TOWN OF PALM BEACH

Office of The Town Clerk

REPORT OF THE SHORE PROTECTION BOARD MEETING HELD ON DECEMBER 17, 2008

I. CALL TO ORDER AND ROLL CALL

The first meeting of the Shore Protection Board was called to order at 2:05 p.m. on Wednesday, December 17, 2008 in the Town Council Chambers.

On roll call, the following Shore Protection Board members were found to be in attendance: E. Llwyd Ecclestone, Lewis Katz, Bobbie Lindsay Buck, Gerald Frank, Lee David Goldstein, Scott Hicks, and Richard A. Raffo. Council President Kleid was in attendance. Staff members included Town Manager Peter Elwell, Assistant Town Manager Sarah Hannah, Town Attorney John C. Randolph, Public Works Director Paul Brazil, Planning and Zoning Director John Page, Coastal Planner Rob Weber, Town Engineer Jim Bowser and Town Clerk Joanna Cunningham.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

The Agenda was approved unanimously as printed.

IV. INTRODUCTIONS

Town Manager Elwell introduced the Town staff that would be providing the primary staff support for the Board: himself, Assistant Town Manager Sarah Hannah, Public Works Director Paul Brazil and Coastal Coordinator Rob Weber. Each new Board Member gave a brief description about themselves.

V. ELECTION OF CHAIR

Mr. Katz asked what the procedure would be. Town Manager Elwell informed him it could either be by voice vote or ballot. The Board opted for a voice vote.

Mr. Goldstein nominated Mr. Ecclestone as Chairman, seconded by Ms. Lindsay Buck. Mr. Katz nominated Mr. Hicks as Chairman. There was no second.

Upon voice vote, Mr. Ecclestone was elected Chair.

VI. REVIEW OF LOGISTICS AND RESOURCES

Town Manager Elwell indicated that meeting materials will generally arrive one week prior to the meeting. The Town will schedule and provide the resources necessary for educating the Board. Many guest speakers, who are experts in their field will come before the Board. As far as staffing, the Town Manager will attempt to attend as many meetings as possible with Assistant Town Manager Sarah Hannah attending all of the meetings. On the technical side, Public Works Director Paul Brazil and Coastal Planning Director Rob Weber will also attend. Preferable means of communication is via electronic mail, with phone numbers being announced for all the staff involved.

VII. REVIEW OF SUNSHINE LAW AND PUBLIC RECORDS LAW

Town Attorney John Randolph gave a brief overview of what the Sunshine Law is, and what constitutes violations of that law. He stressed that Board Members cannot speak to one another regarding the Shore Protection Board unless it is at an advertised Shore Protection Board Meeting. There shall be notice of the meeting, a record of the meeting (via minutes or audio) and the meeting must be in a public forum.

Conflicts of interest were also addressed and how to fill out the Conflict of Interest form 8B. This form is used if a vote is to be taken that would provide any specific or private gain to the Board Member.

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ELECTION OF VICE-CHAIR

Mr. Raffo made a Motion for Mr. Frank to be vice-chair. Mr. Goldstein seconded the Motion,

Mr. Katz made a Motion for Mr. Hicks to be Vice-Chair. Seconded by Ms. Lindsay Buck citing that she liked his professional credentials. Mr. Katz indicated that he liked Mr. Hicks' technical background and says he is very qualified. Mr. Hicks indicated he would accept the nomination and would be happy to serve, if elected, and was honored to be on the Board.

Upon the vote, Mr. Gerald Frank was elected as Vice Chair by a 4-3 vote. Members Ecclestone, Frank, Goldstein and Raffo voted for Mr. Frank, and Members Lindsay Buck, Katz and Hicks voted for Mr. Hicks.

Mr. Frank was elected Vice-Chair.

VIII. DISCUSS PLANS FOR FIRST SUBSTANTIVE MEETING AND BEYOND

Town Manager Elwell indicated that the January meeting will be a long meeting due to its substantive nature. The morning is scheduled to be an educational and historical perspective with different speakers. The urgent needs of the Town for shore protective action will be discussed. A summary of what the original Shore Protection Board studied from 1996-98 will be reviewed, with a synopsis of what actions have been taken since then, good or bad.

There is a lot of foundation needed for the four issues that most urgently need to be addressed. In order of importance, they are:

- Lake Worth Inlet Sand Transfer Plant
  This will involve working with the U.S. Army Corps of Engineers on permitting and reimbursement.
- Reach 8 Funding
  There are some legal barriers to consider before any remedies can be made.
- Funding in general for shore protection projects.
  The Shore Protection Board does not have a budget, but will make recommendations to the Town Council as to what amount they need approved for specific projects.
- Monitor and Maintenance of existing projects in the Town.

