

MINUTES

Tindall Hammock Irrigation and Soil Conservation District

Board of Supervisors Meeting

Wednesday, November 19th, 2014 at 4:30 p.m.
3941 SW 47th Avenue, Davie, FL

Call to Order:

The Chair H. Collins Forman, Jr. called the Meeting of the Board of Supervisors of the Tindall Hammock Irrigation and Soil Conservation District to order at 4:34 p.m. The meeting notice had been duly posted.

Roll Call:

The District Clerk called the roll. A quorum was present.

Supervisors:

Present:

Chair H. Collins Forman, Jr., Dr. Walter Forman and Eric Forman

Also Present:

Douglas R. Bell, Esquire, Patricia Mahaney (*Everhart Management Group*), Pat Gibney, P.E. (*Craven Thompson & Associates*), Jay Ameno, P.E. (*GAI*), and Bob Salerno (*Fern Crest*), M. Austin Forman (*landowner*)

Approval of minutes for Board of Supervisors meetings

The Chair commented that copies of the minutes had been distributed to the Supervisors prior to the meeting. The Chair entertained a motion for approval of the May 21, 2014, June 18, 2014, July 16, 2014, September 18, 2014 Enterprise Fund Budget Public Hearing, and the September 18, 2014 Public Hearing on the Tentative Budget and Tentative Ad Valorem Tax Rate meeting minutes.

Motion #1:

Dr. Walter Forman made a motion to approve the minutes of the May 21st, 2014 meeting. Eric Forman seconded the motion. The motion carried.

Motion #2:

Dr. Walter Forman made a motion to approve the minutes of the June 18th, 2014 meeting. Eric Forman seconded the motion. The motion carried.

Motion #3:

Dr. Walter Forman made a motion to approve the minutes of the July 16th, 2014 meeting. Eric Forman seconded the motion. The motion carried.

Motion #4:

Dr. Walter Forman made a motion to approve the minutes of the September 18th, 2014 Public Hearing on the Enterprise Fund Budget for Fiscal Year 2014/2015. Eric Forman seconded the motion. The motion carried.

Motion #5:

Dr. Walter Forman made a motion to approve the minutes of the September 18th, 2014 Public Hearing on the Tentative Budget and Tentative Ad Valorem Tax for Fiscal Year 2014/2015. Eric Forman seconded the motion. The motion carried.

Discussion on Broward County Health Department issues associated with the Utility Plant

Mr. Salerno reported that from the middle of the month of June to the middle of the month of July, the utility had a "free chlorine burn". The process ended on July 14th, 2014. On July 17th, 2014 staff picked up bacteriological samples. Two of the samples failed. Staff did repeat samples and had one sample fail. Mr. Salerno reviewed the sampling process whereby a utility can have a maximum of 5% in failed samples. The utility currently draws 5 samples per month so one failure will trigger the public notice and resulting fine. Mr. Salerno reported that in October a similar problem occurred in spite of adequate chlorine in the system. Initially Mr. Salerno suspected a problem with the lab and took additional samples. An alternate laboratory was used with the same results. A total of 64 samples were taken with thirteen registering as failed. After further investigation, Mr. Salerno altered the method of decontamination of the sampling sites

and all samples passed subsequent to this change. Mr. Salerno advised the Supervisors that there will likely be an additional fine for the failure(s) in October, however, the fine has not yet been imposed. Mr. Ameno suggested that the District offer "service in kind" in lieu of paying the fine which would direct the money toward fixing the problem instead of just paying the fine. Mr. Salerno also commented that the utility now uses chloramines as part of the decontamination process which is a slower decontaminant than free chlorines. Mr. Salerno stated that the utility sent out public notice to customers that tests on water samples from the water distribution system indicated that the Maximum Contaminate Level for Coliform Bacteria had been exceeded in 13 of the 64 samples. This Notice also notified customers that subsequent testing indicated that the problem had been resolved and that there was no danger to users of the water. Mr. Salerno and Mr. Ameno discussed the sampling techniques and locations used by the utility staff. Mr. Ameno recommended the installation of five new sampling stations using alternate faucets/hose bibbs that are made specifically for sampling. Mr. Ameno stated his opinion that in installing these new hose bibbs, the sampling will be improved and will help to eliminate the risk of contact contamination that may occur from sampling from regular hose bibbs, especially with vacuum breakers.

