



TOWN OF PALM BEACH

Office of The Town Clerk

REPORT OF THE SHORE PROTECTION BOARD MEETING HELD ON TUESDAY, JANUARY 27, 2009

I. CALL TO ORDER AND ROLL CALL

The Shore Protection Board was called to order at 9:04 a.m. in the Town Council Chambers. On roll call, the following Shore Protection Board members were found to be in attendance: E. Llwyd Ecclestone, Gerald Frank, Lewis Katz, Bobbie Lindsay Buck, Lee David Goldstein, Scott Hicks, and Richard A. Raffo. Town Council President Richard Kleid, President Pro Tem Gail Coniglio, Council Member Susan Markin, were in attendance. Staff members included Assistant Town Manager Sarah Hannah, Public Works Director Paul Brazil, Planning and Zoning Director John Page, Coastal Coordinator Rob Weber, Town Engineer Jim Bowser and Town Clerk Joanna Cunningham.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Ecclestone.

III. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

William Cooley, 8 Windsor Court, thanked the Committee for adhering to a three minute limit on Citizen Comments.

Carla Herwitz, 2275 S. Ocean Blvd., stated that she is an attorney by trade but was not there as an attorney, but as a private resident. She mentioned the Erickson Report that was submitted to the Committee, and was part of one of the five condo associations that paid for the report to be conducted. She hoped that the Committee would discuss it later that morning. Chair Ecclestone assured her that they would discuss the letter from Ms. Erickson and answer her questions.

IV. APPROVAL OF AGENDA

Motion to approve the agenda was made by Mr. Goldstein and seconded by Ms. Lindsay-Buck. Upon voice vote, the Motion passed unanimously.

V. APPROVAL OF THE MINUTES OF THE DECEMBER 17, 2008, MEETING

1 **Motion to approve the minutes was made by Vice Chair Frank, and seconded**
2 **by Goldstein. Upon voice vote, the Motion passed unanimously.**

3
4 Informational Items:

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6 VI. HISTORY OF TOWN BEACH EROSION & COASTAL PROTECTION
7 PROJECTS
8 [H. Paul Brazil, Director of Public Works]
9

10 Mr. Paul Brazil, Director of Public Works presented a power point to the
11 Committee that highlighted the history of erosion and coastal protection projects within
12 the Town since the 1920's. A copy of the presentation was submitted into the record.
13

14 Chair Eccelstone asked Mr. Brazil if mitigation is done more than once. Mr.
15 Brazil responded that typically, it is only done one time.
16

17 Member Lindsay-Buck stated that she thinks that Reaches 2, 7 and 8 are the most
18 critical and would like more information on the permitting process. Mr. Brazil informed
19 her that Ms. Penny Cutt would be discussing permits later on in the agenda. Mr. Brazil
20 informed the Committee that they are restricted by the permits as to where they may
21 place sand from dredging. The Army Corps of Engineers is also paying money to be
22 able to place sand on the beaches.
23

24 Member Hicks asked what the depths are of the offshore reefs. Mr. Craig
25 Krumpel responded that on the western edge they are 65-70 feet, 45-50 feet at the crest,
26 100 feet at the back edge going west to east. He asked if the solution is to place more
27 sand in these areas, and what has been done to date. Mr. Brazil responded that by
28 upgrading the Sand Transfer Plant, more sand would be able to be placed.
29

30 Vice Chair Frank asked what the PEP reef stood for. Mr. Jim Bowser, Town
31 Engineer, responded that it stood for Prefabricated Erosion Prevention Reef. Mr. Bowser
32 provided a history of an artificial reef that was created at Sloan's Curve where the idea
33 was to break the wave energy and reduce erosion. Concrete modules of 10-12 feet long
34 were placed in the ocean. This was done near the DuPont property and monitored by the
35 University of Florida, but it was a failed project. It was determined that the concrete
36 structures were causing more erosion and they were eventually removed.
37

38 Vice Chair Frank asked about lengthening the discharge pipe from the Sand
39 Transfer Plant and if there was any opposition to the project. Mr. Bowser responded that
40 the residents on the North end would be receiving a reasonable amount of sand.
41

42 Member Katz asked Mr. Brazil if he had looked at various types of structures and
43 if they would help.
44

1 Member Katz was seeking a black or white answer regarding Reach 7 and a
2 possible solution. Mr. Brazil informed him that it was not as simple as that and the
3 process can be extremely frustrating. Mr. Katz followed up asking what is the
4 responsibility of Town staff. Mr. Brazil indicated that they are relied upon to monitor
5 results and reports. They will report their findings to the Shore Protection Board, which
6 will make recommendations to the Town Council.

