opinions. I am not a proponent of pay as you go. If you are putting in a facility that is going to last at least thirty years, I think it ought to be bonded over thirty years. The other point that I want to make is that you still have approximately \$15 million worth of water mains to be put in the ground by the City of West Palm Beach, and that has to be factored in how you schedule things or we are going to go nuts!

Brooks:

That's a good point, Sam.

Elwell:

I can address the second one. I think the first one is really subject to your policy consideration, but as far as feathering with the City, we would like very much to coordinate the scheduling of this since the water main work is disruptive in its own right to do these projects at the same time. The timing is such that the City over the next two or three years is going to be completing the water main improvements, and we will only be at the very beginning of the drainage improvement program at that time.

McLendon:

May I interrupt you, Peter?

Elwell:

Go ahead.

McLendon:

Why can't we...if we know some basics of what project we may want to hit first, why can't

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

we get it started fast enough to be in the same streets with them? Some of them.

Elwell:

We can do that based on the necessity of the time to design and permit, particularly the permitting questions that we have addressed earlier in the meeting, and to get these projects ready to go and bid them. The possibility exists, and I can see Mr. Dusey wants to express it in more detail, we may be able to do that to a very limited degree, but only a very limited degree.

Dusey:

West Palm Beach has designed and bid the projects. They had a bid opening and probably are going towards award on the whole package. They are going to be building this summer for sure the vast majority of the work that we are talking about, and maybe a little bit left over for next year. If there is something we can dovetail with, we certainly would want to do that as they are doing on our D-12 basin and have done on others. So we are really out of sequence with them. They have already designed their projects.

McLendon;

How many of their locations do we, as you now see with this drainage plan, how many streets are both things going to go in over the next two years?

Smith:

A lot.

Dusey:

It would probably be duplicated on half the system at least.

Brooks:

Flagler alone has huge...

Smith:

They are three years ahead of us. They started right away, and they are permitted. They are all ready to go.

Elwell:

I think the Mayor makes a very important point. We need to recall the planning for the City's improvements began prior to the signing of the new agreement and moved forward in earnest after the signing of the agreement, and that was 1999.

McLendon:

That has been quite a surprise to me. I didn't think they would move that fast. I thought they would drag it out to the end. Reardon's good.

Smith:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

No, Ken Reardon started right away, and he has it ready to go. He has done it.

Elwell:

They made a five year commitment to the Town, and they are keeping to it.

McLendon:

I still get back—if we know, some how with our consultants' plans that we are going to need a 42 inch storm drain and that's certain, and I think the elevations are fairly well fixed down the street, and West Palm Beach is going to do it this summer, why can't we do it this summer?

Dusey:

One of it is money, but beyond that, ...

Smith:

That's a biggie.

Dusey:

They have a contract they are going to award to somebody that just doesn't have our pipe in it. It's almost impossible to get our pipe into their plan before they start in two months.

Brooks:

We were talking about the level of service, and, Sam, your point was well raised and hopefully if we address the level of service, it would help you even more to say *machschnell* on this bad street or that bad street.

Gentlemen, what is your approach on....

Wyett:

I have a little problem with what I am just listening to.

Smith:

Talk about the level of service.

Wyett:

Well, this has to do with the resident community. You are saying to me that there is a new water pipe going onto Miraflores, and we are going to open that street up, having all the inconvenience of opening it that is necessary, then the year after perhaps, because we can't coordinate, if we have a new drainage pipe going it, a 42 inch pipe, we going to rip the street up again, and these poor people are going to be disrupted a second time. This doesn't make sense. I mean, West Palm Beach could be told, proceed with those streets we are not going to touch and delay the other streets and let's coordinate this thing. There is no such thing as can't.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Elwell:

Depending upon your level of service decision that you are working your way towards, we may be touching virtually every street in the north end with some kind of improvement.

Wyett:

They are not going to every street in the north end.

Elwell:

No, they are not, but what you are suggesting is that the water improvement program essentially stop, and I don't know, first of all, what the practical implications of that are in terms of the process—where they are in their process, but there is also an issue of the age and quality of that system, and why we so urgently pushed for them to do the improvements that are being made. I have to look every one of you in the eye and readily admit this is not optimum. We would never, if the Town had been....and I think the Mayor mentioned and I think Mr. Dusey mentioned being out of sequence...if we had been in sequence with the City, in terms of the water issue and how it evolved over a decade or more and the drainage issue which has evolved over the last several years, it would certainly have been in the better interest of the Town and its residents to have these projects occur simultaneously. We're in a situation, the reality of what we are dealing with is without stopping the City's improvement program in its tracks, we're just not in a position to overlap very much. We will pledge to you that we will do whatever joint projects we can. We always do, but that is going to one of the.....

