

**MINUTES  
NORTH PALM BEACH HEIGHTS  
WATER CONTROL DISTRICT**

**March 27, 2008 at 7:00 p.m.  
North County Regional Library  
Palm Beach Gardens, FL 33410**

The March 2008 business meeting of the North Palm Beach Heights Water Control District (HWCD), having been duly advertised and posted, was held on March 27, 2008, at the North County Regional Library, 11303 Campus Drive, Palm Beach Gardens, Florida. The meeting was called to order at 7:01 p.m. and after reciting the Pledge of Allegiance, the roll call was taken:

Present

Brett Carpenter  
Lee Hintemeyer  
Lynn McCullough  
Jeff Iravani  
Wally Baldwin

A motion was called to accept the minutes of the Annual Meeting of November 2007 and the business meeting that followed and the minutes for the January regular business meeting and the motion carried unanimously.

Report by Mr. Baldwin, HWCD Attorney:

1. Chasewood of Jupiter has requested additional time but did not specify how much of an extension of time they were requesting. It is still running tests to determine liability under the January 3, 1983 drainage agreement. They referenced needing some rains to perform a dye test. The Board had previously directed and informed Chasewood of Jupiter in writing that they would be given until March 27 to pay the overdue fees or the Board would initiate litigation. The correspondence requesting an extension is not dated but Mr. Baldwin copied it to the Board. It lists their arguments.

2. Chasewood Plaza's management company is Regency Centers. They have agreed to the proposal with the payment plan discussed at the previous meeting. They verbally agreed to it and contacted Mr. Baldwin and Mr. McCullough's office to obtain vendor information from HWCD. Payment has not been received yet but it seems it will be coming forthwith. Mr. Baldwin will contact Jennifer Campbell to see if she can help expedite the process but it seems to him that Chasewood Plaza issue is resolved according to the proposed plan.

Report by Jeff Iravani, District Engineer:

1. The first quarter canal maintenance was completed by March 1, 2008.

2. HWCD sent a letter to Egret's Landing Property Manager regarding the landscaping debris that was being thrown into HWCD's canal. The letter also requested access so they can get behind Leslie Street canal into the ten-foot drainage easement, which is along the Leslie Street canal. Mr. Iravani spoke with the property manager. She is going to send a letter out in the April newsletter and they are going to send it to the homeowners who are next to the Leslie Street Canal. She is also going to give HWCD a key so they can access the canal from their side. There is a utility easement along the storage area, which would help HWCD with its maintenance of the Leslie Street canal.

3. As directed by the Board, Mr. Iravani has a procedure to open the aml gate manually. This was e-mailed to the Board members. There is an addition under item No. 2 that the District Engineer will notify the Board members when a conference call is scheduled so the Board members can attend the conference call if they so desire. Mr. Iravani addressed Mr. Carpenter's e-mailed questions.

a. How far in advance SFWMD makes the conference call? There is no set deadline, usually just a couple of days or any kind of procedure for that. They just schedule the conference call and advise HWCD of it.

b. There are no set criteria for how SFWMD determines whether the gates should be opened. Usually if heavy rain is expected from a hurricane, they allow the Districts to open up. There are no numbers or trigger numbers.

c. As far as how far down the canal goes, SFWMD does not determine that. Mr. Iravani usually sends an e-mail to Dave Rotar, the Town of Jupiter Utility Field Manager, asking him to set it down to a certain level, which is based on how heavy a rainfall is expected. The Town doesn't want to drop it too much. Usually in a wet season, HWCD is okay because the rain comes up and the level returns. The Town's concern is their well fields. They don't want to drop it too much but at the same time, if heavy rainfall is expected, HWCD asks the Town to drop it down usually a foot or two feet below. They cannot go anymore than three feet because then there is a problem with salt-water intrusion.

d. Mr. Iravani addressed the question about what criteria HWCD's uses that the Town of Jupiter is not opening the gate in time. The water table for the entire District drops down before the storm arrives. They usually tell HWCD within two or three hours of opening and the water in the canal drops. Mr. Iravani would like to have additional time because it takes longer for the rest of the canal levels to drop. Again, it depends on how much water the area had before. If the water is high in the canals and lakes, it may take longer. There are no criteria for that. Mr. Iravani likes to have a visual inspection to make sure it is going down several hours before but there is no set time.

4. HWCD has received an e-mail from the Town of Jupiter asking who is responsible for Harriet Street. There is a depression in the asphalt right next to the culvert and Mr. Iravani responded that it is the Town's responsibility to take care of it. It is their road. HWCD maintains the canals, not the roads.

