

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

**May 27, 2010 at 7:00 p.m.**

**Jupiter Library  
705 Military Trail  
Jupiter, FL 33458**

The May 2010 business meeting of the North Palm Beach Heights Water Control District ("District"), having been duly advertised and posted, was held on May 27, 2010 at the Jupiter Library, 705 Military Trail, Jupiter, FL 33458. The meeting was called to order at 7:03 p.m. and roll call was taken:

**Present**

Jeff Iravani  
Brett Carpenter  
Wally Baldwin  
Lee Hintemeyer  
Lynn McCullough

**Approval of March 2010 Business Meeting Minutes:**

A motion was called to approve the March 18, 2010 Business Meeting minutes and the motion carried and the minutes were approved as written.

**Report by Mr. Baldwin, District Attorney:**

1. Settlement negotiations have continued for the District vs. Regency Centers suit. Pursuant to the settlement agreement, Regency has submitted a check for past due drainage fees, as well as the executed Drainage Agreement. Chasewood South has submitted a check for past due drainage fees. Mr. Baldwin is still awaiting their executed Drainage Agreement from them. The drainage fees for Chasewood North were received 5/27/10 and are being mailed so Mr. Baldwin had been provided with a copy of the check and a letter stating that it is being forwarded and they are in the process of obtaining executed originals of the Agreement to be recorded in the public record. Essentially, everybody is in agreement, has paid their fees and the District is just awaiting the paperwork. If the Board is in agreement, Mr. Baldwin will have the Chairman sign a copy of the Agreement. Mr. Baldwin is to hold all of the documents and past due drainage fees until everything is received and he will distribute the drainage fees to the District, record the Agreement in the public records and then will instruct the attorney

handling the litigation to dismiss the suit and that will resolve the Chasewood matter. (Mr. McCullough inquired about the past due payments. Mr. Baldwin advised that Regency is current, part of the delay was due to resolving the issue of what was paid already as they previously had a payment arrangement and paid in spurts, but their last payment is being mailed out today.) Mr. Baldwin anticipates that the agreements will be recorded, fees will be distributed and the suit will be dismissed by the next meeting. Mr. Baldwin advised that the new Agreement is substantially similar to the old one. Regency fees were paid in full, the two Chasewoods paid 75 cents on the dollar since those were disputed amounts. Chasewood North had issued a payment back in 2006 so they paid one year, but Chasewood South had been disputing all along that they were responsible.

Mr. Baldwin advised that the real heart of the negotiations was the percentage that each party was to pay under the agreement. The District canal cleaning budget is referenced in the published budget. If you take 20% of the canal budget, and then of that 20%, it is broken down into three separate percentages for each Defendant. Mr. Carpenter inquired what that amount would be, and Mr. Baldwin advised that it would be 20% of the \$75,000, about \$15,000 between the three of them.

The District has the right to file a lien against the property if they fall behind in payments. Mr. McCullough read the clause about closing their drainage lines if they fall behind in payment.

2. Pep Boys, Inc.'s drainage fees were past due for 2007-2010. They have submitted payment in full.
3. A foreclosure suit was filed against District resident Paul Colozzo by Wells Fargo Bank on April 1, 2010. The Plaintiff's counsel alleged in his Complaint that the bank's lien was superior to any lien that may be held by the District. Mr. Baldwin filed an Answer in the foreclosure suit denying Plaintiff's claim; the District is a taxing district and under the statute, it takes priority over any other lienor. (Mr. Carpenter asked for clarification if the resident is behind on taxes. Mr. Baldwin advised that the suit is just trying to discharge any potential lien and Mr. Baldwin believes the resident is current on his taxes. However, if the suit drags on and the District has a lien on the property in the future, Mr. Baldwin filed an Answer to protect any future liens.)
4. The Notice of the District Budget Meeting which is to be held June 24, 2010 has been prepared and is scheduled to be published in the Palm Beach Post June 2, 2010 and as required by law notices will also be mailed to the individual residents as well.
5. Florida Department of Revenue has issued the District a new Certificate of Exemption for sales tax.

