

TOWN OF PALM BEACH

Office of The Town Clerk

REPORT OF THE SHORE PROTECTION BOARD HELD ON THURSDAY, APRIL 23, 2009

I. CALL TO ORDER

The Shore Protection Board Meeting was called to order at 9:07a.m., on Thursday, April 23, 2009, in the Town Council Chambers.

II. ROLL CALL

On roll call, all of the Shore Protection Board Members were found to be present.

III. PLEDGE OF ALLEGIANCE

Chair Ecclestone led the Pledge of Allegiance

IV. APPROVAL OF AGENDA

Chair Ecclestone indicated he had changes. He wanted to move Item XVI to after V. He also wanted to add a new item, XVII, to schedule a new meeting on May 14th to hear Charlie Chestnutt from the USACOE and stated that he would allow an unexcused absence to not count towards the annual attendance count. Town Manager Elwell indicated that they would be discussing the absence policy and that the Members should comply with the Town Code.

On voice vote, the agenda was approved. No formal motion was made.

V. APPROVAL OF THE MINUTES OF THE MARCH 26, 2009 AND APRIL 8, 2009 MEETINGS

Motion to approve the Minutes of March 26, 2009 Shore Protection Board Meeting made by Member Goldstein, seconded by Vice Chair Frank. On voice vote, the motion carried unanimously.

1 **Motion to approve the Minutes of the April 8, 2009 Shore Protection Board Meeting**
 2 **made by Vice Chair Frank and seconded by Member Goldstein. On voice vote, the motion**
 3 **carried unanimously.**
 4

5 VI. COMMUNICATIONS FROM SHORE PROTECTION BOARD MEMBERS

6 Chair Ecclestone requested that the location of the meeting be placed at the top of the
 7 agenda for future notices, especially since the meetings will be at various locations. Vice Chair
 8 Frank indicated that many things happen in between the meetings. He gave the example of the
 9 215 Agreement and Reach 8 lawsuit and requested that the Shore Board Members be given
 10 written updates and also have an opportunity to discuss them at the beginning of the Shore
 11 Protection Board Meetings.
 12

13 VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

14 Harold Epstein, 3100 S. Ocean Blvd., expressed that the beaches are critically eroded. His
 15 opinion was that the ALJ judge exceeded his authority on the Reach 8 decision. He stated that
 16 the eastern-most building at 3100 S. Ocean Blvd. is critically eroded.

17 Gary Hamilton, from JGH Consulting in Volusia County, FL submitted a brochure from
 18 ACT (Advanced Coastal Technologies) on the PRO TEC Tube into the record. Paul Brazil
 19 indicated that Paden Woodruff would be speaking this afternoon about alternative technologies
 20 and could address this product. Member Katz asked Mr. Hamilton how long the product would
 21 last. He responded that the company guarantees the work for 5 years, but the materials should
 22 last long term since they are buried.
 23

24 Peter Pettie, 3400 S. Ocean Blvd., stated that the shore is eroding and millions of dollars in
 25 real estate are in jeopardy. He states that the town is in crisis. A dialogue continued with Chair
 26 Ecclestone and Mr. Pettie. Mr. Brazil was asked to respond if Reach 8 has a permit. He stressed
 27 that the immediate needs are the Sand Transfer Plant and the north end of Reach 7 and south end
 28 of Reach 8. Mr. Brazil reminded the Shore Protection Board that they voted on those as
 29 priorities. Prices are being reviewed and will go forward to the Town Council for funding. The
 30 long term issues will be discussed later today. In the past 7 years - more than 3 million cubic
 31 yards of sand have been placed on the beaches.
 32

33 Larry Goldberg, 3360 S. Ocean Blvd., as a member of the Citizens Association, encouraged
 34 that the Board get someone to act. If the DEP rules with the judge, the Town should challenge
 35 the ruling. He also suggested to see what can be done with different technologies. He suggested
 36 direct contact with Governor Crist, Senators Klein and Nelson.
 37

38 Informational Items:

39 VIII. COASTAL PROTECTION STRUCTURES OVERVIEW AND PERMITTING [Ken Humiston, P.E., Humiston & Moore Engineers]

1 Mr. Paul Brazil , Director of Public Works, announced that the speaker has been delayed by
2 wildfires that have closed Alligator Alley and would be at the meeting later on in the morning.