Mr. Austin Forman inquired as to the possibility of incorporating new sampling stations with the developments as the work is completed. Mr. Gibney commented that this was feasible and could be incorporated in future plans as a requirement to provide for additional sampling stations. The Supervisors recommended that Mr. Salerno communicate any failures immediately to the Chair, Mr. Ameno / GAI Consultants and the District Manager.

The Chair entertained a motion to approve the installation of proper sampling points in a minimum of five (5) locations throughout the District.

Motion #6:

Dr. Walter Forman made a motion to approve the installation of proper sampling points in a minimum of five (5) locations throughout the District. Eric Forman seconded the motion. The Chair entertained an amendment to the motion which authorizes the Chair to enter into an agreement for the installation at a cost not to exceed \$5,000. Eric Forman made a motion to amend the motion on the table. Dr. Walter Forman seconded the motion. The amendment to the motion carried. The motion, as amended then carried.

Discussion on status of Utility Plant Capital Improvement Plan

Mr. Ameno provided an update on the Water and Wastewater Plant Improvements occurring since the prior meeting of September 25th, 2014. These include the following:

- Electrical building has been delivered and is being wired
- Rotary drum thickener has been set on the slab
- Equalization pumps are being phased into service
- Headworks has been delivered and is in process of being set in the proper location
- Treatment unit has been erected and stairs & landings are being installed
- Pump station covers have been delivered to the site
- Work on underground piping continues

Mr. Ameno provided additional updates on the FDEP permit and noted that the required improvements resulting from this permit renewal are being worked on. In summary, Mr. Ameno confirmed that the utility is now permitted as a re-use facility and can now sell re-claimed water from the rock-pits for irrigation purposes. The Chair directed Mr. Gibney to incorporate the evaluation of re-claim water usage in concert with the 5-year certification. At that time, the customer could be metered and charged for the re-claimed water usage. Mr. Gibney concurred and will incorporate this into the recertification process. Mr. Austin Forman inquired as to whether a rate had been established for this and Mr. Ameno confirmed that one had not. Discussion ensued as to the method and consensus was reached regarding a flat charge per acre initially. It was noted that a metered charging system would be preferably to ensure credit to the utility for use of re-claimed water. Mr. Ameno asked that any entity currently using the re-claim or reject water for irrigation should be identified.

Mr. Ameno confirmed that the estimated completion date is March 2nd, 2015. He noted that change order #3 is being prepared by the contractor which includes sludge pumps, reclaimed water piping, fencing and other miscellaneous items. Mr. Ameno commented that all construction permits are current. He also noted that any evaluation of providing Water and Wastewater service to property east of Turnpike is on hold pending the nature of the business being developed in the area east of the Turnpike.

Twin Lakes Drainage and Flowage Easement from Twin Lakes Land Company to THISCD

Mr. Bell commented that the Oakes Road, LLC had agreed to a Joinder and Consent of the Drainage and Flowage Easement relating to its purchase of property from Twin Lakes Land Company.

The Chair entertained a motion for the approval and acceptance of Joinder and Consent to Drainage and Flowage Easement by Oakes Road, LLC.

Motion #7:

Eric Forman made a motion to approve and accept the Joinder and Consent to Drainage and Flowage Easement by Oakes Road, LLC. Dr. Walter Forman seconded the motion.

The Chair disclosed a voting conflict as he owns an interest in Twin Lakes Land Company and also disclosed that his brother has an interest in Twin Lakes Land Company. Dr. Walter Forman disclosed a voting conflict as he owns an interest in Twin Lakes Land Company and also disclosed that his two sisters and brother each have an interest in Twin Lakes Land Company. Eric Forman disclosed a voting conflict as his father owns an interest in Twin Lakes Land Company.