## New Business:

1. Mr. McCullough wanted the following read into the record: In May or June of last year HWCD received a complaint about some odor coming from a canal, possible illegal dumping of sewage. Upon review, HWCD found the odor was mainly caused by stagnant water and clippings that were rotting in the canal. The Board, feeling prudent, had the engineer perform tests of the water. The initial test showed that there was some coliform animal waste in the water. They did a little more testing, including testing of the groundwater. The conclusion was that based on the tests that HWCD ran, the groundwater is probably being contaminated with coliform from septic tanks in the south end of the Heights that were never removed. Originally, the Heights was zoned for septic tanks and wells and when they did away with them, most of the septic tanks were left in the ground and it is believed that there are a few leakers that are passing this through underground waters which move all over the place. Upon further investigation, it appears that the HWCD has no responsibility in this. If anything, it would be the Health Department and Mr. Iravani notified the Health department in writing. Based on its responsibilities, there is nothing further that the District is required to do. At this point, it is an educated guess and an assumption that it is seepage from abandoned septic tanks that is probably causing the coliform counts to be above accepted norms. During the testing, the District Engineer noted that level changed with every rainstorm. It would flush out and it would go down. Then there would be a dry period for a few weeks and then it would start to go up in certain spots. At this point, HWCD is going to close this issue and at this point, there is nothing more HWCD can do about the high coliform readings in the ground water test. It is Mr. McCullough's intent to attend one of the Friends of Heights' meeting and present this information as an "FYI." He does not want to give the appearance that the Board is trying to hide something, which they are not. This is public information but Mr. McCullough believes it is good business sense and being a good neighbor to advise residents of the situation. It is his intent to go forward at one of their next meetings and give a brief presentation.

2. Mr. Carpenter suggested that HWCD grant Chasewood of Jupiter's request and provide an additional two months if they are trying to take some action. He doesn't think they should proceed with litigation yet. The Board decided they were comfortable giving Chasewood of Jupiter an additional 60 days, until June 1, 2008. If they do not pay by that date, HWCD will initiate litigation. A motion was made to extend the deadline for Chasewood of Jupiter to do the dye test until June 1, 2008 and ask that the District Attorney advise the parties by memo that HWCD will go forward with a lawsuit if they do not pay by then. The motion carried. The District Attorney is directed to notify them that they have until June 1, 2008 to conduct their dye test. If payment is not received by June 1, 2008, then they will proceed with litigation. Mr. Baldwin will prepare a letter advising that they have extended the deadline several times and it will not be extended again under any circumstances whatsoever. The 60-day extension is to conduct their dye test and remit payment or provide HWCD with notice that they are not going to pay. If Chasewood advises that they are not going to pay, then Mr. Baldwin is authorized by the Board to retain another attorney and proceed with litigation. The Board didn't want to litigate the matter, but they have been more than lenient and cooperative. It is time to bring it to conclusion. They are required by State statute to

collect the fees.

3. The next item addressed the procedure that Mr. Iravani did regarding the amyl gate control structure. Mr. McCullough is comfortable with it and suggests that for now the Board accepts it as is. He needs time to digest it. If any modifications are required, Mr. McCullough asked the Board members to send comments by e-mail. Once complete, it will be part of the HWCD's operating procedure booklet that Mr. McCullough is putting together. It is noted that each storm is different. Each rainy season is different and that cannot be controlled so it is very difficult to tie down specific times. Mr. McCullough thanked the engineer for preparing it.

#### Report by Lynn McCullough, Chairman

1. The audit is proceeding. He received some paperwork from Kara Peterson at Nolan, Holt & Miner requesting more information on some budget expenses, deposits they couldn't identify. There is a list of questions that they need that Mr. McCullough will address. He is hoping that they provide a rough draft by the middle of April. With that, there is a management report that needs to be prepared by Karen Steadman and once that is complete, the audit can be finalized. Since Karen is still busy with tax season, HWCD is going to have to be flexible and work with her. Mr. McCullough's goal is to have the whole thing complete by the middle of May.

2. Because the audit always run late, HWCD is going to have to hold meetings in May and June as HWCD has done in the last several years. The June meeting should be the budget meeting. Mr. McCullough is preparing postcards instead of letters to notify the residents of the upcoming budget meeting. He typically puts a copy of the budget in the letters but he is not sure how he will handle that and will consult with Mr. Baldwin about what is really required. If he is only required by law to give notice of the meeting, he is going to try to save money by using the postcards instead of letters. If the statute requires more information, then letters may be necessary. After the budget is complete, he will get it submitted to Palm Beach County. He already spoke to Andrea Lemer of Information Services who processes the tax role. In September, they will prepare the initial load up and run of what the rate package for the tax role will look like. In late September, they will do a final run and that is what will appear on the preliminary tax role in October. By that time, HWCD will be getting ready for the annual meeting in November.

3. The Friends of the Heights Community Picnic is coming up in May. HWCD will hand out tee shirts, coolie slips for cans and bottles with the District's logo on them and will hand out Frisbees to the kids. This is an effort to support the neighborhood and build good will and a relationship with their fellow residents by advising them of what HWCD does and that they can come to them if they have any problems and HWCD will do their best to solve them.

#### Items by the Public:

None as there were no attendees.

A motion was made to adjourn the meeting at 7:25 p.m. and carried unanimously.

Approved:

---

Lynn J. McCullough, Chairman

---

Lee Hintemeyer, Supervisor

---

Brett Carpenter, Supervisor