3
4 After a short break, Chair Ecclestone asked Ken Humiston, from Humiston & Moore
5 Engineers, to not provide a history, but provide resolutions. Mr. Humiston indicated that they
6 had planned on providing structure ideas to the Board. He made a Power Point presentation and a
7 copy was entered into the record.

8
9 Mr. Humiston provided an overview of coastal structures with consideration of evaluating
10 various structural alternatives for the purpose of erosion control, including the technical,
11 regulatory and environmental issues. Humiston & Moore is based out of Naples, FL and has not
12 worked with the Town of Palm Beach previously. The firm is internationally recognized for
13 developing analytical procedures for evaluating coastal processes, both for beach nourishment
14 and design of erosion control structures. Dr. Muhamed Dabees obtained his PhD. in Coastal
15 Process modeling, and also presented a Power Point to the Shore Protection Board. A copy was
16 entered into the record. He stated that there is no design code for coastal engineering since every
17 case and location is different.

18
19 There were questions asked by the Shore Protection Board Members after the presentations
20 about Humiston & Moore's their experience with barrier islands, modeling projects, and
21 provided some information regarding the Singer Island project. Chair Ecclestone left the dais to
22 speak to Council President Rosow, who was in the audience.

23
24 Chair Ecclestone asked if the Town wanted to hire them to model the entire Palm Beach
25 Shoreline, would their firm be able to do that. He asked how to go forward with the project -
26 Muhamed responded that first, he would need to study the historic changes, try to establish a
27 regional model and many other factors. Mr. Humiston announced that their firm has been
28 successful in completing eight erosion control structure projects in Florida. Many of those
29 structural projects have been constructed in conjunction with beach nourishment to extend the
30 life of the beach fill, and a number of them included a unique erosion control structural design
31 specifically to minimize potential for downdrift beach impacts.

32
33 Member Hicks was familiar with the firm and noted that Muhamed is very well respected in
34 the coastal community. He also noted that they do have a lot of experience and a good
35 relationship with the permitting agencies.

36
37 Chair Ecclestone directed them to prepare a proposal for Town-wide project. The firm
38 answered that there is a current RFP and they did plan on responding. Mr. Brazil indicated that
39 they would need to go to Town Council to hire them under contract.

40
41 Council President David Rosow, 1460 North Lake Way, indicated that what he heard was
42 that they were requested by the Shore Protection Board to seek info on preparing a model by
43 speaking to staff,
44

1 **Motion by Member Katz to obtain a proposal from Humiston & Moore Engineers**
 2 **regarding the amount of work, costs and time that will be required to prepare a model for**
 3 **the Town of Palm Beach seconded by Member Goldstein.**

4 Chair Ecclestone asked Assistant Town Manager Hannah if the monies could come from the
 5 discretionary funds that the Shore Board are allotted. He wanted to have a proposal presented at
 6 the May 14 Shore Board Meeting, and that meeting is now a formal meeting.

7
 8 Council Member William Diamond, 220 Wells Road, suggested that the RFP process
 9 continue and then all of this could be resolved. Mr. Brazil suggested withdrawing the motion,
 10 coming back at the next meeting with more information and how the Town can comply with all
 11 levels of the CCNA process and with the comfort level of the consultants.

12
 13 **Member Katz withdrew his motion.**

14
 15 Member Lindsay Buck asked how long they had been involved with the Singer Island project.
 16 They estimated approximately four years, but there were other consultants involved prior to them
 17 being retained by Palm Beach County.

18
 19 Peter Pettie, 3400 S. Ocean Blvd., asked Mr. Humiston questions regarding the Singer Island
 20 project.