The motion carried.

NOTE: MEMORANDUM OF VOTING CONFLICT FORMS (FORM 8B) ARE INCORPORATED HEREIN AND ARE ON FILE WITH THE DISTRICT RECORDS CUSTODIAN

Mr. Bell noted that the District had previously accepted the Drainage and Flowage Easement.

Discussion on status of development projects:

Mr. Bell commented that for the Toscana II Development he had provided all of the close-out documents to the developer and is waiting to receive the signed documents back from them. Mr. Bell reported that for IDI [Davie Business Center] Development (Building A), he is still waiting on the confirmation for the legal description for their ERC transfer in addition to confirmation of a date needed for waiver and release. He reported that all of the documents have been recorded that needed to be recorded.

Mr. Bell had no new update on the IDI [Davie Business Center] Phase II Development. The Chair noted that their site was a “lay-down” site for FPL which explains the amount of material on their property. Mr. Ameno reported that they had come in for the Stormwater and Water/Wastewater permits. The permit fees have not yet been paid. Mr. Salerno noted that the Town of Davie had been on the site conducting fire flow tests on the hydrants.

As to the Value Place Development, Mr. Bell has submitted close-out documents to the developer. Mr. Ameno commented that there have not yet been any final checks or walk-thru’s at the site.

As to the Bridge Pointe development, Mr. Bell is trying to find out the status of the agreement as one has not been received by either him or Ms. Mahaney.

Mr. Bell will be providing documents for the Modera Crossing project pending impact fee summation which may total approximately \$1.6M.

Status of update to District’s Water Control Plan and Facilities Report

The Chair requested this item be deferred.

Discussion on proposed Corrective, Supplemental and Restated Memorandum of Lease or Amendment to the Rock Pit Lease between the District and Forman Industrial Land, LLC. This is associated with request to confirm the description of the rock pit property which is subject to the Rock Pit Lease for discharge and treatment of wastewater which was assigned to the District in 2008. This will also delete property from the leased property description which is no longer part of the rock pit.

Mr. Bell reported that from the last meeting, Mr. Austin Forman was to contact an independent counsel to review this item. After discussion with the Chair, Mr. Austin Forman recommended that the item be forwarded to Mark Somerstein for his review on behalf of the landowner/lessor.

Discussion on effect of proposed Definition of Waters of the United States (WOTUS) as proposed by the US Environmental Protection Agency and the Army Corps of Engineers.

Mr. Bell reported on a new rule which is coming down from the USEPA and the USACE having to do with the definition of waters of the United States and related regulations which will apply to said definition. The Chair inquired as to the genesis of the proposed definition and the Rapanos v. United States opinion, however Mr. Bell and Mr. Ameno are both unaware of any relationship. Mr. Bell reported that the EPA is stating that nothing is changing and that the changes are simply clarifications; however, there are a multitude of questions surrounding this issue. Mr. Bell reported that Kevin Hart, Director of the South Broward Drainage District, has put together a review and memorandum on this topic which

explains what is going to be happening. Mr. Bell inquired as to the desire of the Board to have an analysis prepared as to any impact this may have on the District by either himself or the District Engineer, Mr. Gibney. The Chair commented that none would be needed at this time due to the issue being in the early stages of the review and comment process. Mr. Bell was directed to provide a comment back simply stating that the District is in agreement with the comments made by the South Broward Drainage District.

Discussion and report on Turbidity in North South Canal South of Rock Pit

Mr. Gibney reported that they had investigated the possible sources of lime in this canal the prior week. Mr. Salerno noted that the largest concentration of lime is found at the bridge located by IDI. Mr. Gibney reported that he closed the flap gates at the pump station and closed the flap gates into the rockpit for the day. The Chair expressed concern that this may be the result of illegal dumping by an unknown individual. Mr. Gibney reported that after a week, there still appears to be a high pH in the same two areas examined the prior week. Mr. Salerno reported that Broward County has been out reviewing the situation also as a result of resident complaints and that the pH of a sample from the North South Canal was 11.7.

