

**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF SUPERVISORS OF THE  
LAKE WORTH DRAINAGE DISTRICT  
HELD AT THE DELRAY BEACH OFFICE ON  
FEBRUARY 13, 2013 AT 8:30 A.M.**

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**There were present:**

James Alderman	Anne Perry	Deborah Harris	Dave Davis
Harry Raucher	James Fandrey	Thomas Barry	George Aylor
John I. Whitworth, III	Nicole Smith	Michael Brady	Adam Johnson
Mike Baker	David Bends	Melissa Wheelihan	Lany Altman
Carol Connolly	Rosemary Rayman	Lena Owens	Armando Pereda
Mark A. Perry	Megan Hanney	Shaughn Webb	Robert Troy Lee
Patrick Martin	Karen Hoyt	Mo Thornton	Bobby Johnson
Joann Aylor	Bob Wise	Murray Kalish	Alice Finst
Fran Cappellini	Joseph Walsh	Ele Zachariades	Wesley McCrae
Vickie Smith	Lori Vinikoor	Ed Sol	Erik Juliano

**President Raucher**, could we all rise for the Pledge please. (The Pledge of Allegiance was recited at this time) **Vice President Whitworth**, yes Joann I am going to turn my speaker back on. **Joann Aylor**, thank you.

**President Raucher**, the announce Board of, the notice of the Board workshop February 6, 2013 Carol has that been? **Vice President Whitworth**, Mr. Raucher you might want to announce that we have two missing Board members but that we do have a quorum. **President Raucher**, let me do this then I'll announce that. **Carol Connolly**, okay. All the meetings were advertised properly. **President Raucher**, let the record show that two Board members are missing from the dais but that a quorum, I believe, is still present, so we may conduct the meeting. I'll learn this procedure. Can I have a motion to approve the Board agenda here please? **Vice President Whitworth**, so moved. **Supervisor Alderman**, second. **Attorney Mark Perry**, if I may Mr. President, there's one item that I'd like added to have to the agenda as an Other item. The Board had directed Mr. Alderman and myself, to meet with Bob Brown and to negotiate basic terms that will need to be presented to the Board for final approval. **President Raucher**, okay a motion to make that as an addition to the agenda. If I could have a motion to that. **Vice President Whitworth**, can't the President just put it on there? **Mr. Perry**, no, actually this is Board approval so the Board has to amend the agenda. **Supervisor Alderman**, second. **President Raucher**, a motion by Mr. Alderman second by Mr. Whitworth all in favor 3 – Ayes, opposed -0-, unanimous. **Mr. Perry**, if I may also Mr. President just one thing I'd like to state is, I served as the attorney for probably almost 30 something years and this is the first time that I feel like I had anything as pretty as, sittin as to my right, as I have as Carol Connolly. Course that's easy to say. **Ms. Connolly**, thank you. **Ms. Aylor**, (?). **Mr. Perry**, I'm sorry I'm used to having Joann here. **Ms. Aylor**, yea forget it now. **Ms. Connolly**, yea to late how does your foot taste. **Mr. Perry**, I did say to my right. **Vice President Whitworth**, in that case keep your hands where I can see them. **President Raucher**, now the question is Mark, is it any benefit to her to be sitting next to you on her left. **Mr. Perry**, none whatsoever. **President Raucher**, as long as, don't put that in the minutes please. **Ms. Aylor**, everything goes in the minutes.

**President Raucher**, approval of the minutes, check register, financial statement, documents and self-insurance fund for the previous month. **Vice President Whitworth**, so moved. **Supervisor Alderman**, second. **President Raucher**, motion by Mr. Whitworth second by Mr. Alderman. All in favor 3 – Ayes, opposed -0-, unanimous.

**Vice President Whitworth**, before we go into the next one, how come it cost \$500.00 to mess with bees? We got a \$500.00 bill in there to mess with bees. **Michael Baker**, I think if you really look at there's two sets, I'd have to get with. **Vice President Whitworth**, is it two different occasions? **Mr. Baker**, yes. **Vice President Whitworth**, okay. I was just... **Supervisor Alderman**, can't you just spray them? **Vice President Whitworth**, that's what I was thinking. **Mr. Baker**, believe it or not it's just about the same price. **Vice President**

**Whitworth**, naw it ain't. **Mr. Baker**, (?). **Vice President Whitworth**, you got an invert rig? **Mr. Baker**, yea. **Vice President Whitworth**, you can dot them with this. **Supervisor Alderman**, just put some mustang in there (?). We took care of the ones (?). **Vice President Whitworth**, he took care of one for me I got to be honest with you. **President Raucher**, can we proceed with the agenda now?

**President Raucher**, presentation of the employee of the month award. **Vickie Smith**, good morning. The Employee Recognition Committee would like to inform the Board the District employee Carol Connolly has been chosen for employee of the month for February 2013. Carol was recommended by her former supervisor Ron Crone. Carol Connolly was hired in December of 1976 for the position of account treasurer with the Lake Worth Drainage District. Over her 36 year career there been many challenges, difficulties, joys and triumphs and her success is self evident. As a young accountant Carol helped organize and care for the finances entrusted to her by the taxpayers. With the unquestionable ethics and accuracy she helped mold and move the District through three decades of relentless changes navigating a maze of governmental regulations and reporting requirements. The loss of many co-workers, several Board members and few managers Carol chartered a course of professionalism, integrity and propelled Lake Worth Drainage into the future. In the middle of her career with increasing demands for human resource services Carol stepped up and took leadership role. She developed benefit packages for staff including health insurance even when it was not popular to do so. Each employee and their issues were dealt with respect and humanity regardless of the employment status. To Carol it is important that each problem, each challenge, and each person be approached with distinct uniqueness. As time progressed Carol took on various management responsibilities and in 2007 she was appointed as Assistant Manager/Treasurer. Carol's litany of accomplishments and her character and the characters traits she possess are demonstrated daily and show Carol to be true leader. In closing Carol has spent more than half her lifetime at Lake Worth Drainage. She has been a mentor, negotiator, diplomat, confidant, friend, treasurer and dedicated employee. Please help me congratulate Carol Connolly on Employee of the Month. **President Raucher**, anything you want to say to all of us? **Ms. Connolly**, well I don't know who the person they were talking about in the letter was, but I'd like to say thank the selection committee because I'm sure they had several recommendations for other employees and I wanted to thank them for choosing me. And it's just a status quo, I mean everything that was said was very nice but, that's how I was brought up and my father always told me to a if your going to do something do it right and I try to live by that and I try to be a good person so, I thank you for this honor.

**President Raucher**, Pat Martin this is (?). Congratulations for 25 years. **Patrick Martin**, I thank you. (Board members are off the dais not with a microphone)

**Melissa Wheelihan**, during Decembers Board meeting we had four employees that were unable to attend the meeting and three of them are here today so we want to congratulate some employees for their service. The first one Corey Tyson for 10 years. Corey if you could just stay up here we're gonna take pictures. Corey you can just come over here. The next one is Wesley McCrae 20 years. And Bobby Johnson 25 years. (Board members are off the dais not with a microphone) Okay just a group, you want a group. Congratulations. **President Raucher**, again congratulations to everybody who was awarded this morning and I just want you to be aware that in the future anybody who gets a service of the month award doesn't automatically get to sit up here. **Ms. Connolly**, that was pretty interesting how that worked out. **President Raucher**, I think you planned it pretty well. Anyhow, moving along.