21
 22 IX. INTRODUCTION TO APPLIED TECHNOLOGY & MANAGEMENT [Michael Jenkins,
 23 PhD., P.E., Coastal Engineering Team Leader, Applied Technology & Management]

24 Dr. Michael Jenkins, Coastal Engineering and Team Leader for Applied Technology &
 25 Management (ATM) made a Power Point presentation to the Shore Protection Board and a copy
 26 was submitted into the record. They have worked with the Town since the early 1990's. Dr.
 27 Jenkins presented his perspective regarding the Town's Comprehensive Coastal Management
 28 Plan (CCMP) and the current coastal issues faced by the Town and under consideration by the
 29 Shore Board Members.

30 ATM was the firm responsible for the last CCMP update completed in 1998 and has
 31 supported a number of the Town's coastal initiatives. Dr. Jenkins stated that he has extensive
 32 experience with nearshore, hardbottoms, sand quality and coastal structures. There were
 33 questions from the Shore Board Members and discussions regarding the obstacles with the
 34 permitting process.

35
 36 **Chair Ecclestone asked Mr. Brazil to obtain information on the successful Miami**
 37 **Beach projects.** Member Lindsay Buck asked about functional groins out of the 80+ groins
 38 identified in the Town. Dr. Jenkins indicated that there currently aren't any.

39
 40 Peter Pettie, 3400 S. Ocean Blvd., stated he had met with Senator Atwater and Mike Sole,
 41 DEP two years ago at his property and was informed that the destruction has to occur first before
 42 obtaining a permit. Mr. Brazil refuted Mr. Pettie's comments. He added that after a storm event,
 43 there can be emergency corrective action to secure property and has to be imminent danger.

1 Robert Davidow, 2100 S. Ocean Blvd., suggested that the Board look at the sustainably
2 successful projects when evaluating the consultants. The key is implementation and success of
3 the projects.

4 Action Items:

X. ALTERNATIVE/INNOVATIVE TECHNOLOGIES VIA TELECONFERENCE [Paden Woodruff, Environmental Administrator, Bureau of Beaches and Coastal Systems, State of Florida Department of Environmental Protection] TIME CERTAIN, 2PM

5 Paden Woodruff, Environmental Administrator, Bureau of Beaches and Coastal Systems,
6 State of Florida Department of Environmental Protection attended the meeting via teleconference
7 and made a Power Point presentation with Town Staff assistance. A copy of the presentation was
8 submitted into the record. He provided extensive detail on the permitting process and the
9 innovative technologies that were available.

10
11 Chair Ecclestone thanked Mr. Woodruff for his presentation. Member Lindsay Buck asked
12 about geotube technology and how it worked in Vero Beach. Mr. Woodruff said that was an
13 example of using textile structure which have both positives and negatives, She asked about
14 obtaining a permit within three months. He said it was dependent upon the completeness of an
15 application, but a three month turn around is rarely obtained within that time frame.

16
17 Member Lindsay Buck asked if the sand could be taken from the Lake Worth Inlet and
18 placed along the shore where there are critically eroded shores. Vice Chair Frank stated that they
19 have a six month mandate to submit to the Town Council a plan to re-nourish the beaches, and
20 asked Mr. Woodruff if he had any ideas about what would work, and what could get permitted.
21 Mr. Woodruff stated that a primary concern is upland property and that residents could use
22 armoring. This does create a sediment deficit in other areas, however. He added that the Town
23 has many different problems that would require different repair methods. There could be dune
24 restoration, hardbottom issues, recreational beach, aesthetics of the beach, surfing beach, and
25 protection of property and nature, and he feels the Town is headed in the right direction. Variety
26 of submergent breakwater designs may be the best technology for the Town use, according to
27 Mr. Woodruff. Broad crested rubble mound submergent breakwaters also work.

28
29 Vice Chair Frank thanked Mr. Woodruff for participating. Chair Ecclestone asked about
30 mitigating. Mr. Woodruff responded that there is a lot of debate about mitigation requirements.