7
8 Mr. Brazil reiterated that the Town's two main priorities are the Sand Transfer
9 Plant and Reach 8. More discussion ensued among the Committee members about
10 various solutions.

11
12 VII. STATUS REPORT ON PERFORMANCE OF REACH 7 BEACH
13 RESTORATION PROJECT [H. Paul Brazil, Director of Public Works]
14

15 Mr. Brazil introduced Tom Pierro, P.E. from Coastal Planning & Engineering,
16 Inc., (CPE) and he gave a brief animated presentation of wave action and erosion. He
17 showed a graph of Reach 7 (Phipps Park area) highlighting the fill lines as of February
18 2006, May 2006, and April 2008. A copy of the presentation was submitted into the
19 official record.

20
21 Since April of 2008, the project area has been fairly stable. The North end is
22 eroding, and the South end is accreting, as would be expected. There has not been a
23 significant increase or decrease of erosion in that area,
24

25 Next, since this was the appropriate time to discuss the Erickson Report and the
26 submitted questions, Chair Ecclestone invited Karyn Erickson, the consulting engineer
27 from Erickson Consulting Engineers (ECE) in Sarasota, FL, and who represented the
28 condo associations, to come up to the podium for a dialogue.

29
30 Ms. Erickson had submitted to the record several questions and document
31 requests based on her report findings. **Chair Ecclestone directed staff to provide Ms.**
32 **Erickson with the information that she has requested.** Going through each question,
33 in order, staff responded or offered to provide information at a later date to Ms. Erickson.
34

35
36 One of the questions related to the type of sand that would be placed on the beach
37 based on color and granular size. Member Katz brought several samples of sand to the
38 meeting. **Mr. Brazil indicated he would bring samples from Reach 8 to the next**
39 **meeting.** He indicated that the sand would not be golden sand, as that is not the color of
40 the sand once you are off-shore. He also informed the Committee that there are only 150
41 days per year to place sand, and of those, only 120 days are working days, weather
42 permitting.
43

1 Mr. Brazil stated that the Erickson Report does not realistically address the
2 realities of permitting. With regard to the Comprehensive Plan and what is best for the
3 Town, it is ultimately the Town Council that decides which process and how much
4 funding will be permitted for beach nourishment.

5
6 VIII. REQUIREMENTS & CHALLENGES OF THE REGULATORY PERMITTING
7 PROCESS [Penny Cutt, Environmental/Permitting Regional Manager, Coastal
8 Systems International, Inc.]
9

10 Ms. Penny Cutt, Environmental and Permitting Regional Manager for Coastal
11 Systems International, Inc. presented a power point presentation to the Board. A copy
12 was submitted for the official record. Ms. Cutt was asked to come and speak to the
13 Committee regarding the difficulties with permitting issues. As a former staffer for the
14 U.S. Army Corps of Engineers, she was familiar with both obtaining and issuing permits.
15

16 Chair Ecclestone stopped Ms. Cutt mid-way through her presentation indicating
17 that the Committee felt the topic was too complicated and asked her to come back to the
18 Committee when they have a specific permit issue to address.
19

20 IX. OPTIONS FOR ADDITIONAL EDUCATIONAL PRESENTATIONS,
21 CONFERENCES, ETC.
22

23 Mr. Brazil informed the Committee, that if they were aware of any conferences, or
24 speakers that are relevant to Shore Protection Board business, to let staff know, and they
25 will try to arrange for that person to come and speak at an upcoming meeting.
26
27

28 Action Items:
29

30 X. UPGRADE OF LAKE WORTH INLET SAND TRANSFER PLANT
31

32 A. Design
33

34 Jim Bowser, Town Engineer indicated that the 215 Agreement will hopefully be
35 signed soon. The Town Manager and the Mayor were in Jacksonville at the Army Corps
36 of Engineers today to discuss the agreement. The Town will be collecting designs from
37 pre-qualified contractors.
38

39 B. Funding
40

41 Jane Struder, Finance Director, informed the Committee, that even without
42 reimbursement from the 215 Agreement, the Town had appropriated funds. The Town
43 must pay the costs up front, and then be reimbursed.

1 Chair Ecclestone asked Town Council President Kleid, who was sitting in the
2 audience, if the Committee needed to recommend approval to go ahead with the project,
3 with or without reimbursement from the U.S. Army Corps of Engineers. President Kleid
4 asked for a recommendation.