**President Raucher**, public comments not scheduled on the agenda. **Ms. Connolly**, I don't have any. **Ms. Aylor**, no. **President Raucher**, there are none so we will proceed to the consent agenda.

**President Raucher**, may I have a motion to approve this since there are no speaking on it. Is there a motion to approve? **Vice President Whitworth**, so moved. **Supervisor Alderman**, second. **President Raucher**, seconded by Mr. Alderman, all in favor 3 – Ayes, opposed -0-, unanimous.

**President Raucher**, 8:40 Item. **Ms. Connolly**, okay Mr. President on the 8:40 Item we're requesting a motion to postpone this item. The Town of Haverhill would like to meet with District staff to review the project before any Board action is taken. Mark has been in contact with the Town's attorney so we'll be setting up a meeting. **Vice President Whitworth**, so moved postponement. **Supervisor Alderman**, second. **President Raucher**, all in favor 3 – Ayes, opposed -0-, unanimous. Thank you.

**President Raucher**, reports from Board members on attendance at any other meetings, if any. I know I attended the WRAC meeting from the South Florida Water Management District and I think there was several of us that attended the meeting of the joint County, Broward and Palm Beach County on Water Resources in Boca at the end of last month. **Supervisor Alderman**, I did attend that meeting, the Water Resource Task Force, I did attend that meeting. **President Raucher**, that's what I thought, several of us did. Pat I think was there, weren't you Pat? **Mr. Martin**, yes sir. **Vice President Whitworth**, Baker had to be there. **President Raucher**, Baker was there. The first team showed up. **Ms. Connolly**, I was there. **Mr. Martin**, Carol was there. **President Raucher**, Carol was there. Listen, I'm sorry, you know I always should remember that when you start naming your always gonna leave somebody off. **Mr. Perry**, me. **President Raucher**, and thank you for reminding me. **Ms. Connolly**, Mark was there also. **President Raucher**, Mark who?

**President Raucher**, 8:50 Item. Mark was there, honest. 8:50 meeting Tierra Del Rey Estates Lake Worth Project 13-1917P.20 Tom Barry. **Tom Barry**, good morning Tom Barry Right-of-Way Team, Lake Worth Drainage District. This is Tierra Del Rey Estates the unrecorded version. Here's the site right here, this is the north section of the unrecorded Tierra Del Rey Estates. This is the recorded plat of Tierra Del Rey down here. The request is to reaffirm a previous Board ruling to quit claim the underlying Chancery Case 407 for \$250.00. This is the unrecorded map of the Tierra Del Rey portion. This is the tract in question. This is the area to be deeded. Since we have no canal there, previous Board quit claimed the 30 ft. road right-of-way to the association in anticipation of quit claiming the entire Chancery and any other interest we had. Fortunately, in some areas the Chancery, which is 40.26, was not quit claimed in a number of lots, this being one of them. That's my motion is, to quit claim the Chancery for \$250.00. **Mr. Perry**, and Mr. Barry there hasn't been a physical canal there for more than 30 years? **Mr. Barry**, that's correct. **President Raucher**, is there any comment from? **Supervisor Alderman**, I move staff recommendation. **Vice President Whitworth**, second. **President Raucher**, a motion is been made and seconded that we approve recommendation of staff. All in favor 3 – Ayes, opposed -0-, unanimous. Thank you. **Lori Vinikoor**, and can I ask a question? **President Raucher**, sure. **Ms. Vinikoor**, thank you very much for doing that. The owner is Delray Beach Farms, LLC I'm the manager, just to let you know because it's written on here as Lori Vinikoor. My question is, that I just purchased it, has a little house on it which my mother is going to live in. But I own the property next door so, now my farm is you know, 10 acres now. My question is that was never done on my house ever because apparently the attorneys with the title company were just started to ask Lake Worth Drainage District with a letter when they do closings it doesn't come up on a title search apparently. So, I had purchased this other property 14 years ago, do I need an attorney to do that or can I do this whole thing like you know what the story is if I get the, if I get the survey and all can that just be done with or do you need an attorney to do this? **Mr. Perry**, we're gonna need to have you do a title certification confirming that you do own it. **Ms. Vinikoor**, okay. **Mr. Perry**, and it would be standard for you to do an actual legal description sketch and legal for the deed itself. **Ms. Vinikoor**, okay. I have an original title from, from, the whole, you know from 14 years ago it needs to be updated? **Mr. Perry**, well again, is the title certification would just be an attorney just giving me an opinion of title that you are the owner of the property and give us the title as how you're gonna take title to it because what we're seeing right now is Lori Vinikoor individually, that's incorrect so we need to have your legal counsel give us a representation of the ownership who's gonna take to this piece. **Ms. Vinikoor**, yea okay but also the house next door I can do that then and I get. **Mr. Perry**, you'll have to do that separate yes. **Ms. Vinikoor**, okay yes but, I can do it with, I can do it by just getting the survey and maybe I can use my original title search or not? I need to get the attorney to just give me that letter and then. **Mr. Perry**, actually what you might want to do is meet with Fran Cappellini, she's in the back in the red dress and she can help you with all this. **Ms. Vinikoor**, okay, okay, yes thank you, thank you very much. **Mr. Perry**, she's my assistant. **Ms. Vinikoor**, thank you, thank you very much. **President Raucher**, thank you. Thank you Tom.

**President Raucher**, can we go to Others "D", Karen Hoyt Financial Highlights Brochure for Fiscal Year Ending September 30, 2012. **Karen Hoyt**, good morning Karen Hoyt Finance Department. Today we'll go over the Financial Highlights Brochure for the year ending 9/30/2012. The first panel shows the Revenues for 2012 and compares them to the previous four years. Total Revenues were approximately 12.3 million, an increase of approximately 36,000 when compared to 2011. The increase is mainly attributable to the increase in the collection of delinquent non ad-valorem assessments and those come from the tax collector. Some years they're higher than others based on their collection. Actual revenues were approximately

293,000 higher than budgeted revenues and the most significant variance occurred in the license and permit line item and we received \$117,000.00 more expected. The middle panel shows the Expenditures for the past five years. Total expenditures for 2012 were 10.6 million a decrease of approximately 911,000 when compared to 2011. That decrease was mainly attributable to retirement expense for the District due to the change in the legislation that required employees to contribute 3%. They reduced the contribution rate for employers from an average of 11% to 5% so that attributed to that decrease. The second significant decrease occurred in the Capital Outlay area, heavy equipment. In 2011 we had purchased two excavators valued of about 500,000 and in 2012 we bought one bulldozer for 120,000. Actual expenditures were lower than budgeted by approximately 1.6 million. The more significant variances occurs in health care, capital outlay, herbicides and salaries. Salaries we had budgeted for 93 employees we had an average of 89 employees during 2012. Herbicides was a had a variance 461,000 that was mainly attributed to the extreme dry weather and we didn't use the herbicides that we had originally planned for. Health Care, the health of our employees and their dependants was much better than predicted by the actuaries. Each year we get an actuary and we budget that amount and the health of our employees was much better than that. The last panel deals with fund balance. Total fund balance was approximately 21.9 million at September 30, 2012. The largest piece of the pie of 72% pertains to the capital expenditures committed for capital expenditures and this mainly due to the sale of real estate in the past several years. And then the other item that I wanted to mention was the unassigned amount of 3.1 million. It is recommended by the Government Finance Officers Association to maintain a level of at least 2 months worth of expenditures. That equates the District of about 2.1 million. So I'm happy to report that the District exceeds that minimum standard at 3.1 million. Any questions? **Vice President Whitworth**, none from me. **President Raucher**, we made it through another year. **Ms. Hoyt**, yes we did. **President Raucher**, very well. **Vice President Whitworth**, we got to see her again she mind as well stand there.