31
32 Member Hicks asked about cost sharing with innovative technologies. Mr. Woodruff
33 indicated that there is no one pot of money to pull from. There are some state funds available but
34 they are for ALL projects and not just innovative technologies. Member Katz indicated that
35 people are a big part of the equation. He asked what the Board should tell their neighbors when
36 nothing is being implemented. Mr. Woodruff said it depends on where in the Town the residents
37 are. Some are pretty well armored. In Reach 8, there is a certain area that is of concern, and
38 along with owning on the beach, there is a certain risk involved.

XI. PERSPECTIVE FROM PREVIOUS SHORE BOARD MEMBER AND PERMITTING OF GROINS [Charles Isiminger, P.E. and Darwin Stubbs, P.E., Isiminger & Stubbs Engineering, Inc.] TIME CERTAIN, IMMEDIATELY FOLLOWING ITEM X.

1 Mr. Charles Isiminger, from Isiminger & Stubbs Engineering, Inc. made a Power Power
2 presentation to the Shore Protection Board. A copy was provided for the record. Mr. Isiminger
3 was a former member of the original Shore Protection Board. Mr. Isiminger brought his business
4 partner, Mr. Darwin Stubbs with him. Mr. Stubbs specializes in coastal and environmental
5 design, permitting and technical studies for beach restoration, erosion control structures, and
6 inlet projects. He spoke at length regarding armoring and the state DEP requirements needed for
7 armoring.

8
9 Isiminger & Stubbs Engineering, Inc. were responsible for the design and permitting of the
10 groin rehabilitation at the Bath & Tennis Club in Reach 5. They have worked on several other
11 projects within the Town of Palm Beach. They encouraged the Town to participate in the rule-
12 making workshops. Chair Ecclestone asked Mr. Isiminger about groins. Mr. Isiminger felt that if
13 the groins were restored and properly maintained, they certainly would be effective and
14 beneficial. He stressed that they are not a cure-all either.

15
16 Member Raffo discussed with Mr. Isiminger how he was able to obtain the permits for the
17 groins at the Bath & Tennis Club. There was a reconfiguration of the original groins and since
18 then, the permitting has become more strict.

19
20 Member Lindsay Buck also asked about the number of functional groins that are in the
21 Town. She was told the last inventory of the groins was over ten years ago when the CCMP was
22 updated. Member Hicks thought it was worth exploring the groin rehabilitation. He also asked
23 what regulations should be changed. Mr. Isiminger felt that seawall construction should be
24 modified. The process is very difficult, not only with the State DEP, but with the Federal
25 USACOE.

26
27 Member Hicks asked their opinion about forming a relationship with the County. Mr.
28 Isiminger cautioned working with the County because they do not have the same goals and ideals
29 as the Town. Palm Beach is a very special place and deserves special attention.

30
31 Member Katz asked a question regarding safety regarding the homes on the lakeside, and
32 how high the surge would be if the Town is hit by a storm. Mr. Stubbs responded that a 100 year
33 storm on the ocean side is predicted to be a 12 foot storm surge. On the lake side, the surge
34 should be far less. Town Engineer, Jim Bowser responded that FEMA guidelines are 7 feet
35 NGVD and the Town Code is 7.5 NGVD feet. Member Goldstein asked about the sand at Sloan's
36 Curve and the groins that are shown in the new maps. Member Lindsay Buck asked if the Reach
37 6 groins are responsible for causing the reach 7 and Reach 8.

38
39 Council Member Diamond asked for clarification on the building requirement of armoring a
40 building built after 1986. Mr. Stubbs responded that in an emergency, temporary repairs can be
41 issued but an after the fact application must be filed, and must meet the State requirements.

XII. SHORE PROTECTION BOARD MAP [Robert Weber, Coastal Coordinator]

A full size map was created at the direction of the Shore Protection Board, that spans the entire town to illustrate the various aspects of the coastal management program. In addition to a large all encompassing map located at Public works, each Shore Board member was provided a smaller scale copy to serve as reference and aid during the meetings.