5
6 **A Motion was made by Member Raffo and seconded by Member Goldstein**
7 **to go ahead with the project regardless of funding reimbursement guarantee. Upon**
8 **roll call, the Motion passed 6-1 with Member Hicks dissenting.**

9
10 C. Schedule

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12 Mr. Bowser indicated that the Town will use pre-qualified contractors, and will
13 begin most likely in March. The schedule is current.

14
15 XI. REACH 8

16
17 A. Status of Beach Restoration Project Permits

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19 Mr. Brazil informed the Committee that the Town has applied for both State and
20 Federal Permits for the project. The State Permit is in litigation and the Town is awaiting
21 a decision from the Administrative Law Judge. A decision was expected by early
22 December, but there has been no decision. He stated that even if the decision is in the
23 Town's favor, it would still take several months to be issued the permit by DEP, and the
24 window for working on the project this year will have passed.

25
26 In addition, once the State Permit is obtained, it is most likely that there would be
27 opposition to the Federal Permit as well. If that goes into litigation, the project would
28 again be delayed and handled through the court systems.

29
30 Member Katz asked if the Town wanted to change the plan and add structures to
31 Reach 8, would it be able to do that. Mr. Brazil indicated that the permit would need to
32 be withdrawn, a new one applied for and the process currently takes 3-4 years.

33
34 **Chair Ecclestone directed Mr. Brazil to quickly find out if the Town is issued**
35 **its permit, and the Town decides to participate with the County project, would the**
36 **approved permit be retracted by DEP.**

37
38 B. Funding

39
40 The project costs are anticipated to be approximately \$8 million for the sand and
41 \$8 million for the mitigation. The Town already has an acceptable bid from a contractor
42 to perform the work if the permit is obtained soon.

1 C. Potential for Future Use of Breakwaters (Including a Status Report on
2 Palm Beach County's Plans to Construct Breakwaters South of Reach 8
3 off South Palm Beach and Lantana and North of Palm Beach off of Singer
4 Island)
5

6 Member Lindsay Buck discussed the fact that she had recently read in the
7 newspaper that Palm Beach County is assisting Lake Worth and Singer Island with their
8 beach projects, and wondered why they were not assisting the Town of Palm Beach. Mr.
9 Brazil informed the Committee that if we joined the County Projects, which the Town
10 could do, they would have to forfeit the permit and follow all of the direction and rules of
11 the County and their engineers. It has taken several years to get to the point the Town is
12 at now, and without knowing exactly how the County wants to proceed, it may cause
13 more problems and delays.
14

15 XII. REQUEST TO TOWN COUNCIL FOR SHORE PROTECTION BOARD
16 OPERATING FUNDS
17

18 The Committee discussed what they might need in terms of funding for operation
19 and future projects of the Shore Protection Board. Member Katz thought \$25,000 would
20 be enough.
21

22 **Motion made by member Katz and seconded by Member Goldstein to seek**
23 **\$25,000 in funding from the Town Council at the February 10, 2009 Town Council**
24 **Meeting.**
25

26 XIII. SCHEDULE NEXT MEETING – Staff Proposes February 24 or February 26
27

28 The Committee discussed the date of the next Shore Board Meeting with the
29 understanding that most of the time, the meetings will be held on the fourth Tuesday of
30 the month at 9am.
31

32 Chair Ecclestone wanted to call a meeting at anytime, even when Town Council
33 was meeting. Assistant Town Manager Hannah informed the Committee that the
34 meetings have to be noticed, and that the reason for trying to have a set day of the month
35 is for scheduling of the Chambers. Many other meetings are held. There also needs to be
36 recording equipment available.
37

38 It was decided that the next Shore Protection Board meeting will be February 26,
39 2009 at 9am.
40

41 Member Katz asked what the procedure was for placing an item on the Agenda.
42 Chair Ecclestone indicated that items can be brought to Town Staff or to him, and he and
43 the Town Manager work on the agenda together.

1 Assistant Town Manager Hannah also informed the Committee that Town Hall is
2 being renovated and beginning in April, the meetings will be held at various locations
3 throughout Town for approximately 15 months. She would keep the Committee
4 informed as to where they will be meeting at.

5
6 XIV. ANY OTHER MATTERS

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8 There were none.
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11 XV. ADJOURNMENT

12
13 There being no further business, the meeting of the Shore Protection Board was
14 adjourned at 12:50 p.m.

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16
17 
E. Llwyd Ecclestone, Chairman