Brooks:

Well, Mr. Elwell, Mr. Wyett and Mr. McLendon raised very valid points. Would the establishment of a level of service help these gentlemen and the points that they raised so that we would, as much as possible, have cooperative efforts rather than disparate in this underground world we are about to....? We're going to end up worse than the big dig in Boston. I'll be giving tours through sewers. Sixty inch pipes, we can just stoop a little bit and go through and say right now we're under Coral Lane.

Smith:

Decide on the level of service now, don't talk about it anymore.

Brooks:

That's what I am trying to say.

Smith:

Let's move this ahead if we can so that we can catch up.

Brooks:

Yeah. That's where I'm coming from.

Smith:

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

What do you all want to do on a level of service?

Goldblum:

Well, I think on some, you have to take the hundred year storm and others, you don't. Al, am I correct in what saying?

Dusey:

I don't know how you would do that. The hundred year storm has a major impact on the sizing of the pump stations, for example. I don't know if it is fair to have one street that has a hundred year storm service and the one next to it wouldn't, for example.

Goldblum:

All right. Then, if we are going to stretch it out over ten or fifteen years, then I would go for the one hundred year service, because redevelopment, more density of property eventuall....

Brooks:

You know, we have a bull pen full of right handed, left handed relief pitchers there. Gang, can you give us your best shot and some advice as regards the level of service? Don't all run up to that microphone.

Don't all run up to that microphone at once. There will be a stampede right here in Town Hall.

Marquez:

Martin Marquez from Metric Engineering. This is a tough question to answer. We did the analyses for all three. Normally, what we will recommend is that on the normal subdivision, it would be a three year level of service and no provisions for the hundred year, but that is not my decision to make. The reason for that is usually that most developments are built above the hundred year flood plane. It is a tough decision to make, but in my view, if I had to make a recommendation, I would recommend the three year improvement. Thank you.

Goldblum:

We're building in a swamp. We're not building on high land.

Smith:

Well, we have areas that are swamps. We have areas that are coral. It's a mix.

Brooks:

It's not total swamp.

Dusey:

Mr. Brooks, as far as the collection system itself, I think staff would also be recommending the three year, one hour storm for the collection system. Then you get involved with the sizing of a pump station to handle that.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Foy:

Jay Foy, SFRN. I can start easiest by saying I would eliminate the one year storm. I don't think that is adequate. So, you have two left, and my answer is similar to Martin, but it's a combination. Certainly, you do the streets to the three year. That is the standard of the industry. I wouldn't stop there. In one of my basins, a three year handles a hundred year, so you have done everything you need to do. However, in the other it does not, so I would use standard criteria to design the streets for the three year, but have the finished floors still at the hundred year. So what you do, you choose either the three year, if it satisfies the hundred year, or you go to the hundred year if it doesn't. You don't just stick with a three year. I would recommend to you that you have a dual standard. No matter what, you have to protect the finished floor, and you can choose then to protect the streets for the three years. That's also a standard for the industry.

Brooks:

I have Mr. McCluskey's hand. Mr. Elwell, you are closest to the mike. Mr. McCluskey, can you come on up?

Elwell:

I'd like to, while Mr. Foy is still here, offer a clarification of what I think I just heard and see whether he agrees with me.

I think really you could adopt the hundred year level of service so that you are providing a consistent level of service to all of the residents which I think is a very important principle for you to consider here, and it still addresses it in exactly the manner Mr. Foy just suggested, because in those areas where the improvements necessary to get to the hundred year level of service are the same as those that are necessary to get to the three year, we're in the beneficial position of doing less work but still achieving the hundred year level of service. I don't think you need to talk about a differential level of service, but you could adopt, if that is what you are inclined to do, the hundred year level of service and we would be fortunate in certain locations to do less intense work. Have I missed something in your analysis?

Foy:

Basically, if you do that, you have not adopted the three year criteria. Your streets will flood for the three year. In the D-8 basin, you would have street flooding for the three year, but in the 2 basin, the three year takes care of everything. It's in excess of the hundred year.

Elwell:

By the wet street analysis.

Foy:

Yes. Criteria is not single level. Criteria is for streets, and criteria is for homes. That's standard. You adopt a three year for the streets, and you adopt a hundred year for the home, and you take the worse case. That's all I am suggesting to you is that you use standard...