**President Raucher**, okay under Other "E" office furniture, fixtures and equipment to be taken out of service. **Supervisor Alderman**, Karen. **Ms. Hoyt**, yes. **Supervisor Alderman**, can I go back one step and ask you a question? **Ms. Hoyt**, sure. **President Raucher**, sure. **Supervisor Alderman**, I think this wellness program that we've got is really helped our health insurance, do we plan on doing, you probably don't know this answer somebody does, the, the field day that you had a few years ago, are we planning to do that again, where we had all the representatives from the hospitals and the, do you remember, what did you call that I can't remember Joann? **Ms. Aylor**, the wellness fair. **Supervisor Alderman**, the wellness fair. Are we gonna do that again or can we do that again? I think it really made everybody aware of taking care of themselves a little bit better. I think it was one heck of a day for the employees. I know I was really impressed. **Ms. Aylor**, it was and they enjoyed it and yes we can do it again, yes. **Supervisor Alderman**, I think that really, really helped or helps. **Ms. Aylor**, yes. **Supervisor Alderman**, people be aware their, their health it's important. **Ms. Aylor**, yes I agree. Yes. **Supervisor Alderman**, anyway sorry to. **Ms. Hoyt**, no that's okay. **President Raucher**, no that's fine. **Ms. Hoyt**, in your package you received a listing of items that we would like declared surplus. In accordance with the Florida Statutes we have conducted, and if you don't have it it's up on the screen, conducted our physical inventory of our office furniture, fixtures and equipment. Through that process we have determined that the items listed are no longer useful to the District. Therefore, we request that these items be declared surplus so we can dispose of them through a recycling program or garbage collection. There mainly computers that have that are out-dated. **Supervisor Alderman**, you need a motion for this, I move. **Vice President Whitworth**, second. **President Raucher**, a motion has been made and seconded to accept the recommendation of Karen Hoyt, is there any other discussion if not, all in favor 3 – Ayes, opposed -0-, unanimous. Thank you very much. **Ms. Hoyt**, thank you.

**President Raucher**, back if we could to the 9:00 Item Palm Springs Race Trac #1018 the L-12 Lake Worth Drainage Project 12-9233P.01 Nicole Smith. **Nicole Smith**, good morning Nicole Smith Lake Worth Drainage District Right-of-Way Department. This project is going through the Village of Palm Springs for site-plan approval. It's located on the SW corner of Lake Worth Road and Congress Ave. The L-12 Canal was relocated back in 1960; a deed was recorded conveying the right-of-way to Lake Worth Drainage District on October 20, 1960 in ORB 589 Pg 369. During the review process it was discovered that Chancery Case 407 was never addressed in this area. Per Chancery Case 407 the District owns the south 62.39 ft. of the north 87.39 ft. of the section which is also the north 62.39 ft. of the original Tract A, Block 1, Palm Beach Farms Company Plat No. 7 of section 30/44/43 recorded in Plat Book 5 Page 72. The south 27.39 ft. of that of the Chancery Case 407 is owned I mean is affecting the site so staff is recommending that we declare the underlying fee surplus of a portion of the Chancery Case 407

being the south 27.39 ft. of the north 62.39 ft. of Tract A, Block 1, Palm Beach Farms Company Plat No. 7 recorded in Plat Book 5, Page 72 and convey it to the adjacent property owner and that conveyance would be subject to certification of title, sketch of description, \$180.00 for legal and recording fees and the operating policies. **President Raucher**, any discussion on? **Vice President Whitworth**, so moved. **Supervisor Alderman**, second. **President Raucher**, a motion is made and seconded all in favor 3 – Ayes, opposed -0-, unanimous. Thank you. **Ms. Smith**, thank you. I have one request; is there any way that you can go back and just read the consent item with the project number so that when we're researching it later on it comes up? Thank you. **Ms. Connolly**, sure. The item that was on the consent agenda is Boca Rio Center (Boca Raton Commerce Center) L-46, LWDD Project No. 06-54E.10, Shaughn Webb Re: request to install a sign in the L-46 Canal south right-of-way in the non-maintenance side of the canal right-of-way. **President Raucher**, okay thank you.

**President Raucher**, moving back to Other if we could, Carol Connolly or Resolution No. 13-02 in honor of Ronald L. Crone. Ms. Connolly read the Resolution into the record. "Whereas, Lake Worth Drainage District is a political subdivision of the State of Florida, which owns rights-of-way and manages over five hundred miles of drainage and fresh water canals within its jurisdictional boundaries; and Whereas, Ronald L. Crone was employed by Lake Worth Drainage District as Assistant Manager on May 23, 1996 and has faithfully served the Lake Worth Drainage District as Manager since April 1, 2007; and during his years of employment has many accomplishments including but not limited to: • Redrafting a true and accurate legal description of the jurisdictional boundary of Lake Worth Drainage District; • Establishing a Right-of-Way Department dedicated to overseeing and protecting the landholdings of Lake Worth Drainage District; • Maintaining sound fiscal management and a balanced budget for Lake Worth Drainage District; • Fostering positive working relationships with residential communities and legislative bodies within the jurisdictional boundary of Lake Worth Drainage District; • Instituting District policies and procedures to foster and retain a professional staff capable of timely, accurately and courteously carrying out the works of Lake Worth Drainage District and responding to requests made of the District by taxpayers and employees; and Whereas, Ronald L. Crone retired from service as Manager of Lake Worth Drainage District on the 31<sup>st</sup> day of January, 2013; and Whereas, the Lake Worth Drainage District, its Board of Supervisors, its property owners and its employees, desire to honor, recognize and bestow upon Ronald L. Crone, the deserved appropriate accolades for his long service and exceptional leadership. Now, Therefore Be It Resolved, that the Board of Supervisors of the Lake Worth Drainage District, does hereby bestow special recognition to Ronald L. Crone, P.E., PLS for his leadership during his seventeen years of service to the Lake Worth Drainage District. Unanimously approved this the 13<sup>th</sup> day of February, 2013." **President Raucher**, thank you. It needs to be signed and we'll get it to Mr. Crone. **Ms. Connolly**, yes there's two copies. You need a motion to approve it. **President Raucher**, is there a motion to approve this? **Supervisor Alderman**, I move that we approve the resolution. **Vice President Whitworth**, second. **President Raucher**, any further discussion if not all in favor 3 – Ayes, opposed -0-, unanimous.

