

Ref: #11-2023

LOXAHATCHEE RIVER ENVIRONMENTAL CONTROL DISTRICT  
REGULAR MEETING - MINUTES  
AUGUST 17, 2023

1. CALL TO ORDER

Chairman Rostock called the Regular Meeting of August 17, 2023 to order at 7:00 PM.

2. ADMINISTRATIVE MATTERS

A. ROLL CALL

The following Board Members were in attendance:

Dr. Rostock  
Mr. Rockoff (via GotoWebinar)  
Mr. Boggie  
Mr. Yerkes  
Mr. Baker

Staff Members in attendance were Dr. Arrington, Mr. Dean, Mr. Howard, Ms. Fraraccio (via GotoWebinar), Mr. Pugsley, Ms. Jones, and Mr. Jarvis.

Consultants in attendance were Mr. Curtis Shenkman, Mr. Hunter Shenkman, Mr. Jack Steele, and Mr. Mike Braid.

B. PREVIOUS MEETING MINUTES

The minutes of the Regular Meeting of July 20, 2023 were presented for approval and the following motion was made:

“THAT THE GOVERNING BOARD approve the minutes of the Regular Meeting of July 20, 2023 as submitted.”

MOTION: Made by Mr. Boggie, Seconded by Mr. Rockoff  
Passed Unanimously.

C. ADDITIONS & DELETIONS TO THE AGENDA

### 3. COMMENTS FROM THE PUBLIC

No comments from the public were received.

### 4. STATUS UPDATES

#### A. LOXAHATCHEE WATERSHED STATUS

Mr. Pugsley presented on his Six Sigma project – Biosolids Odor Control Project Summary. Project team members were Jason Pugsley (Operations Plant Manager), Nathan Jarvis (Chief Operator), John Gould (WWTP Operator A), and the late Anthony Nicoletto (Maintenance Foreman). Mr. Pugsley identified and discussed the DMAIC (define, measure, analyze, improve, and control) process, and how the project team used this systematic process to improve odor control performance of our biosolids processing facility. At the conclusion of the presentation, Nathan Jarvis identified several subsequent projects that have been addressed within Operations using the DMAIC process, including wet well aeration system, grit classifier operational improvements, and waste activated sludge (WAS) pump sequencing and run time evaluation.

#### B. LOXAHATCHEE RIVER DISTRICT DASHBOARD

Dr. Arrington reviewed the District Dashboard.

### 5. CONSENT AGENDA

“THAT THE GOVERNING BOARD approve the Consent Agenda of August 17, 2023 as presented.”

MOTION: Made by Mr. Yerkes, Seconded by Mr. Boggie  
Passed unanimously.

The following motions were approved as a result of the Board’s adoption of the Consent Agenda:

#### A. Notice of Intent – 15089 & 15100 Jamaica Drive (Resolution 2023-05)

“THAT THE GOVERNING BOARD approve Resolution 2023-05 the NOTICE OF INTENT to Assess, the Pending Lien Notice, and the Exhibits for the 15089 & 15100 JAMAICA DRIVE Assessment Area.”

B. Girl Scout Partnership Agreement – to approve agreement

“THAT THE DISTRICT GOVERNING BOARD authorize the Executive Director to execute the Partnership Agreement with the Girl Scouts of Southeast Florida, Inc. for 2023-2024.”

C. Cash Reserve Policy – to approve policy

“THAT THE DISTRICT GOVERNING BOARD approve the attached Cash Reserve Policy and direct the Executive Director to implement this policy with an effective date of August 18, 2023.

D. Fixed Asset Disposal – to approve disposal

“THAT THE GOVERNING BOARD authorize the Executive Director to dispose of tangible personal property asset numbers TE0099, TE0101, TE0100, and TE81, asset tag number 2675, and the items from the aggregated assets listed in the schedule above in accordance with the District’s Disposal of Surplus Tangible Personal Property Policy.”