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Brooks:

Your right handed pitcher behind you was nodding in assent.

Wyett:

When you say the homes, do you mean the house and the garage or just the house?

Foy:

I specifically said the finished floor, not the garage. You still with the one hundred year analysis would have garage flooding. With the three year pipe and the hundred year where it would be required, you would relieve a lot of that. I did not do an analysis that said how much of that.

Brooks:

Okay. Mr. Goldblum had a question.

Goldblum:

Al, on D-4, if you don't do a hundred year which is going to cost us double, you're still going to lose 20 homes, and we had 300 year floods in the past two years.

Smith:

And we haven't lost them.

Goldblum:

So I am saying that you have to go to the hundred year level across the board. The one that is going to cost you the most is D-4, and that is the one you have to do. The rest are almost break even. So you might as well say you are going to the hundred year level.

McLendon:

I agree.

Brooks:

Sam agrees?

McLendon:

Yes.

Brooks:

Mr. McCluskey.

McCluskey:

That was my point.

Brooks:

That was your point, sir? Thank you.

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Elwell:

I think we are all there together.

Brooks:

Just so the bud boys all realize, we're talking about a swing here of about \$6 million when we go from three year to a hundred. Just so that we know it, I'm not saying let's be.....

Goldblum:

But \$3 million of that is in D-4.

Brooks:

I understand, but I just throw it out so we all know.

Elwell:

Mr. President, let me thank you, because I think these last 10 minutes were difficult and I think you have done something very important and I think you have arrived at a place where there is significant consensus in the room. If you are a resident you have heard the hired professionals; you've heard your staff professionals, and yourselves all sort of coming to the same place, and I think that is very important.

The one word of caution I want to add to that though, is when we just talked about that order rank, you're quite right. For the talking purposes we had today which is the best numbers available to us for this level of decision making, it is a \$6 million differential. I want to underscore at this moment so that we don't leave the room with a misunderstanding that there is a \$33 million program which is what we really have just arrived at and then as we refine that program and the priorities of it, and we come back on an annual basis and if it becomes something different over time, I think we all need to understand that in the...the devil is in the details...and in the detailed design of these projects and going project by project through it, there may some deviation from that. That is the level of uncertainty that we need to understand as we go into the next step of the process which is to bring you a more specific defined plan.

Brooks:

The motion is kind of gotten a little convoluted and beyond me now. Are we...? Are we adding in...?"

Elwell:

May I make a stab at re-phrasing, because I think we have come to a nice, clear spot, quite frankly."

Brooks:

And we are adding in that we are studying the 3-year, 100-year storm at \$33 million and pocket change?"

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Elwell:

The three year collection--the direction that I understand what has been proposed is the 3-year collection/100- year storm pumping system recommendation, and together with the direction to staff to develop a program where we identify the highest priority projects to be pursued first with the general plan being a pay-as-you-go multi-year Capital Improvement Program to implement the recommendations of the consultants with the understanding that as it evolves, there may be a bond component to it.

Brooks:

And not with the possible coordination with the City of West Palm Beach. Maybe Mr. Dusey with Mr. Reardon ...? O.k.

Goldblum:

Another question I would like to ask or clarify is what is it going to cost if we go pay-as-you-go or what is it going to cost millage on a 30-year bond so we can make a final decision?

Brooks:

That will be coming. Yes.

Elwell:

We'll bring financing information to you when we bring the package back. Absolutely.

Brooks:

Can we call the question? Mrs. Pollitt, please. I'm sorry the Mayor wants to speak.

Smith:

One more thing I wanted to ask. In talking, in communicating with West Palm Beach, they are all permitted and ready to go in several sections. I know that, and if they are going to be doing them this summer, can we even ask to put pipes in until we know what size pipes or what has been permitted by South Florida Water Management District?

Dusey:

We have another step to take now with the defined level of service. We need to go to the next level of design to get a lot more. We're going to be lagging. We will do everything we can.

Elwell:

The answer is 'no'. We won't be ready for this summer.

Smith:

In all honesty, we will not be ready to put anything in the ground in the areas they are working on this summer. It will be another year? I think we have to let the Council know that, because they are ready to go and you certainly can't just put pipes in willy nilly. Is that right?

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

Wyett:

I have one more question in that direction. I would like you to coordinate with West Palm Beach where a street is not urgent, it's just in the plans, I'm not talking about this summer because it is too late, but next summer to see if it makes practical sense, if we're not delayed by one or two years opening up the street, because I wouldn't want my street opened up twice if it didn't have to be.