**President Raucher**, since it's not 10 after yet can I ask Mark Perry, you have something about the Executive Director employment terms that you would like to add. **Mr. Perry**, if I may, if we could hold that off for a little bit longer cause Mrs. Haley had, I spoke to her yesterday and she was going to try to be here today and if we could just (?) maybe her showing up a little late. **President Raucher**, okay. **Mr. Perry**, and just maybe, just do a 3 minute recess. **President Raucher**, I thought maybe you could tap dance a little bit or. **Mr. Perry**, you don't want to see that. **President Raucher**, well I don't know, I think everybody here would be interested. **Vice President Whitworth**, what are you asking Mark? **Mr. Perry**, just to hold this off a little bit longer. **Vice President Whitworth**, which one is that? **Mr. Perry**, in reference to Bob Brown's contract terms. I spoken to Mrs. Haley yesterday and she was going to try and attend today. **President Raucher**, okay can we just take a one and a half minute hiatus until 9:10?

**President Raucher**, we're back in session the 9:10 Item City of Atlantis L-14 Lake Worth Drainage Project No. 13-9340L.01 Mike Baker. **Mr. Baker**, good morning ladies and gentlemen Mike Baker Assistant Manager of Lake Worth Drainage District. City of Atlantis has requested to install surveillance camera equipment on our L-14 right-of-way at Control #8, which is right here in this area. What the City is proposing is to put a pole outside the District's boundaries and connect cameras up to surveillance this area in through here on our L-14 right-of-way and use our electrical to power these units and send their signal to their police station to monitor it 24 hours a day. What we're requesting is to approve entering into an interlocal agreement with the City of Atlantis and Mark's reviewed this agreement correct? **Mr. Perry**,

yes I have. A Mike, can you also explain maybe the benefit to the District for entering into this agreement? **Mr. Baker**, at this location the fence that goes around there, it's usually cut every other day. We've put better locks on it and what's happening is; now they're cutting the chain link fence and going through to get to the south side. **Vice President Whitworth**, I motion to approve staff recommendation. **Supervisor Alderman**, second. **President Raucher**, is there any further discussion, if not all in favor of the motion 3 – Ayes, opposed -0-, unanimous. Thank you. **Mr. Baker**, thank you very much. **President Raucher**, we're going to fast. **Mr. Baker**, I'm sorry? **Mr. Perry**, is there a representative from the City of Atlantis here? **Mr. Baker**, yea Mo Thornton. **Mr. Perry**, did you want to introduce her? I think you should introduce her. **Mo Thornton**, thank you very much. **Vice President Whitworth**, that a smart girl there, she just waived you off and went on. **President Raucher**, once again, we've under exceeded our time limits here. We have a five minute hiatus until the 9:20 Item on the agenda. **Supervisor Alderman**, Mr. Chairman can we go ahead and proceed with this, the highlights of the benefit package for our new executive director? **President Raucher**, well Mr. Perry was you. **Mr. Perry**, it's just that yea, it's just that, whatever the Board wishes to do, I was just thinking, if we were to wait for Joyce Haley she may not be coming today, I'm not sure, she told me yesterday she was planning on attending. It's just up to the Board. **President Raucher**, is there action to be taken? **Vice President Whitworth**, its kind of late Mark let's get it over with (?) we need to use the time up. **President Raucher**, is there action... **Mr. Perry**, okay. **President Raucher**, Mr. Perry. **Mr. Perry**, at the last Board meeting the Board directed Mr. Alderman and myself to meet with Mr. Brown to work out an outline of details for Mr. Brown's employment in conjunction with his selection through the selection process as District Director, Executive Director of Lake Worth Drainage District. I've handed to each one of the Board members a copy of the outline of what was reached as a items at least myself and Mr. Alderman could recommend to the Board, just a two items I'd like to just clarify them. When you go to the monthly vehicle allowance at 750 plus gas card, I'm asking that we approve it as far as a plus a gas benefit. In speaking with Carol there's gonna be some difficulties implementing the gas card issue so by identifying it as being a gas benefit that will give us ability to sit with Bob and just basically, you know, get into the niddy griddy of what's gonna be the correct way to handle that gas benefit. **President Raucher**, is there any discussion a Jim being on the committee? **Vice President Whitworth**, yea this is very reasonable, to me. **Supervisor Alderman**, as Mr. Perry said, we sat down with Mr. Brown and, and negotiated this contract. I don't know if you need it spoken so you can get it in the minutes or can you just take it from here from the minutes, how would you like that Joann? **Mr. Perry**, you know what we could do is, we can have the motion identify this outline and have it be part of the minutes if you wanted so I don't have to read the whole thing. **Supervisor Alderman**, okay. **Mr. Perry**, I think if I... **Supervisor Alderman**, there's some, there's some details in it as I talked with Carol this morning, that need to be worked out, one is the term life insurance the other is the gas benefit and the minor things will be worked out with a, with our finance department and Mr. Brown and I'm sure that they will come to an agreement on all of it. I think it's a very reasonable contract, I think we're really privileged to be able to get Mr. Brown to come to work for us. He's just an outstanding individual and people at South Florida Water Management are not real happy that he's leaving but, it's our, it's our gain. We've, we've, we've done a very good job getting him here, I think. **Vice President Whitworth**, let me go back to this monthly allowance just so people understand. I don't own a truck... **President Raucher**, you're talking about the vehicle allowance. **Vice President Whitworth**, the vehicle allowance. I don't own a truck we made a conscious decision we didn't want a vehicle on the road. Everybody thinks this is a lot of money, this is nothing. Go buy you one of these \$40,000.00 vehicles and try to pay for it and maintain it. We pay everybody on the farm that has a vehicle \$25.00 a week plus I furnish them their gas. We give them some tires every now and then cause we realize its not then I we pay them 7 days a week cause we usually work 6. **Supervisor Alderman**, you said \$25.00 a week, is that what you meant? **Vice President Whitworth**, \$25.00 a day, I'm sorry I screwed that up. **Supervisor Alderman**, okay. **Vice President Whitworth**, but we work, we usually work 6 days a week and we pay them 7, we don't argue with it. And these guys have a hard time keeping up with that and you can figure it out, it's more than this so. Everybody thinks that a lot of money, go buy you one of these Fords or Chevrolets and try to keep up with it. Everybody knows what it takes and then the liability is not on you. I wish we'd do this with everybody then we'd have zero liability of a pile up somewhere. I've got some friends that went through that and they were three years getting out of it, a million dollars a year. They killed an elderly couple in their pickup, in a farm pickup. It cost them \$3 million. Like I said, I wish everybody was on one of these cause it ain't, it has nothing to do with the District now. **President Raucher**, is there any other discussion? **Supervisor Alderman**, I'll comment on that too. I think that we need to address that at some point and maybe when Mr. Brown comes aboard he can but, I think we need to look into that and so the District doesn't own any vehicles going up and down the road, other than you know for,

