

TOWN OF PALM BEACH

Office of The Town Clerk

REPORT OF THE SHORE PROTECTION BOARD MEETING HELD ON THURSDAY, MARCH 12, 2009

I. CALL TO ORDER

The Shore Protection Board was called to order at 9:05 a.m. on Thursday, March 12, 2009, in the Town Council Chambers.

II. ROLL CALL

On roll call, all Shore Board members were present, except for Member Scott Hicks, who had an unexcused absence.

III. PLEDGE OF ALLEGIANCE

Chair Ecclestone led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

Motion made by Vice-chair Frank, and seconded by Member Goldstein to approve the Agenda. On voice vote, the Motion carried unanimously.

V. APPROVAL OF THE MINUTES OF THE JANUARY 27, 2009, AND FEBRUARY 26, 2009, MEETINGS

There was discussion concerning the late receipt of the meeting minutes among the members. Town Manager Elwell explained that there are many meetings occurring and that staff reviews the minutes first, then they are distributed to the Board Members. A better effort will be made to have the minutes completed more timely.

Town Manager Elwell also stressed that the minutes are to be more action oriented than verbatim minutes. There should not be attempts to "re-write" the minutes after the meeting has occurred. There are audio recordings for exact verbiage. He reminded the Members that every comment made may not be referenced, but more of a summary of the discussion.

1
2 After a few minor corrections were made to the Minutes, it was agreed that the minutes
3 could be approved with those changes made.

4
5 **Motion made by Vice Chair Frank and seconded by Member Lindsay-Buck to**
6 **approve the January 27, 2009 Minutes, as amended. On voice vote, the motion carried**
7 **unanimously.**

8
9 **Motion made by Vice Chair Frank and seconded by Member Katz to approve the**
10 **February 26, 2009 Minutes, as amended. On voice vote, the motion carried unanimously.**

11
12
13 VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

14
15 Carla Herwitz, 2275 S. Ocean Blvd., spoke about the recent Administrative Law Judge
16 (ALJ) Meale's decision and stated that she was opposed to a new contract for a report by ATM.

17
18 Town Manager Elwell added that at Tuesday's Town Council Meeting (March 10, 2009)
19 the Town Council voted to issue a new RFQ for Coastal Engineering firms. He also suggested
20 that either the Chair or another member of the Shore Protection Board participate in the CCNA
21 process of selecting the engineering firm.

22
23 Paul Brazil, Director of Public Works, briefly described the RFQ process to the Members.

24
25 Mervyn Manning, 2100 S. Ocean Blvd. spoke as a representative of the 212
26 condominium owners which are located immediately north of Phipps Park. He stressed that the
27 owners were not included in the Reach 7 project and the beaches are eroding and they are
28 concerned that their homes are in danger.

29
30 William Cooley, 8 Windsor Court talked about how "Adaptive Management", the
31 learning by doing approach, was the original Shore Plan sold to the Town. The Town needs to
32 benefit from their mistakes, and stop referring to the first Shore Protection Plan as the "Bible", as
33 it may end in the same way as the Book of Revelations. The Shore Board and residents should
34 know how much the Town has spent to date and should hire competent engineers, and he
35 recommended the Erickson firm.

36
37 Dr. Ellen Howe, 2295 S. Ocean Blvd. Said that last September DEP officials came to
38 Harbour House and witnessed the water coming up to the sea walls. She asked Mr. Brazil if he
39 had any information on what the outcome was. He responded that he did not have any
40 information on that.

1 Member Raffo responded to Mr. Cooley's comments and said that he was the member
2 that referred to the Plan as "the Bible" and that the previous Shore Protection Board had wanted
3 to repair the shore inlet to inlet, but the Council and the citizens at that time changed the scope of
4 the work.

5
6 Member Frank added that other considerations were the cost of doing the project inlet to
7 inlet was too great and that the Town was further restricted by the permitting process. Other
8 members mentioned that the Town should learn from the mistakes made in the past, and also the
9 Board members should become educated in the processes.