**Report by Jeff Iravani, District Engineer:**

1. The second quarter canal cleaning was completed and the third quarter started 5/27/10.
2. The restoration performed behind several residences on Barbara and Garrett Streets and NC-3 has been completed. They are basically cleaning up and some sod was left on one of the residences on Garrett Street, which should be completed this week.
3. NC-4 canal repairs were also completed. There were several washouts and they are all done.
4. We also had a small washout on NC-5, which is repaired.
5. There were also several washouts on the outfall canal (about 20 of them) and those are all repaired on both sides. Apparently, over the weekend, three were vandalized. All of the sod was removed and on one location they were pushed into the canal to make a small fishing pier so we filed a report with the Town of Jupiter Police Department. On page 246, one of them actually threw down the turf enforcement mat in the canal. The last one on page 247 is the one behind the Catholic Church, which is where they pushed the sod into the canal. Mr. Iravani suspects about \$1,000 - \$1,200 worth of work to repair the mat and all the sites that were damaged. That should be done next week.
6. The Town completed the swale reconstruction up to Drake Street. Mr. Iravani spoke with Dave who stated they are going to start the next phase. The only concern he has is when there is heavy rain, they did have some tepid water get into the canal because they had a whole bunch of soil taken off and they wanted to do a whole bunch at the same time but then the swale is unprotected and then a heavy rain washes it out into the District's canal. He will keep an eye on that. Mr. Iravani stated that when they asked the DOT to put a barrier in the outfall canal, it really doesn't prevent it, just catches it from one and then sinks quickly, which is the main issue. In this case, Mr. Iravani spoke with Dave who stated that if he has to, certainly if the mayor lived there they would be doing that, but he is still having problems at his house. Mr. McCullough asked if there is a lot of standing water out there in the swale after the rain. Mr. Iravani stated that there is not supposed to be, that they grade it from fairly straight, so they take any humps or any low point, so there should not be any standing water. If there is, he will have to call them up and tell them to fix it.
7. There were several damaged fences that were repaired.
8. After a few heavy rains, there were some washouts into the District's canal from I-95 because they did not have enough sod behind those walls and they were just grading and unprotected soil. He took photos and sent it to them and they fixed it

so the whole area is sodded now. They also agreed that they would be cleaning the culvert on Barbara Street at NC-2 because some of that sediment got into that culvert. Mr. Iravani received an e-mail that they are going to clean it up, but they will wait until the rest is completed before they clean it up.

Mr. McCullough asked if the District's culverts are in decent shape with the exception of that one. Mr. Iravani advised that the culvert has maybe 7-8 inches in it, but just because of what happened because of the FDOT/I-95 construction. It is okay for now but he is going to stay on top of the I-95 contractors to make sure that they clean it up. All communication goes with the FDOT and the project manager. As for the rest of the culverts, they are all in pretty good shape. There are a couple of culverts on Marianne on NC-1 and NC-3 that need to be cleaned up but he is going to check a few more before he asks for anyone to clean them up. Right now, there are probably 2 pipes that need to be cleaned.

Mr. McCullough stressed that time is of the essence as hurricane season begins next week.

**Items by the Board Members:**

None.

**Miscellaneous Items by the Chairman:**

1. The District did get the sales tax exemption straightened out.
2. Mr. McCullough received the financial report from Mr. Carpenter? All three were certified.
3. The budget has been completed. It will be mailed out in the next few days. As it worked out, the assessment for both north and south is going to go down about a \$1.00. There are two payments on the bond. Next April, another \$750,000 payment will be paid and then one more in 2012 and it will be paid off. Mr. McCullough submitted the numbers on the assessment to Palm Beach County as a preliminary. Mr. McCullough waits until the budget meeting is complete and the tax role is certified and the budget and it will go into TRIM so it will be ready for the tax role assessment in the fall.
4. The next Board will be held June 24, 2010. It will be at the Jupiter Library. It will be a fairly short meeting. The primary objective is to approve the Budget and get it turned in.

**New Business:**

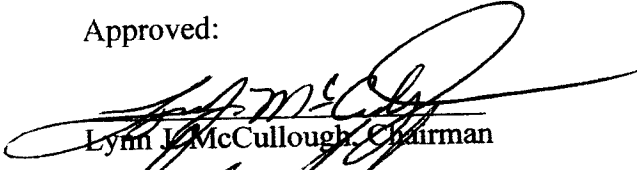
Mr. McCullough entertained a motion from the Board to accept the Agreement with Chasewood North, Chasewood South and Regency Center establishing a new negotiated Agreement for drainage fees based on the flow to the outfall canal and the monies received by Mr. Baldwin as settlement as he has negotiated. The motion was made, seconded and the motion carries. The Board agrees upon the Agreement and the Chairman will sign.

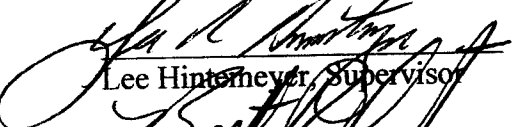
**Items by the Public:**


One members of the public was present but he didn't have any questions.

A motion was made to adjourn the meeting at 7:29 p.m. and it carried unanimously.

Approved:

  
Lynn J. McCullough, Chairman

  
Lee Hintemeyer, Supervisor

  
Brett Carpenter, Supervisor