Reports:

Mr. Bell provided an update on DOT Condemnation proceedings for additional Turnpike Right-of-Way and reported that calendar call is scheduled for March 5, 2015 and a 5 day trial has been set for the week of March 23rd, 2015. The DOT attorney has filed a motion to compel the tower company to comply with the court order regarding appraisal completion.

Mr. Gibney reported that the access to the Pump House facility adjacent to Turnpike and access to box culvert under Turnpike has been completed and this item can be removed from future agendas.

The Chair commented that discussion on water and wastewater service east of the Turnpike is deferred at this time.

Mr. Gibney reported that he is still working on the issue of the I-595 construction and condition of culverts under I-595. Mr. Gibney also stated that there was an obstruction in the culvert and DOT had covered up a District structure.

Mr. Bell reported that he and Mr. Gibney are still working on Additions and Amendments to the District's Permit Criteria Manual.

Mr. Salerno reported that the new modular office building is operational. The only open item is skirting the building which will be completed once the work around the plant is completed. Mr. Salerno reported that the old building has not been taken down pending installation of the new fence.

Mr. Gibney reported that several 5-year recertifications have been completed since the last meeting.

Ms. Mahaney reported that a request has been made of the current District web site host to change the registration for the domain from their company to the District. The transition process will continue once the domain registration is changed.

Next meeting

The Chair reported that the next regular monthly meeting of the Board of Supervisors is tentatively scheduled for 4:30 p.m. on Wednesday, December 17, 2014. The following meeting is scheduled for Wednesday, January 21, 2015. Both meetings will be at 3941 SW 47th Avenue, Davie, Florida.

Old Business

There was no old business brought before the Board.

New Business

Ms. Mahaney commented that the District Auditor was currently on-site for several days conducting the field work for the Fiscal Year 2013/2014 audit.

Adjournment

There being no further business, the Chair adjourned the meeting at 5:55 p.m. Subsequent to adjournment, Mr. Ameno raised the issue of a potential contract change order for the utility capital improvement contractor. The Chair reconvened the meeting at 5:56 p.m. in order to address overlooked new business.

New Business

Mr. Ameno requested that the contact with R J Sullivan be amended to include CIP items approved in the 2014/2015 budget that resulted from the Broward County and FDEP permit renewal. The total estimated cost for the new sludge pumps, re-piping the effluent station to provide for a line into the small "reject" pond, purchase and installation of a pair of automatic motorized valves for diverting effluent into the proper pond in cases where the effluent does not meet water quality criteria (*relates to the re-claimed water permit*). The Chair inquired of Mr. Gibney the cost of the diversion needed for the 72" culvert along the North South canal to the west rock pit so that this problem may be addressed by the contractor while they are on site. Mr. Gibney estimated the work at approximately \$50,000. The Chair requested that Mr. Gibney obtain a second bid for this work.

The Chair entertained a motion to authorize GAI Consultants to execute change orders up to \$250,000 for the required CIP work and reclaimed water piping for the utility.

Motion #8:

Eric Forman made a motion to authorize GAI Consultants to execute a change order in an amount up to \$250,000 for the required CIP work and reclaimed water permit piping work with R J Sullivan. Dr. Walter Forman seconded the motion. The motion carried.

The Chair entertained a motion to authorize the Chair accept a second competing bid if it is lower than the cost proposed by R J Sullivan for the same scope of work.

Motion #8:

Eric Forman made a motion to authorize the Chair to accept a second competing bid if it is lower than the cost presented by R J Sullivan for the same scope of work. Dr. Walter Forman seconded the motion. The motion carried.

Public Comments and Concerns

There were no public comments.

Adjournment

There being no further business, the Chair adjourned the meeting at 6:15 p.m.