

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS  
MINUTES

Date: February 20, 2018  
8:00 A.M.

Held at  
8756 Boynton Beach Boulevard, Suite 2100  
Boynton Beach, Florida 33472

**1. Roll Call**

The meeting was called to order by the Chair, Charles Walsey, at 800 A.M.

The Chair then called the roll, and noted that all Supervisors were present.

In Attendance:

*Board Members:* Charles Walsey, Rick Elsner, Larry Portnoy, Pamela Duhaney and Don Johnson

*District Engineer:* Alan Wertepny

*District Attorney:* Peter Breton

*Operations Manager:* Robert Poyner, RLP Property Services, Inc.

**2. Approval of Agenda**

After a motion by Supervisor Elsner and second by Supervisor Johnson, the Board unanimously approved the Agenda.

**3. Approval of Minutes**

By motion by Supervisor Elsner and second by Supervisor Johnson, the Board unanimously approved the minutes of the Board of Supervisors' Meeting of January 16, 2018.

**4. Engineer's Report / State Road 7 Update / L-8 Basin Study**

The District Engineer provided a written report to the Board (copy attached), which he reviewed with the Board. He said that there is nothing new to report on State Road 7 and Seminole Pratt-Whitney Road.

He reviewed the fourth quarter water usage report to SFWMD. The District's water usage was well within the permitted allocations.

He discussed the Santa Rosa application for a connection permit. He said the name of the applicant needs to be corrected. Documentation of the easement or ownership of the land where the two outfalls will be located must be provided, and there must be an agreement for operation and maintenance of the structures with the District or a viable property owners association. These are issues for Santa Rosa's attorney to resolve.

The District Attorney told the Board that his latest information is that the POA's board formed a committee to work on revitalizing the POA. He explained that under the Marketable Record Title Act their declaration of covenants and restrictions may no longer cover some of the tracts and must go through the revitalization process under Chapter 720, which will take several months. Without going

through this process, the POA will not be a viable entity for the long-term O & M of the permitted facilities.

Bobby Poyner said he was contacted by Mr. Riccobono to ask what is needed to put in the pipes. He said he is willing to pay for it and sign as corporate entity but not sign personally. The District Engineer said we would still need easements or dedications.

The District Attorney explained that the problem with having his company, Santa Rosa Groves, LLC, being responsible for O & M is that once all of its land is sold, the company could be dissolved and there would be no one left to do the O & M or to pay the District to do it. If Santa Rosa Groves, LLC is on the permit, the Santa Rosa HOA would not have any motivation to take it over.

Supervisor Portnoy asked for a quick synopsis. He thought we had written to Santa Rosa property owners that the CDD would not bring their facilities up to standards, that it was their responsibility, but once this happened, the CDD would take over operation and maintenance, provided the property owners entered into an agreement to pay the CDD the proper assessment. Bobby Poyner confirmed that this is how he has discussed it with Riccobono.

Supervisor Elsner said we only talked about drainage, not roads. Bobby Poyner said we would operate the boards on the drainage structures to maintain the drainage. Supervisor Elsner said at one point we talked about maintaining the major road down the center provided they initially fixed it. Supervisor Portnoy said we were discussing a modified assessment because we would not provide all of the services such as irrigation.

The District Attorney said he discussed, on a preliminary basis, with the POA's attorney about operating and maintaining the two drainage outfalls, maintaining the road on the east side of the section, and maintaining the canal banks after they were improved, but nothing on the interior of the section. At the same time, the District Engineer has been talking to them about the permit requirements to put in the drainage pipes.

Supervisors Elsner and Portnoy described the roads near Section 32 that we currently maintain. The east-west road crosses over to the south edge of Section 29, which the CDD does maintain. This road is not in Section 32 and is on the north side of the canal. The City of West Palm Beach maintains 59<sup>th</sup>. Bobby Poyner said we have not yet replaced the pipe at the corner of 32 and 29.

Supervisor Portnoy said he agrees we would not agree to maintain anything on the interior of Section 32 and would only work in the section line easements.

Bobby Poyner said their POA meeting was a disaster. Riccobono just wants to put in the drainage structures.

Supervisor Portnoy asked what percentage of the landowners needs to vote to bind everyone – 50% +1 or 100%, for the CDD to assess? The District Attorney explained that the CDD would not assess. The CDD would enter into an agreement with the POA and the POA has the power to assess its members/landowners. If the POA does not pay, the CDD would sue the POA and force it to assess the landowners and enforce its lien rights.

Supervisor Portnoy asked if the POA board majority can impose the assessments. The District Attorney explained it is the board, not the landowners, who impose the assessments. Supervisor Portnoy asked if there is a POA at this time. The District Attorney said there is an existing POA. It has been kept in existence all along by filing with the Division of Corporations. But due to the fact it is over 30 years old, it is losing the right to assess more and more lots due to the Marketable Record Title Act. So they are in the process of revitalizing the POA.

The District Attorney explained that whether or not the POA has been dormant, MRTA still works to invalidate the Declaration.

Supervisor Walsey pointed out that Riccobono sold many lots through agreements for deed. Supervisor Walsey also said that when the CDD was being created, Riccobono refused to join.

Supervisor Portnoy asked if Section 32 could join the District now. The District attorney said no, because it requires unanimous landowner consent to join.