The map included the following:

1. October 2008 Aerial Photography (most recent aerials flown within the Town)
2. August 2002 Laser Airborne Depth Sounder (LADS) survey
3. Town Boundaries, including reach designations and distances
4. Location of the Lake Worth Inlet and Sand Transfer Plant
5. Fill placement limits of the Mid-Town and Phipps project
6. Location of the 2006 Dune Restoration Project
7. Location of the 2006 Seawall Stabilization Project
8. Location of the 2000 Mangrove Habitat Restoration Project
9. Previously dredged borrow areas and current identified offshore sand sources
10. Artificial Reefs constructed by the Town of Palm Beach, along with other known reef sites.
11. Hardbottom mapping from October 2008 aerial interpretation, supplemented by the 2004 mapping by Palm Beach County
12. Location References
 - A. FDEP range monument locations
 - B. Various street names
 - C. Various landmarks
 - D. Most condominium names
13. Groin structures visible in the 2008 aerials, cross-referenced with the Comprehensive Coastal Management Plan (CCMP)
 - A. Not all groins listed in CCMP are visible in October 2008 aerials
 - B. If structures not visible on recent aerial, the groin was left off of the map since there is no confirmation that the structure still exists.
 - C. In total, 89 groins were located and plotted, which is a current condition of the groin fields located within the Town limits.

Member Goldstein wanted to know if the groins are having an adverse effect by the next meeting. Mr. Brazil indicated that would involve a study and a large amount of time. The Board will review the map photos on the May 28th agenda. He also spoke about taking the FEMA project monies to do a dune project on the North end of Reach 8.

XIII. TRI-PARTY UPDATE [H. Paul Brazil, Director of Public Works]

a. Port Dredging

Mr. Brazil provided an update. He stated that has spoken with the Port and Palm Beach County and all parties are in agreement financially to participate in the dredging. The next step is to select a consultant and begin the permitting process to dredge the sand and place it on the Town beaches.

Chair Ecclestone asked if the dredge was going to be purchased. Mr. Brazil indicated that the details have not been worked out yet. The port is leaning towards purchasing the dredge and then being able to lease the dredge out.

b. Inter-Local Agreement

Mr. Brazil provided an update on the Dredging and the status of the Interlocal Agreement with Palm beach County. Palm Beach County is drafting an agreement and will model the Boca Raton agreement where the Town would have more control. The Town is not in the County's current year budget and the next opportunity would be in the budget year 2010.

XIV. COMPREHENSIVE COASTAL MANAGEMENT PLAN UPDATE [Robert Weber, Coastal Coordinator]

Mr. Brazil spoke about the immediate projects and said that in the future there would be written reports. Mr. Brazil next discussed the 215 Agreement and indicated that the USACOE combined both Phase I and II-Phase I was a restoration project and Phase II was the expansion part, and was not intended to be done in conjunction with Phase I. Regarding Reach 7 and Reach 8, staff recommends that Reach 7 be a stand alone project to modify the existing permit. Staff is planning on taking it to Town Council to get the project going. With Reach 8, the County is going to provide the Town with an interlocal agreement and the Shore Board can review it and recommend approval by the Town Council.

Mr. Brazil indicated that it may be several years before any projects are started, if the Town works with the County. It will take no less than 5 years to obtain a permit for structures. Reaches 3, 4 and 7 have engineered beaches and are eligible for reimbursement from Tropical Storm Fay. Staff is seeking approval to rebuild dunes with the FEMA money that the Town would be eligible for. Next, Mr. Brazil discussed the longer term projects. Chair Ecclestone stated that he is prepared to approve additional support to complete an update to the CCMP. Chair Ecclestone stated that he wanted Charlie Isiminger to do the project. Member Hicks responded to Chair Ecclestone's comments about ATM. He disagreed and thought ATM was a reputable firm. Member Lindsay Buck agreed that she had not heard anything bad about ATM. Member Lindsay Buck suggested relying on the various firms' strengths whether it be modeling, structures, technologies etc. that could include hiring several different firms for different projects. Member Goldstein indicated he was impressed with the firms that spoke today and suggested that we try

to remain with Florida firms. He felt that the modeling firm from Naples was outstanding. Member Katz felt the Town needed more than just an update to the CCMP.