for work, talking about for people using a Lake Worth Drainage District for personal use. Anyway, that's something that can be addressed later. **President Raucher**, and Mr. Brown has agreed to all of these conditions? **Mr. Perry**, yes he has. **Supervisor Alderman**, I move that we accept these terms. **Vice President Whitworth**, second. **President Raucher**, for Mr. Brown commencing on the 19<sup>th</sup> is it, February 19<sup>th</sup>? **Mr. Perry**, that is correct. **Vice President Whitworth**, should be submitted into the record as presented, as presented. **Mr. Perry**, with the one. **Vice President Whitworth**, with the one caveat of... **Mr. Perry**, gas benefit. **Vice President Whitworth**, gas benefit instead of card. **President Raucher**, do we need to make that as an addition to on a motion? **Mr. Perry**, yes that would be an addition on the motion yes. **President Raucher**, okay there's been a caveat placed on it regarding the monthly allowance vehicle allowance, all in favor including that caveat. 3 – Ayes, opposed. **Supervisor Alderman**, I'm not sure you're supposed to make a motion so I'll make that motion and then Whitworth will second it. **President Raucher**, okay all in favor of the addition to the terms of employment for Mr. Brown. 3 – Ayes, opposed -0-, unanimous. Now I would ask for a motion to accept, with the caveat to hire the employment terms as stated with the caveat included, is there a motion? **Supervisor Alderman**, so moved. **Vice President Whitworth**, second. **President Raucher**, motion by Mr. Alderman seconded by Mr. Whitworth, all in favor 3 – Ayes, opposed -0-, unanimous.

**President Raucher**, can we go back now on the 9:20 agenda South Florida Water Management District G-94A, G-94B and G-94C design and L-23W Access Agreement E-1W and L-23W Lake Worth Drainage Project 12-9320D.03 Pat Martin. **Mr. Martin**, good morning Patrick Martin Engineering Department. Today basically, this is a dual item, what we're talking about is, the South Florida Water Management District has what we call project culverts with control structures located in three different locations that concern us. A being down here by the L-36-1/2W and then B, excuse me, G-94B being located near the L-30W. These project culverts are dual; they are both 72 inch in size so there's technically, here, there are four of them. They provide water supply to our control structures. Our control structures pump approximately 100,000 gallons per minute to provide water supply to our system. We have sat with them and we have negotiated with them and we have decided that we believe that in the interest in taxpayer's dollars, that we could possibly do away with G-94B; if they in fact build G-94A in such a fashion that it can operate, both of those can operate independent of one another. That is to say that again, there are two control structures, here are two 72 inch pipes and they are going to now reconstruct this system such that one will operate without the other and that they believe they can build it in such a fashion that there will not be a catastrophic event. Further however, to add to that, they will also offer up a \$150,000.00 pumping system if in the event it does become a catastrophic event. Next. The other item is that the G-94C is also gonna be repaired and taken care of. What they need here is something similar to what we talked about, I believe it was last month or the month before, about giving them a temporary access for the South to South Florida Water Management District to allow their contractor to come in from State Road 7 and make their way up to the G-94C in order to make the necessary repairs for the G-94C control structure. Staff recommendation is that we approve this temporary access to South Florida Water Management District, not to their contractors. We talked about that and they are in agreement to that. And then we also asked that, a I don't necessarily know if you need a motion but, we do want you to recognize that we are suggesting that G-94B come out of service and that G-94A be reconstructed to a, to hopefully provide a, a, a, a very, very a strong situation as we don't, we don't have a catastrophic failure. One more note, that we only need one pipe in order to provide all of the water we need for our system so, this is not something that we are going out on a limb on and, and risking pumping, that's not the case we can provide that water Mike and I've talked about it and it can be done. So, with that a again the recommendation is that we do, do approve the temporary access to the Water Management for the L-23W access and again just the other, I think is just a note I don't believe we need a motion on that. **Vice President Whitworth**, motion for temporary access with South Florida Water Management. **Supervisor Alderman**, second. **President Raucher**, second. Any other discussion, if not, all in favor of the recommendation? 3 – Ayes, opposed -0-, unanimous. **Several People speaking at one time.**

**President Raucher**, why don't we recess for about 4 minutes?

**President Raucher**, can we go through the 9:30 Item please and Pat, remember we have a 9:40 Item so you can take your time to do this if you'd like. 9:30 Item is Palm Beach Leisureville Seawall Repair E-4 Lake Worth Drainage Project 09-4142S.02 Pat Martin. **Mr. Martin**, good morning my name is Patrick Martin I'm from the Lake Worth Drainage District Engineering Right-of-Way Department. We have talked about this before several times actually, this is the Palm Beach Leisureville this is Leisure Lakes Circle that you see here in the aerial on the screen.

Right in this location here we've talked about this a seawall that's a failed. Let's go to another shot there's a couple shots of this failed seawall and I think we have couple yea we have another shot and this what I'm trying to show you here as I have in the past, I believe is that a this is a very big health and safety issue and from an engineering perspective this is something that has got to be protected from the public. So what we have done, please, is we staked the right-of-way I think back in April of last year and then we put up a fence. One more shot is it there, there it is okay. And then we put this fence up, I believe back in April and it runs all the way the length of this area in order to keep the folks from making their way out into this area here which is the very dangerous area of the seawall. We have since the Board has asked me and I believe I took KC White with me last month and spoke with the folks at Leisure Lakes Circle. We attempted to try and secure some sort of remedy. We have received a letter from their attorneys Sachs Sax Caplan the attorney is present here today. Do not ask me to pronounce her name it's impossible but she is a we call her Ele right, Ele works, okay Ele works. And they basically have said that they feel that they have nothing to do with this seawall that in fact it's on our property that they we cannot prove up that we have the proper permitting things of that nature. We did while we did secure the fence we also hired and when we did secure the fence the fence company was also required to obtain a permit from the City of Boynton. We have that permit and so we feel that we're in good shape. Staff recommendation since the a community does not wish to entertain any type of remedy to this issue and because as your Director of Engineering I feel that we have a public health and safety issue out here, it's my recommendation and staff recommendation to leave the fence up that so we cannot so we hopefully will not have anybody get hurt, harmed or possibly a fatality in that area because it's that dangerous. So again, that's my recommendation.