Brooks:

No. No one does, Allen. That's why we are using the adverb 'generally' looking at all of this. Of course. I understand.

Wyett:

But I'm asking them to negotiate with West Palm Beach for streets other than this coming summer, if a street isn't urgent....a delay...(inaudible).

Brooks:

I understand. I want to call the question. Mrs. Pollitt, please.

Pollitt:

Mr. Wyett	yes
Mr. Goldblum	yes
Mr. McLendon	yes
Mr. Brooks	yes

The motion was approved unanimously, 4-0 as Mr. McDonald was absent from the meeting.

V. ANY OTHER MATTERS

Jerry Frank:

Jerry Frank, resident of Palm Beach. You were talking about priorities, and that is the only thing I wanted to comment on, because I know if I lived in the north end and they told me it was going to take ten years to do my street and had a problem, I would be very upset.

From what I've seen—I've done something like this in the past—and what I've seen in the north end of Town, you have a problem of inlets. I don't know whether Mr. Barton addressed this. I couldn't get back soon enough to hear what he had to say, but you have an inlet problem up there, which means that when you have debris in the streets, it is immediately sucked into the tops of those inlets, and I can't visualize, in the next ten years, people out there still raking like the Mayor did at the Thanksgiving fiasco in Town here. My recommendation would be in this prioritizing that you look at some of those streets where these inlets can be brought up to date with a modern state of the art inlet where you are going to get wash away from the top, and it is going to take some of this debris. Of course, you are going to have a problem because you only have a 4 inch pipe leading out of that. I'm sure

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

you will have to do some research to see whether it would take the debris, but where you have the most serious problems, just in spots, it seems to me that you would go after those spots and look to the new state of the art inlet which will take care of the debris problem.

The second thing, I have heard the pumps go on when the police let somebody know that the pumps should be on. I've heard that. It's not true. Okay.

Dusey:

They are automatic.

Frank:

Everything is automatic. Then that is fine.

The other item, if Phipps is a problem with a discharge to the street, why can't they be made to go to their own permit and try to get discharge to the Lake? These are only observations on my part.

The other thing is that, I have no idea, but along the Jersey shore, we pump storm water to the Ocean and I don't think there is any problem with that in New Jersey. I don't know whether there is here.

Dusey:

Yes, there is.

Frank:

Okay. I just got wiped out with that one.

I really like the idea of Mr. Wyett's thinking in relation to the moratorium. I think the idea of looking at homes on an individual basis and they are not going to add water to the problem, there's no reason why they should not be built.

Thank you.

Brooks:

Thank you, Mr. Frank.

Smith:

If anybody wants another meeting, I'll see you tomorrow morning, 10 o'clock, Strategic Planning Board. So, on that note, I am leaving.

Brooks:

Go ahead, dear.

Brother Michael?

MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD ON 02/13/2002

McCluskey:

I would ask, Bill, if possible to take the completion of D-4, I'm going to call it the completion which is this trunk line up to the pump and ask the Town Council to approve the immediate implementation of that piece, because without it, all the improvements in D-4 are for nought, and that was proven on Sunday. Again, we had nominal improvements.

Brooks:

Is that doable, Mr. Elwell?

Mr. Dusey?

Dusey:

We would have to determine the cost and get back with you.

Brooks:

Could you have that prepared for us by March 12th so we could handle that as an agenda item?

Dusey:

I believe so.

Brooks:

I think Mr. McCluskey's logic is irrefutable. If we've got everything in place but the critical connecting part.....

McCluskey:

I don't know why it wasn't part of the original program.

Brooks:

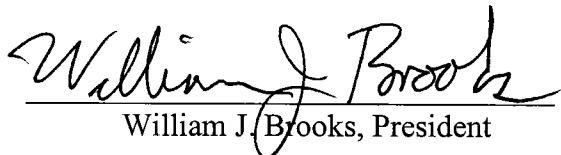
We'll have that on the March 12th agenda, sir.

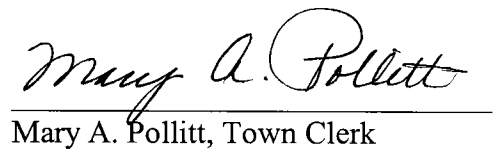
McCluskey:

Great. Thank you.

VI. ADJOURNMENT

The meeting was adjourned at 2:45 p.m.


William J. Brooks, President


Mary A. Pollitt, Town Clerk