E. Change Order to Current Contract - No modifications were presented.

6. REGULAR AGENDA

A. CONSENT AGENDA ITEMS PULLED FOR DISCUSSION

B. Easement Policy - Construction Standards and Technical Specifications

Mr. Dean discussed the draft easement termination and abandonment policy, which has been incorporated into the District’s Manual of Minimum Construction Standards and Technical Specifications via red-lined edits. Mr. Dean then explained three further revisions that were suggested by Board members during their individual briefings. These revisions were summarized into the following four options. Option 1: easement termination and abandonment policy as presented in the August Notebook. Option 2: draft easement termination and abandonment policy plus an indemnify, defend, and hold harmless clause in the Termination/Abandonment of Easement Agreement. Option 3: Removes the Engineer’s Recommendation from the policy, so that Engineering Services would provide a review of the application for compliance with the policy including compliance with District Standards, Federal/State/Local laws, identification of risks/benefits, resolution of conflicts, restraints, and limitations. Option 4: Excludes lift station sites from the termination/abandonment policy, i.e., it would be Board policy to reject all requests for easement termination and abandonment for lift station sites.

Mr. Curt Shenkman then discussed his legal opinion of the matter, and recommended the Board exclude Option 4 from their consideration. Mr. Shenkman deemed the blanket rejection of all requests to abandon a lift station easement (or part thereof) as arbitrary and a denial of due process. The better route is to allow all property owners whose property is encumbered by a District easement to approach the Board and request abandonment of their easement (or a portion thereof) through a defined process, with the Governing Board determining each request based on the merits of the specific facts surrounding that request.

“THAT THE DISTRICT GOVERNING BOARD ratify and approve the Loxahatchee River Environmental Control District’s “Manual of Minimum Construction Standards and Technical Specifications”, include options 2 and 3, as of August 17, 2023, and authorize the Director of Engineering and Executive Director to update the Construction Standards and Technical Specifications from time to time, and periodically present it to the Governing Board for ratification and approval.”

MOTION: Made by Mr. Yerkes, Seconded by Mr. Boggie  
Passed unanimously.

#### C. Draft Environmental Education Strategic Plan

Dr. Arrington presented the 2023 Draft Environmental Education Strategic Plan, which used a thorough, data-driven process, and engaged various stakeholder groups (agencies, nature centers, partners, participants, and parents) and individual Board Members.

Governing Board Members suggested the following revisions be considered: (1) revise strategy map 4.2 to “Increase Access”; (2) strategy map 5.1 to “Manage Env. Ed. capital & operating expenses”; (3) add “Increased costs could result in charging or taxing District residents not connected to the sewer system”; and (4) add Audubon bird tours of WWTP site to our list of opportunities.

No motion made.

#### D. Draft FY2024 Budget

Dr. Arrington discussed the draft budget including the savings identified over the last month. Also, Mr. Dean discussed an additional budget savings of approximately \$160,000 that will be shown next month – this savings is due to further projected savings due to discontinuation of odor control chemical (bioxide) at Lift Station 53. This savings is the final step in an ongoing series of actions to reduce chemical feed rate and costs in the collection system. A draft report by Hazen supports this final cost-saving action.

Additionally, Mr. Yerkes expressed his concern that the budget does not adequately account for the impact of inflation on our employees, and he suggested an evaluation of increasing the merit increase from 3% to 5%. After some discussion, it appeared that the Board would like to see further

analysis of the CPI-U (i.e., 12-month rolling average) and better quantification of the impacts of the regional CPI-U vs national CPI-U. Staff will work to develop these assessments and include them in the September budget memo.

7. REPORTS

The following reports stood as written.

- A. NEIGHBORHOOD SEWERING
- B. LEGAL COUNSEL'S REPORT
- C. ENGINEER'S REPORTS
- D. BUSCH WILDLIFE SANCTUARY
- E. DIRECTOR'S REPORT

8. FUTURE BUSINESS

Dr. Arrington reviewed Future Business.

9. COMMENTS FROM THE BOARD

Mr. Rockoff found the process working with Mr. Jack Steele was very well done and he was impressed with the process.

10. ADJOURNMENT

MOTION: Made by Mr. Rockoff, Seconded by Mr. Yerkes  
Passed Unanimously.

“That the regular meeting of August 17, 2023 adjourns at 9:12 PM.”

  
BOARD CHAIRMAN

  
BOARD SECRETARY

  
RECORDING SECRETARY