**President Raucher**, would you care to say to speak for us? **Eleftheria Zachariades**, I can answer questions if you have any. **President Raucher**, well I noticed on, on the letter that was received it says, as such the fence must be taken down now there's gotta be somewhere in the middle of this thing that a... **Ms. Zachariades**, right and I'm certain Mark and I will speak to this at a later date but our position really is in accordance with the declaration we provided you property. Certain property that was deeded to you but none the less you have to abide by our declaration and any structure including a fence must be approved by the Board and that was not approved by the Board. **Mr. Perry**, and I think... **Vice President Whitworth**, I'm lost here, is this fee simple Lake Worth Drainage District property? **Mr. Perry**, yes. **Vice President Whitworth**, why do we have to ask anybody for anything? **Mr. Perry**, well I think that's why you know really nothing gonna be resolved today. What I'd like to do is just have the Board make a decision on staff's recommendation to retain the wall where it's at and then unfortunately... Beg your pardon? **Mr. Martin**, you said wall or fence. **Mr. Perry**, or fence, fence. And then, to then go ahead have legal respond to this letter and I think staff will be meeting with representatives of the Association to hopefully have a resolution, otherwise the fence may turn into a wall but again, though is because of public safety I'm recommending also that the fence has got to stay until this is worked out. **Supervisor Alderman**, I move staff recommendation to leave the fence there and a we own the property fee simple, we got a permit from City of Boynton. **President Raucher**, is there a second to the motion? **Vice President Whitworth**, yea but, you know one of the things I worry about in these type of situations, you mess... **President Raucher**, excuse me is that a yes? **Vice President Whitworth**, yes. **President Raucher**, okay. **Vice President Whitworth**, but you mess around here with these lawyers and all you're doing is spending somebody's money. And this, the fence has to stay there if it's on fee simple Drainage District. I don't see how they can even and it's for public safety, I'm having trouble here I don't know what they got in the fight. **Mr. Perry**, and that's why I think we need to find the position of both the Association and Lake Worth Drainage District and hopefully there will be a resolution to that that's gonna be agreeable to everybody. Otherwise, it will end up in court but, I think this step needs to be made. **Vice President Whitworth**, I'll second it. **President Raucher**, what would you, may I ask just a question, what would you propose for a safety issue if we were to say okay, let's take it down tomorrow morning? **Ms. Zachariades**, if we took down the fence tomorrow morning, well the wall would have to be fixed ultimately is the situation. **President Raucher**, well not, well ultimately your saying but until then? **Supervisor Alderman**, who's gonna fix the wall? **President Raucher**, who's gonna fix the wall is right? **Ms. Zachariades**, understood I mean again Attorney Perry and I will have a discussion at length I'm sure about this but our position really is that, it is your wall and although it is your property in fee simple it's still part of the overall Association and still has to abide by the rules of the Association with regards... **Supervisor Alderman**, how is it part of the Association if we own it fee simple? **Ms. Zachariades**, because it's platted on our Association property and its still part of the legal description of the Association. You could deed property and still be part of the Association at large. It doesn't get removed from the Association. **Vice President Whitworth**, public safety, we shouldn't never worry about that even though we got a little plat sitting there. I'm so confused about that. **Ms. Zachariades**, no,



no ones ar, I'm sorry no ones arguing with public safety issue it's just that certain rules have to be abided by as I'm sure you know, just generally and in order to put up a fence... **Vice President Whitworth**, public safety supersedes all of them. **Ms. Zachariades**, okay and that's something we'll discuss. That's not our position so. **Supervisor Alderman**, well we've been discussing this for about a year. Last, about this time last year or maybe a few months later... **President Raucher**, it was in March of last year. **Supervisor Alderman**, we said we'll, we'll table this until all the residents come back and we'll come to some kind of agreement and here we are with all the residents back and it doesn't seem any that they want to have any solution to the problem. The problem is they need to fix the seawall if they want a seawall there. **Ms. Zachariades**, well of course we want a solution but the solution is not to put up a fence. **Supervisor Alderman**, say again. **Ms. Zachariades**, we all want a solution but our solution is not putting up a fence. **President Raucher**, well ours, I don't think ours was either but in the advent of public safety I think it's important that it stay there until. **Ms. Zachariades**, right well the problem is you think that the Association needs to pay for it and we believe that you need to pay for it. So herein is our impact. **Vice President Whitworth**, who paid for it the first time? **Ms. Zachariades**, not the Association. A few individuals paid for it. **Vice President Whitworth**, I guarantee you the Lake Worth Drainage District didn't put it in. **Ms. Zachariades**, I agree with you whole heartedly but, it was also not the Association. That's also to be noted. The Association did not pay for or request that this seawall be constructed for the record. That wasn't the Association so. **Vice President Whitworth**, we're not asking them for us to leave the fence up did we? **President Raucher**, no we did that, we put the fence up. **Supervisor Alderman**, for the record this season is gonna be over all the residents are gonna be gone home and we are still gonna be waiting until next year to try to solve the problem and it seems like Leisureville does not want to solve the problem so my recommendation is to leave the fence up and just for public safety so. **Ms. Zachariades**, we want to solve the problem we just don't want to pay for it. Okay. Any other questions? **President Raucher**, anybody else have any other comments, questions, Mark anything else? **Mr. Perry**, no sir. **President Raucher**, okay. Thank you. Thank you very much. **Ms. Zachariades**, thank you. **President Raucher**, okay there was a motion on the floor to and a second to accept the recommendation of Pat Martin, all in favor 3 – Ayes, opposed -0-, unanimous. Pat you did a good job at least its 9:41 now. **Mr. Martin**, thank you Ele. **President Raucher**, sorry about that. **Mr. Martin**, you know those attorneys they have to get their time it's billable. **President Raucher**, no I'm worried about our time.

**President Raucher**, 9:40 Item the I-95 Interchange at Spanish River Blvd., / El Rio Trail under Tri-Rail CSX Railroad Bridges E-4/El Rio, E-3-1/2-2 oh L-22 I believe, L-42, Lake Worth Drainage Project 11-763R.21 Patrick Martin. **Mr. Martin**, thank you Patrick Martin Engineering Department. What you have in front of you today is a location which the well you know Megan lets' go to the next slide assuming I've got the right proper, okay this is, this is actually the interchange proposal as you can see it's a very spaghetti looking okay this is a proposed \$65 million project that is to provide access to the FAU Campus predominantly the stadium and I just wanted you to see what we're looking at in the way of complexity. This is very, very complex project. Next slide. This is a our right-of-way and it is contended shall we say it the Boca Raton there's an issue if we need to talk about it, it specifically I will ask Mr. Barry to come up and explain it but basically what you have is that, we have right-of-way in various areas, Boca has right-of-way in various areas, and then we have right-of-way that Boca thinks they have and we think we have. This is something that's been occurring for since I was here since I started here. The E-4 area the El Rio area Mr. Wheelihan back when he was Assistant Manager, tried very hard to get the City of Boca Raton to dedicate it to us however; City of Boca Raton continued to put encroachments in the right-of-way, water lines, bicycle paths, things of that nature and finally Mr. Wheelihan recommended to the Board and the Board did say, it's yours we don't want it any more and so this is one of those reaches. Now since then what's going on is that the, this is what's called the El Rio Trail it is a bicycle pedestrian path it comes around it goes and then it connects back up here again. That location of that area most of that is located outside of what we believe to be our right-of-way however; what they're proposing to do, and Megan if you can take me to the, the blue print there you go thank you very much. What they're proposing to do is put an 8 ft. x 12 ft. tunnel within our, within underneath the CSX Railroad and underneath Yamato Road. That would take us, we go back one more again please Megan, what that would do is it would take us back into our right-of-way through the CSX Railroad area back out again and down back down their right-of-way again back in again to us through the Yamato tunnel and then back out again to the El Rio ramp again which is right in this area here, which is a... **Vice President Whitworth**, when you get over there Pat is that on us? **Mr. Martin**, no sir. Everything that's on dry ground will be out of us as soon as they can get out of us okay. **Vice President Whitworth**, that's good enough then. **Mr. Martin**,

yes sir. Next shot. Okay so again this is, this is what it looks like if we go to the next shot. This is the existing under I-95 it's a little more freedom in this particular location but I will offer to you that this thing does flood during high water events which of course you shouldn't be in there anyways during high water events but non the less it has been recognized that there was weed what have you caught on this, on this fence line here as a result of high water coming up and in this area this is the E-4 Canal. So this is what it's gonna kind of look like except what this case we're gonna have a tunnel that's actually gonna go down and actually be partially submerged.

