

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS  
MINUTES

Date: November 18, 2019  
8:00 A.M.

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

**1. Roll Call**

The meeting was called to order by the Chair, Charles Walsey, at 8:00 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. Recess for Landowners Meeting**

Supervisor Walsey then recessed the Board meeting and called the Annual Landowners meeting to order.

**4. Proof of Publication**

The District Attorney presented the proof of publication of the meeting. Notice of the meeting was published in the *Palm Beach Post* and a letter was mailed to each landowner at the address on the latest tax roll.

**5. Election of Supervisors**

Attorney Breton informed the Board that two proxies have been received, one is from Assuit Properties appointing Supervisor Elsner as proxy with 11 votes and Palm Beach West, LLLP submitted its proxy appointing Supervisor Elsner as proxy with 4,922 votes. So there were a total of 4933 votes present.

Attorney Breton stated that the three expiring seats on the Board are Charles Walsey, Larry Portnoy and Don Johnson. He said that since Supervisor Elsner is the only proxy holder present, he gets to nominate the candidates. He nominated three incumbents. Supervisor Duhaney seconded. There being no other nominations, the Chair declared that nominations were closed.

The Chair then opened voting. Supervisor Elsner voted 4,933 votes for Larry Portnoy and Don Johnson, for 4-year terms. He voted 4,932 votes for Charles Walsey for a 2-year term.

**6. Administration of Oath of Office**

Attorney Breton stated that the re-elected Supervisors did not need to have the oath of office administered since they had previously taken it.

**7. Adjournment of Landowners Meeting/Reconvene Board of Supervisors Meeting**

Supervisor Elsner moved to close the landowners meeting and reconvene the Board of Supervisors meeting and Supervisor Johnson seconded. The motion passed unanimously.

**8. Election of Officers**

Supervisor Walsey said that the next order of business is to elect officers for the next two years. Supervisor Elsner nominated Supervisor Walsey as Chair, Supervisor Elsner as Vice Chair, Supervisor Portnoy as Treasurer and Peter Breton as Secretary. Supervisor Johnson seconded and the motion was approved.

**9. Approval of Minutes**

By motion by Supervisor Elsner and second by Supervisor Portnoy, the Board unanimously approved the minutes of the Board of Supervisors' Meeting of October 21, 2019.

**10. Engineer's Report**

The District Engineer presented his written report, a copy of which is attached. He handed out a package of documents on the Lake Okeechobee Regulating Schedule (LORS) deviation. He discussed the public meetings on the LORS deviation. He described the proposed deviation and its potential impact on the District. He said that there are no changes to the State Road 7 extension and the County Five Year Road Plan. He said that the 3<sup>rd</sup> Quarter water usage report has been submitted to SFWMD. He reported on the status of the Loxahatchee River Restoration Local Initiative and the potential impacts to the GL Homes parcels in the District. Supervisor Portnoy reported on his meeting on the issue. Blanca Gardiner, a property owner in Section 29, asked questions about the plans for development of the GL Homes property. Supervisor Portnoy responded that there are no immediate plans for development.

**11. Operations Manager's Report**

The Operations Manager distributed his written report (copy attached) and discussed it with the Board

Mr. Poyner showed the Board pictures of a canal that Yee Investments has dug on its property and pointed out the location of the District's maintenance easement along the north main canal. Ms. Gardiner and the Board discussed her access and irrigation issues since her property is in the center of Section 29 and does not have frontage on any District canals. Mr. Poyner reported on his contacts with Costa Farms and its irrigation easement issues. Attorney Breton explained that having historical drainage rights across an adjacent property does not give the owner any irrigation rights. Florida law does not recognize historical irrigation rights or easements. The property owners need to resolve the irrigation rights between themselves. Mr. Poyner pointed out that Costa Farms could dig an

irrigation canal within the easement on the east side of Section 29 to connect with the main canal to the north. Mr. Poyner reported on a jeep that crashed into a canal. The jeep was trespassing and there were no injuries. The Board discussed security measures to prevent access from the Corbett property.

**12. Treasurer's Report**

The Treasurer reported that the account balance at the end of October was approximately \$99,000 and checks outstanding are approximately \$38,000. There is currently approximately \$68,000 available and the first payment of the 2020 assessments has been received.

**13. Attorney's Report**

The District Attorney stated that the District needs to file its annual Qualified Public Depositor report with the Florida Chief Financial Officer by November 30. Florida Community Bank has been acquired by Synovus Bank. Synovus is a Qualified Public Depository. A confirmation form needs to be obtained from Synovus before we file our annual report. Attorney Breton also stated that he is sending an invoice to Palm Beach County this week for the drainage services for the community park.

**14. Comments by Supervisors**

There were no additional comments by Supervisors.

**15. Comments by Public**

Blanca Gardiner discussed her plans for her property with the Board, who directed her to meet with Mr. Poyner after the meeting.

**16. Announcement of Next Meeting Date**

The Chair announced that the next meeting would occur on December 16, 2019, at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, FL 33472.

**17. Adjournment**

Upon motion by Supervisor Elsner and second by Supervisor Johnson, the Board unanimously voted to adjourn at 8:52 A.M.

---

Charles C. Walsey, Chair

---

Peter L. Breton, Secretary