10
11 Informational Items:

12
13 VII. STATE OF FLORIDA COASTAL MANAGEMENT PROGRAM AND PERMITTING
14 REQUIREMENTS [Mike Barnett, Chief of the Bureau of Beaches and Coastal Systems,
15 Florida Department of Environmental Protection]
16

17 Mr. Barnett attended the meeting via conference call while Paul Brazil presented Mr.
18 Barnett's Power Point presentation simultaneously. A copy was provided for the record.
19

20 Mr. Barnett highlighted site-specific considerations, and described the permit process for
21 the Members. He suggested involving the surrounding municipalities as well as Palm Beach
22 County in discussions of projects.
23

24 There were several questions regarding how other municipalities were getting permits for
25 structures so quickly and Mr. Barnett responded that each is reviewed on a case by case basis. In
26 addition, the time frame does depend on how quickly the applicant supplies additional requested
27 information, studies etc. That explains why some permits take years to obtain. He stated that
28 when a project application is truly complete at the time of submission, then the DEP is able to
29 issue a permit within 90 days, but that rarely is the case.
30

31 When asked about the likelihood of the regulations being changed on the State level, Mr.
32 Barnett responded that although the regulations have been refined and changed over the years, a
33 resource reconsideration is highly unlikely.
34

35 Member Frank asked what the Town could do attempt to obtain permits. Mr. Barnett
36 offered that he has seen more approvals of permits when the applicant has a strategic use of
37 structures in conjunction with sand fill. He cited how the mid-town project years ago was
38 permitted in under four months, which was virtually unheard of.
39

40 Member Raffo asked how Lantana was able to get an emergency permit to build a sea
41 wall to protect the Dune Deck Café. Mr. Barnett said the permit was for temporary repairs and

1 stressed that the final permit may not be the same. He cited Florida Statutes 161.085 regarding
2 the emergency procedures for reference.

3
4 Next, the Town Council Members who were in the audience were given an opportunity to
5 ask questions. In response, Mr. Barnett said the Sand Transfer Plant in Palm Beach should not be
6 affected by the Singer Island project. When told that the Erickson Report indicates they can
7 obtain a permit within 6-9 months, Mr. Barnett indicated that appeared to be an optimistic time-
8 frame. He noted the time frame of the Singer Island project be constructed in 2010 seemed
9 reasonable (it has been in permitting and application process since 2006) but the South Palm
10 Beach project had yet to submit an application, which meant the review process had not begun
11 and would be unlikely to be approved by 2011.

12
13 A question was asked by Council President Rosow if the DEP studied worldwide
14 alternatives for technologies or new cutting edge technologies? Mr. Barnett responded that the
15 DEP focuses primarily on Florida and that the time constraint on his workload prohibits him
16 from having an opportunity to study different options. He did say that if the Town were going to
17 consider new technologies, they would have to prove successful results and have research
18 documentation. The performance of the projects would be monitored closely.

19
20
21 When finished, Mr. Barnett reiterated that the Board and Town Council questions were
22 outstanding and that he hoped to be able to come to a future meeting to meet with the Shore
23 Protection Board in person.

24
25 **VIII. REPORT REGARDING FLORIDA SHORE AND BEACH PRESERVATION**
26 **ASSOCIATION CONFERENCE [Robert Weber, Coastal Coordinator]**

27
28 **There was no discussion and the report was submitted in the back-up for the**
29 **meeting.**

30
31
32 **IX. MONTHLY REPORT ON SHORELINE CONDITION**
33 **[Robert Weber, Coastal Coordinator]**

34 Rob Weber presented a Power Point to the Shore Board Members. A copy was submitted
35 into the record. It showed numerous locations along the Town shoreline at low and high tide.

36
37 Member Lindsay-Buck asked that more points in the North end be photographed and
38 suggested Monteray or Eden Road. (Between the old Kennedy estate and the Beach Club).

39
40 Member Katz and others would like to have access to the photos on the Town website.
41 Staff will post the photos and provide the link to the Board Members.

X. SUMMARY OF ACTIONS REGARDING LAKE WORTH INLET, REACH 1,
AND REACH 2 [H. Paul Brazil, Director of Public Works]

There was no discussion and the summary report was submitted in the back-up for the meeting.

XI. SUMMARY OF ACTIONS IN MID-TOWN AREA (Reaches 3, 4, and 5)
[H. Paul Brazil, Director of Public Works]

There was no discussion and the summary was submitted in the back-up for the meeting.

Action Items:

XII. PROPOSAL FROM OLSEN ASSOCIATES FOR REVIEW OF REACH 7 PROJECT
PERFORMANCE
[H. Paul Brazil, Director of Public Works]

Motion Made by Member Katz and seconded by Member Goldstein to not hire Olsen Associates. Upon voice vote, the Motion carried unanimously.