Next shot. **Supervisor Alderman**, Pat. **Mr. Martin**, yes sir. **Supervisor Alderman**, can you go back? **Mr. Martin**, to what? **Supervisor Alderman**, that one and the next the one behind it. **Mr. Martin**, go there you go yes sir. **Supervisor Alderman**, alright. What if they move this over here instead of here is that can they do that engineering wise and then that would be out of us maybe that be in the City of Boca Raton. **Mr. Martin**, if we could tell them to do that I think what it comes down to is, what's going on here is you have five or six different engineering contractors/contractors they're doing a bid to value engineer it's called a design build process. What's happening is, is that if someone comes in and proposes this particular layout it's gonna be much more expensive and in all likelihood they will lose the job. One of the other options I might add Mr. Alderman is that, they were talking we talked about actually going over these things and staying outside of our right-of-way using switchbacks and there is one particular firm that's still considering that concept, yea you'd have to do a switchback like that and meet the ADA requirements you know the handicap or disability act. So that's still being discussed but why I'm here today is to ask you to say that, that is an option it's a viable option engineering wise we would probably come over here and, and do something with this particular location here so that we still are whole with regards to our hydraulic capacity and our, our cross sectional area.

But to answer you're... **Supervisor Alderman**, if we turn them down to use this, this part of our right-of-way, is this out of our right-of-way over here and would the switchback, if you design a switchback, would that be out of our right-of-way? **Mr. Martin**, can we go back to the previous. It's difficult to tell the where you're saying is like right in this location if its between these two little red lines it would be outside of us. I'm gonna suggest to you it's probably gonna straddle it. I don't know if Mr. Barry would have any comment on that either because it's kind of just to difficult from this, this high up to tell you whether or not you know where we are with regards to those bents, you know the piles and bents that are there, in other words moving into the next one over. I can't tell you if that red line is where it is in relation to those, those bents that we talked about you know moving that tunnel over to the, you know the next one over, I don't know where it lies with regards to our rights-of-way. I think it's gonna, again, I think what's gonna happen in the, in the, in the Yamato Road location I think that what your saying may be possible I can I move on and maybe like address your concern? Take a couple more shots at it and then if you have something. **Supervisor Alderman**, yes sir. **Mr. Martin**, thank you. Let's move on. Okay again, this is that one okay now this is, this is the CSX one and again, can we, I don't know if it will help or not, can we turn a light down, the reason I say that is because this, this particular bridge is located its done in a different manner and I'm gonna step away from the mic for just a second. What you have is these bents are going this way okay and then the second railroad came in later the Tri-Rail that came in as a double track now, it is actually skewed in this manner and as a result it makes it very, very problematic to go under the railroad in this particular location and I might add, to come over here on this particular one Mr. Alderman, would be not possible because that would require the this that this tunnel that their planning on building would have to, would have to withstand the loading rate of a train which is again gonna take it way out of site as far as dollars. Now maybe this Board doesn't care about that I don't know and that may be the case and if the Board decides we do not want it in the right-of-way fine but it is gonna be something of that nature. That's gonna be very, very it's gonna be, it's gonna be a lot more work a lot more effort and a lot more money. Alright let's, let's move on. Okay this is the Yamato Road Bridge this is the other one we talked about and again Mr. Alderman if you come over your gonna be coming way over here for that other tunnel way over here and not in this location right here we're squeezing it in as it is. I'm gonna offer one other thing up, and we talked about this a little bit at workshop, this is as I said a \$65 million job it's a federal highway administration job I'm not suggesting to you your hands are tied in any way but I will try, try to understand that if we decide not to do this and to tell them no there is a possibility that their gonna build it anyways without our permission. This is again it's a very, very large job it's got a lot of political momentum. What I would like to see us do is approve this as an option and I would like to do that because I would like to see us enter into permits that will condition them so that we don't have the issues that were brought up in the Board such as if someone gets robbed, someone gets hurt, lighting, all of those issues that were brought up at the Workshop, sorry the Board Workshop, they can be addressed by permit. Further, I believe we want to tie up Boca Raton in the same manner and in talking in the Workshop Mr. Perry also mentioned that we would condition them separate and apart and that they would both have to

meet those types of conditions without them and if we tell them no and they build it anyways then we don't have that ability to potentially hold them hold their feet to the fire on these particular permits and/or agreements. **President Raucher**, Pat you've met with Boca I'm, I'm sure on this. **Mr. Martin**, we have met with Boca on several occasions yes sir. **President Raucher**, and they've indicated they probably would build it anyhow? **Mr. Martin**, I think the federal the DOT is gonna build it anyhow period. And a... **President Raucher**, it will be built then? **Mr. Martin**, yes sir, yes sir. This has if you care to I mean it has an awful political momentum. **Vice President Whitworth**, Pat I consider this a crossing and if they would get right back out of our right-of-way it's sort of like a fly over with a pipe to me, if they'll get right back out of our right-of-way, I don't like it, I don't like bicycle paths in back behind peoples houses and you can't show me somebody that wants a bicycle path behind their house. I don't you don't see you might see I don't know 10, 15 boys three or four times a year riding a bicycle somewhere but, this ain't, I don't know why they do all this and it's usually because of poor planning and then of course we are the ones that get it right between the chops but anyways, it doesn't bother me as long as they get right back out of the thing because yea, I want to help them but I don't want them in the right-of-way traveling. **Mr. Martin**, so if I may staff recommendation would be to allow this as an alternative as long as they can meet the policies and guidelines of the Lake Worth Drainage District and that they would enter into the possible permits and/or agreements that are necessary to tie them up adequately from this Board's perspective. **Vice President Whitworth**, and they get right back out of the right-of-way. I don't want them in our right-of-way. **Mr. Martin**, and they get right back out of the right-of-way as Mr. Whitworth requested. **Supervisor Alderman**, can I ask questions sir? **Mr. Martin**, yes sir. **Supervisor Alderman**, will the City of Boca Raton accept the liability for this? **Mr. Perry**, they're gonna have to, as Mr. Martin presented for approval, the permit would require them to indemnify us and be responsible for liabilities on it. Now they're gonna be wrestling with us gonna be arguing with us but, it's just something that you know the direction from the Board on this approval. **President Raucher**, well that would be part of the motion. **Mr. Perry**, yes that is correct. **Supervisor Alderman**, that will be part of the motion is that correct? **Mr. Perry**, yes. **Supervisor Alderman**, okay. If we do not approve this, they have an option to do it anyway your saying or they can redesign it and build a switchback over it or whatever. **Mr. Martin**, yes sir, go ahead I'm sorry. **Supervisor Alderman**, but by us denying their request for this engineer to design it this way, will that stop the whole project or we just a you know a little maybe a thorn in their side so they can figure out a way to go around? I don't want to stop the project I don't want to harass them I don't but I don't want the liability of that tunnel for the use of homeless people and somebody hiding out to you know. You got a college campus there it's dark it's not lighted I don't know, you need to have it lighted all those things need to be addressed because the safety issue of, of a you know somebody riding a bicycle through there some mugger sitting there waiting to hit them in the head. I mean it's just you have a place like that just open for a village for homeless. **Mr. Martin**, crime yes sir. **Supervisor Alderman**, so that's what my objection is. Somebody is gonna have to police it. City of Boca Raton gonna police it Sheriff's Department (?)... **President Raucher**, well I think that's Pat was Pat's idea that if we had to permit them we could sort of control certain things that went on or didn't go on there and make it work better for us rather than just say no and have them design around it. **Mr. Martin**, yes sir, I think the point is that if we're going, I mean we can't stop crime we know that okay, I mean it's gonna happen. **Supervisor Alderman**, we can't stop crime and we're not a police department stand there and watch it. And then if somebody gets mugged in there and some lawyer decides we're liable then we're gonna be in court. Mr. Perry leave? **Mr. Martin**, yes sir. **Supervisor Alderman**, I mean can... **Vice President Whitworth**, (?). **Mr. Perry**, again this is gonna be hap, this is gonna be handled through the permitting process or the staff may come back to you and ask to do an interlocal agreement. **Supervisor Alderman**, who's doing the, who would the permit be with? DOT? **Mr. Perry**, the permit would be with DOT and then also with City of Boca Raton cause it's really the City of Boca Raton is actually having this as being conditioned for the construction. DOT doesn't want this bike path, City of Boca Raton, City of Boca Raton... **Supervisor Alderman**, oh now I got it, the City of Boca Raton wants the bike path not the DOT. **Mr. Perry**, that is correct. **Supervisor Alderman**, that hasn't been stated until right now. **Mr. Perry**, that is correct, that is correct. And so as a result it's gonna have to go back on City of Boca Raton for these approvals. Again, another thing is we go through this process as a design build the problem with these things is, if we were to end up in litigation regarding this to keep them out of our right-of-way to put this facility in it could arguably stop the whole project. **Supervisor Alderman**, who would stop the project City of Boca Raton? **Mr. Perry**, no, no Lake Worth Drainage District. **Supervisor Alderman**, why? **Mr. Perry**, if we don't approve this and they go in to install it and Pat's suggesting they may go in and do that without our approvals the only way we can stop... **Supervisor Alderman**, you're