Chairman Ecclestone asked if there were drawings for the Sand Transfer Plant. Public Works Director Paul Brazil responded that there will be reviewable plans from the Bridge Design Group & Associates in mid-January. Chairman Ecclestone then asked who approves the plans, and Mr. Brazil responded that it is Town Staff, Mr. Brazil, Town Engineer Jim Bowser and others, depending on the project.

Town Manager Elwell discussed the 215 Agreement next. This agreement allows the federal government to reimburse the Town. There is however, a timing issue. The cost must be known before the contract is awarded. The process is difficult but we are well into the process. The federal government has authorized $4 million for this project. Phase I is ready for the $1.87 million that has been appropriated but is caught up in federal red tape.

Chairman Ecclestone asked who is working on this process. Town Manager Elwell indicated the Town has lobbyists, elected officials and U.S. Army Corps cooperation with all entities working collectively. Town Manager Elwell indicated that if any Board Members have contacts and wish to make connections on an individual basis, that would be appreciated.

IX. SCHEDULE MEETING FOR MID-JANUARY

It was the consensus of the Board to meet in the mornings. Town Manager Elwell suggested that perhaps the Board select a day, perhaps the fourth Thursday of the month, and keep the meetings on a regular schedule. For January, he suggested either January 27th , or January 29th depending on the Members' schedules. He will be in touch with each member and will send out an email announcing the date of the next meeting.

In the morning of the meeting, Paul Brazil will provide a history of the Town and its erosion of shorelines. Next, Dr. Robert Dean, from the University of Florida, will give an update on Reach 8 regarding the coastal process and accretion. Lastly, Penny Cutt, a former U.S. Army Corps permit reviewer and now a private consultant will talk to the Board about the regulatory challenges.

There will be a lunch break and then the Board will go into discussion regarding the Sand Transfer Plant, Reach 8 and the Budget.

Mr. Katz said he would hope that Town Manager Elwell will tell the Board what is important to look at or not. He would like to define the reaches and see where each of them is. He also would like to learn from the neighbors of Palm Beach (Singer Island and Lake Worth) about their shoreline issues, and their solutions. With regard to the Coastal Management Plan, what were the main points; were they accomplished or not; and what went right/wrong. Lastly, he would like to take a field trip, either by boat or bicycle from the North to South ends of the island.

Mr. Raffo asked about the Sand Transfer Plant and that it always seems to be breaking down. Mr. Brazil gave a brief history of the plant and its maintenance issues. There are two phases to the upgrade with Phase I being the plant and Phase II being the extension of the discharge pipe. By increasing the length of the pipe by 2000 feet, there will be an impact on the beach further south. Phase I is estimated to cost $2 million and Phase II could be another $2 million.

Ms. Lindsay Buck stated that she definitely would appreciate more history and wondered why the Boynton Inlet is paid for by Palm Beach County, yet the Town is having to pay for the other inlet.

Town Manger Elwell gave the reasons for that and stated that the Town has been paying the bills for the Sand Transfer Plant since 1995.

Chair Ecclestone stated that in future meetings, he wants the public comments to be limited to three minutes each. The purpose of the Board is to work together to make recommendations to the Council. Mr. Goldstein agreed, as did Vice-Chair Frank. The focus should be on getting things accomplished.

Mr. Goldstein complimented Town staff and said that they have done an excellent job.

Chairman Ecclestone stressed the importance of working as a group "All for one and one for all".

Members of the Public:

Mr. Cooley, 8 Windsor Court asked if there would be a place on the agenda for public comment. Chair Ecclestone responded that members of the public will be able to speak, but limited to three minutes. In response to a question from Mr. Cooley, Town Manager Elwell indicated that all back-up for the meetings is posted on the Town website, and the board members' written communications are public records. Mr. Cooley also inquired if experts with differing points of view would be invited to give presentations to the Board. Chairman Ecclestone responded that the Board will be reasonable and the Agenda is established by the Chair.

Peter Pettie, 3400 S. Ocean Blvd., indicated that he felt there was a conflict of interest between two of the Board members, Mr. Frank and Mr.Goldstein since they also serve on the Citizens Association Board. He indicated that their primary role on the Citizens Association is shore protection options. He asked them both if they were no longer going to discuss these issues when not at Shore Protection Board meetings.

Mr. Goldstein indicated that Donald Singer is handling the President's meeting. And the purpose of the Citizens Association is to educate and to protect members and their property. He also indicated that both he and Vice Chair Frank take their roles seriously and would not violate the Sunshine Law.

Stuart Shulman, 2280 S. Ocean Blvd. spoke about the inland waterway and said that Mr. Katz began a program on Reach 7 awhile ago, but is no longer working on the project. He is among a group of 5 condos that hired outside consultants to do their own study.

IX. ANY OTHER MATTERS

There were none.

X. ADJOURNMENT

The meeting was adjourned at 4:12 p.m.

E. Llwyd Ecclestone, Chairman