Motion made by Member Hicks seconded by Member Lindsay Buck to update the CCMP, and to also look at hardbottoms, to hire ATM as the primary consultant to perform the work. On roll call, the motion was defeated 3-4.

Chair Ecclestone	No
Vice Chair Frank	No
Member Hicks	Yes
Member Lindsay Buck	Yes
Member Raffo	Yes
Member Goldstein	No
Member Katz	No

Mr. Brazil will prepare a draft scope of work that is needed and get prices and present it to the Town Council at the May 12, Town Council Meeting. Mr. Brazil will obtain a copy of the RFQ that was submitted prior to see the strengths of the firms that were selected and provide them to the Members of the Board.

XV. ITEMS FOR FUTURE MEETINGS [Robert Weber, Coastal Coordinator]

SPB Goals, Including Town Accomplishments by Scott Hicks (May 28)
 Town-Wide Sediment Budget (May 28)
 Bob Hamilton, Woods Hole Group (May 28)
 Introduction to Coastal Systems International, Inc. (May 28)
 Multi-Purpose Artificial Reefs - John Hearin, ASR (May 28)
 Jeff Howe, U.S. Fish & Wildlife Service (June 25)
 Robbin Trindell, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management (June 25)
 Introduction to Coastal Technology Corporation (June 25)
 Vladimir Kosmynin, FDEP Environmental Consultant in Marine Ecology
 Permeable/Semi-Permeable Structures
 Erosion Control Lines and Engineered Beaches
 Critically Eroded Beach Designation
 Coastal Project Funding

Assistant Town Manager Hannah announced the next meeting would be at 2:00p.m. on May 14th to hear a presentation by Charlie Chestnut from the USACOE. Chair Ecclestone said the meeting would be at 9:00a.m. Assistant Town Manager Hannah tried to explain that with the meetings going off-site, she needed to locate an available meeting room. Chair Ecclestone

1 stated it would be at the Paramount. Assistant Town Manager indicated she would get back to
2 the Board with a location and time.

3
4 **Motion to approve the scheduling of the May 14th meeting. On voice vote, the motion**
5 **passed unanimously.**

6
7 Chair Ecclestone indicated again that he wanted Charlie Isiminger hired. Vice Chair Frank
8 **wanted to add environmentalists to the list of future speakers. Mr. Brazil responded that he**
9 **would add them to the list of speakers and have an updated speaker list for the next**
10 **meeting.**

11
XVI. ABSENCES [Peter B. Elwell, Town Manager]

12 **This item was heard immediately following Item V. Approval of the Minutes.**

13
14 Item XVI was heard immediately following Item V. Town Manager Elwell outlined the
15 Town Code regarding absences and proposed that since the Shore Board is meeting more
16 frequently, staff recommends that the Board ask the Town Council for one additional absence in
17 the first year. The Town Clerk submitted a memo into the back-up for the Members to review
18 that included the Town Code.

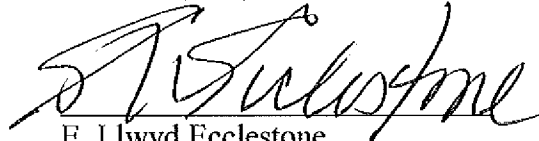
19
20 Member Hicks expressed his concern with the absences and frequency of meetings. He
21 would like to discuss that at the appropriate time possibly rescheduling the July meeting.

22
23 **Motion made by Member Goldstein, seconded by Member Lindsay-Buck, to**
24 **recommend to Town Council that two additional absences be permitted, to also include the**
25 **May 14th impromptu meeting. On voice vote, the motion carried unanimously.**

26
27
XVII. ADJOURNMENT

28
29 There being no further business, the Shore Protection Board Meeting was adjourned at 5:10
30 p.m.

31
32 APPROVED:

33
34 
35
36 E. Llwyd Ecclestone
37 Chairman
38
39