saying one time that the DOT is doesn't care about this bicycle path so the DOT doesn't care if they design one there or not they just want to get the road built it's the City of Boca Raton that's adding this limitation to it. **Mr. Perry**, as part of the contract for the whole job so. **Mr. Martin**, this will be part of the plans Mr. Alderman it's not a separate issue. It will be constructed with fed money via the DOT and via the DOT contractors. **Mr. Perry**, and I think as Mr. Martin's pointing out is, we may go ahead and object and say no, they can still go ahead force our hand go to install it. Our remedy would be to get an injunction against them and we could in affect stop the whole project then at least if I was a contractor that's what I'd do. **Mr. Martin**, now if I may add one more thing Mr. Alderman your, your question was if we do not allow this particular install okay this particular type of install you could say that okay and what that would do is we would go back to the contractors that we been talking with 4, 5 or 6 Mr. Walsh and I been working with them quite a bit and Mr. Barry I might add and we can tell them that's off the table now okay now you will have to either do whatever other design you decide to come up with that be a switchback that be a move it over to outside of our right-of-way we could do that and that's, that's really why I'm here is for you to tell me that whether or not I'm telling you from an engineering perspective we can make it work but, if your saying we don't want the right-of-way encroachment the liability we don't feel that maybe we can tie it up enough if you feel that strongly about it then obviously the other recourse is to deny this particular type of design and we will pass it back to those particular people. **President Raucher**, but that isn't your recommendation. **Mr. Martin**, no sir it's not my recommendation, my recommendation is to approve this because we believe we can hydraulically make it happen and I believe Mr. Perry's capable of putting together a permit and/or agreement between the City of Boca Raton and FDOT to hopefully tie these people up tight enough to where our liability would be limited. **Vice President Whitworth**, is that your motion? **Mr. Martin**, yes sir it is my motion. **Vice President Whitworth**, so moved what he said. **President Raucher**, his recommendation. **Vice President Whitworth**, his recommendation I'll take (?) my motion. **President Raucher**, is there a second? Mr. Alderman? **Supervisor Alderman**, Mr. Raucher you'll have to second it I ain't seconding it. **President Raucher**, alright I'll second the motion the recommendation. I have a question, if we approve your recommendation what's the next step now? Right directly after this? **Mr. Martin**, we're continuing to negotiate with the people. They're getting ready to bid okay very, very shortly I think within a month is that correct Joe? Yea, within a month their gonna be bidding and what that means is that the design build teams will go to the DOT and we'll say okay, we believe it's gonna cost this much we want the job and so the lowest respectable bidder will get or responsible bidder sorry, will then be rewarded the contract at some point and time later on. That then and right now what we're doing is we're trying to give them a permit but, we're not there yet. It's been a very, very long process and I will offer one more thing if I may, when this is all said and done shortly thereafter, after discussions with the new manager and folks, we want to come back to you and offer up the idea of charging DOT fees. We have spent at least \$10,000.00 man hours \$10,000.00 in man hours here trying to make these people understand what we will and won't allow and it's high time that they start paying us as well as everybody else. I mean we have to pay our government fees to say the Solid Waste Authority we have to pay our fees to the Water Management District it's time, I don't really see any reason why the DOT shouldn't be paying us they pay everyone else. We talked about it Northern Improvement District charges them quite a bit of money in their area so a I will be coming back to you with that. I think that is important that they start paying their fees. **President Raucher**, Pat supposing this project comes in over 65 million, is that the amount that has been allocated? **Mr. Martin**, that's a number that's been thrown out there. **President Raucher**, would they, would they be subjected then to additional funds or is that something that could kill the project, you know how that would work? **Mr. Martin**, right no sir I do not. I, I, I can say that if it comes in high they can just maybe rebid it, step back and rebid it again see if it comes down lower. There's, there's a litany of issues that they can or ways they can you know take care of that, resolve that issue. But, with regards with the dollars themselves, we're not privy to how they want to handle that. **President Raucher**, okay. Alright there's a motion been made and seconded is there any further discussion on the recommendation of Mr. Martin? If not all in favor 2 – Ayes, opposed -1- Supervisor Alderman, there's one opposition Mr. Alderman opposes I assume that's a majority of those present so therefore it passes. **Mr. Perry**, well you are voting in favor. **Supervisor Alderman**, me? **Mr. Perry**, no Mr. Raucher. **President Raucher**, yes. **Mr. Perry**, yes so it will pass then 2 to 1. **Mr. Martin**, thank you.

**President Raucher**, is there any other business? If not meeting is adjourned.

There being no further business, the meeting adjourned at 10:30 A.M.

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President – Harry Raucher

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Supervisor – James M. Alderman

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Absent

Sr. Vice President – Joyce Haley

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Absent

Supervisor – C. David Goodlett

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Vice President – John I. Whitworth, III

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Recording Secretary – Joann M. Aylor