XIII. PROPOSAL FROM ATM FOR REVIEW OF REACH 8 PROJECT PERMITTING
ALTERNATIVES (CONSISTENT WITH ANY TOWN COUNCIL ACTION
REGARDING REACH 8 LITIGATION ON MARCH 10, 2009)[H. Paul Brazil, Director
of Public Works]

Since the last Shore Protection Board Meeting, a lot had happened according to Town Manager Elwell. He indicated that the unfavorable decision was issued by ALJ Meale, and that the Town Council had one closed-door Attorney Client Session, and was scheduled to have a second one on the 20th of March. These closed door sessions are to determine how the Town Council wishes to proceed. In addition, the Town Council has directed staff to issue a new RFQ for coastal Engineering firms. That process will take several months.

Motion made by member Katz and seconded by Member Goldstein to not hire ATM. Upon voice vote, the motion carried unanimously.

XIV. SHORE PROTECTION BOARD OBJECTIVES FOR 2009

1 Robert David, 2100 S. Ocean Blvd., suggested to the Board Members that they develop
2 objectives and a Master Plan. They should develop and implement short-term quick hits.

3
4 **The Members agreed to submit their written objectives to the Town Manager before**
5 **Thursday of next week and the submittals will be included in the back-up for the next**
6 **Shore Protection Board meeting on March 26, 2009.**

7
8 XV. SHORE PROTECTION BOARD LIST OF SPEAKERS FOR 2009

9
10 Each Member was asked to supply names of speakers that they would like to hear come
11 to a future Shore Protection Board meeting.

12
13 Member Raffo indicated Woods Hole (Bob Hamilton), Stephens Institute, and ATM were
14 his choices.

15
16 Member Katz did not have names but asked staff to help identify the firms that are doing
17 the work in Singer Island, South Palm Beach, Boca Raton and other surrounding beaches. Town
18 Manager Elwell indicated that most of those answers will come at the next meeting when Dan
19 Bates from the Palm Beach County Environmental Resources Management will address the
20 board and will possibly be bringing the consultants with him.

21
22 Penny Cutt, from Coastal Systems indicated that she was one of the five consultants
23 recently hired by the Town and that each of those should be provided an opportunity to speak.

24
25 Cheryl Miller, Coastal Ecological Group, stated that her company is responsible for the
26 biological monitoring. She offered that as the Town goes through the process of selecting more
27 engineering firms, to also consider the biologists and ecological recommendations. This could
28 result in costs savings by using alternative mitigation techniques.

29
30 Martha Robart, Dial Cordy and Associates, also is a biological monitoring consultant.
31 They provided resource assessment as well as mitigation assessments.

32
33 Member Lindsay-Buck stated that some of her people are for long-term ideas. She was
34 interested in hearing ALJ Meale's explanation of his ruling once the litigation is over. She also
35 suggested having the environmentalists come: Snook, Surfriders etc., and also Congressman
36 Klein or federal level permit agencies. Town Manager Elwell noted that David Hobbie of the
37 Army Corps of Engineers will be speaking to the board on April 8.

38
39 Member Katz said it would be helpful to have a flowchart to show the process both
40 Federal and State.

Chair Ecclestone indicated his preference was to have some of the speakers from the National Conference that Rob Weber, the Coastal Coordinator, recently attended. He stated he had over 40 people, plus a company that Council Member Rosow mentioned at the Town Council meeting, and the Western Carolina University Program for Development of Shorelines. He added Charles Isiminger, a former Shore Board Member who was able to obtain permits for the Bath and Tennis Club.

Chair Ecclestone indicated that there will be a list prepared for the next meeting to decide upon which ones will be invited. Mr. Brazil also indicated that the speakers will be categorized as well, such as biological, environmental, structures, alternative structures etc.

XVI. ITEMS FOR FUTURE MEETINGS

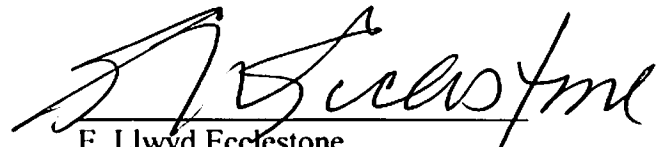
1. Palm Beach County's Proposed Breakwater Projects (March 26)
2. Discussion of Structures other than Breakwaters (March 26)
3. USACE Presentation of Federal Permitting Requirements (April 8)
4. Further Review of Reach 7 Performance and Possible Remedial Actions (April 8)
5. Town-Wide Erosion Rate Analysis ("Sediment Budget")(April 8)
6. Alternative/Innovative Technologies
7. Permeable/Semi-Permeable Structures

There was no discussion on this item.

XVII. ADJOURNMENT

There being no further business, the Shore Protection Board meeting adjourned at 1:10 p.m.

APPROVED:



E. Llwyd Ecclestone
Chairman