The District Attorney read an email received from the POA's attorney.

Supervisor Elsner said he sees that there are two choices: one is to work just with Riccobono on his own property or, two, until the POA is revitalized and we have someone who can pay, we can't do anything for you.

Supervisor Walsey asked how this should be conveyed to Riccobono. The consensus was to have Bobby Poyner tell him that he needs to get the POA up and running before the CDD will consider doing anything.

## **5. Operations Manager's Report / L-8 Report and Report on Status of Projects**

The Operations Manager distributed his written report and discussed it with the Board.

### **Operations Manager's Report February 19, 2018**

- On February 19, 2018 the offsite L-8 Canal elevation at the North Pump was 12.6 and the onsite elevation was 18.2 The South Pump offsite elevation was 12.5 and the onsite elevation was 18.3 Lake Okeechobee water level is 15.08 January level was at 15.42
- Canals- Aquatic herbicide application complete. (Spot treat Brazilian pepper trees) Carry over of spray material for next year's application.
- 1<sup>st</sup> quarter pump reports due April 1.
- Possible maintenance required at North pump station riser. (RISER BOARD CHANNELS)
- New pipe project for the intersection of 59<sup>th</sup> and section 32&33. Scheduled for 2<sup>nd</sup> week of September. (DELAYED)
- Fuel tank inspection. There are no leaks and tanks are working properly at this time. We had 6999 gal of fuel delivered on 1/2/18 and have used 2800 gal since delivery. (All compliance for 2017 current and delivered PBC ERM)
- Capital Improvement Projects and estimated cost.
  1. Clear and dredge canal between section 29&30 (June-Aug \$6000.00 estimate)ON HOLD
  2. Clear and Dredge West side of canal on the east side section 31 from south outfall canal to section 30. (June-Aug estimate \$6000.00)ON HOLD
  3. Install 72 inch pipe NW corner section 30. (Pipe From GL Homes)
  4. Install new pipe at 59<sup>th</sup> and section 32&33. (Estimate to replace \$16,000.00 +/- including pipe.
  5. Clean south outfall canal along 59<sup>th</sup> & section 33. ( Estimate \$7500.00) 50% Complete

6. New pipe needed for center road section 20&21. (Pipe received from GL Homes)
  7. Install Rip Rap North Pump canal bank.
  8. Canal bank maintenance. (Started repairing canal banks.)
- New activity at Cioffi site.
  - Corbett canal bank possible maintenance required. (WEST CANAL SECTION 30&31&19) ITID flooding of Moss Property. (Rob Robinson ITID) (Easement tree removal of palms)
  - Farmers planting fall crop. Currently maintaining water system at 16.0 to 18.
  - Stienman hauling horse waste on his property in section 29. Village has been notified. No action taken at this time.
  - The permanent drainage for the park has been installed. The scope of work is complete with the exception of one more pipe to be installed after farm season is over and summer water levels are being maintained.
  - ITID Rob Robinson conversation CDD & GL road upgrades during sugar cane harvest.
  - Santa Rosa Groves discussion. Submitted CDD water permit. (Charge maintenance fee?) Conditions of permit also to include removal of all old structures. Ricobono would like to install pipes once approved.
  - South L-8 pipe erosion. (REPAIRS NEEDED)
  - South pump station replacement discussion. Six Ls discharge pipe located at the SW corner of section 31 west of pump station. Need to modify during install of new pump. Confirm new length is correct.
  - IRMA assessment. After water levels receded there is considerable bank erosion to the canal system and washout repair to be done. Adjuster report states no claims for pump stations deductible not met. Canal banks under review.
  - Canal bank brush removal south pump station under powerlines.
  - Ken Todd & DEP call regarding L-8 water levels. (UPDATE) Rebecca Elliot possible DAX grants to upgrade pump station.

The Board discussed the problem of water flowing into the Corbett area through low spots along the canal on the west side of the District. There is a 100 foot section line easement, but it is not known if the canal bank is within the easement area.

Bobby Poyner pointed out that there is no longer any farm lease on the FPL property near the south pump station. There is an existing drain pipe that is causing a problem and needs to be removed. Bobby Poyner will get FPL to take a look at it with him.

The Board authorized Bobby Poyner to repair two spots on the canal bank in Section 32 where there are impending blowouts by installing small pipes and fill.

The District Engineer discussed the impact of the gas main on the reconstruction of the south pump station. It requires a minimum of four feet of cover over the gas main.

**6. Treasurer's Report**

The Treasurer reported that as of the end of January the bank balance was \$378,000. He is projecting average normal expenditures of \$20,000 per month for the next ten months.

**7. Attorney's Report**

The District Attorney said it is a quiet time of year and he did not have anything more to report.

**8. Comments by Supervisors**

There were no additional comments by Supervisors.

**9. Comments by Public**

There were no members of the public present.

**10. Announcement of Next Meeting Date**

There being no further comments from Supervisors and no comments by the public, the Chair announced that the next meeting would occur on March 19, 2018, at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

**11. Adjournment**

Upon motion by Supervisor Elsner and second by Supervisor Johnson, the Board unanimously voted to adjourn at 9:07 A.M.

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Charles C. Walsey, Chair

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Peter L. Breton, Secretary

ATTACHMENT: District Engineer's Report, February 19, 2018