

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS  
MINUTES

Date: September 19, 2022  
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 Chair Walsey at 8:09 A.M.

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

In Attendance:

*Board Members:* Charles Walsey (by speakerphone), Rick Elsner, Larry Portnoy, Patrick Fogarty and Pam Duhaney.  
*District Engineer:* Alan Wertepny  
*District Attorney:* Peter Breton (by speakerphone)  
*Operations Manager:* Robert Poyner, RLP Property Services, Inc.

**2. Approval of Agenda**

After a motion by Supervisor Elsner and second by Supervisor Portnoy, the Board unanimously approved the agenda,

**3. Approval of Minutes**

By motion by Supervisor Portnoy and second by Supervisor Elsner, the Board unanimously approved the minutes of the Board of Supervisors' Meeting of August 15, 2022.

**4. Engineer's Report**

The District Engineer distributed his written report (copy attached) and provided details to the Board. He noted that the Lake Okeechobee water level dipped below the water shortage level.

**5. Operations Manager's Report**

The Operations Manager distributed his written report (copy attached) and provided details to the Board. He expressed concern over the water level in the L-8 canal if it remains low in the winter months. He discussed Louise Street, where he had to put in several drains into our canal to drain the road. The road needs to be reshaped. He said that 95% of the traffic is from Santa Rosa Groves and others outside the District. The Treasurer asked if this is one of the roads that ITID wanted? Mr. Poyner said yes. He feels that ITID should maintain the road and drain the road away from the canal, to the west. The District Attorney said that next year, we will tell the Property Appraiser to include the 10 acres that FPL deeded to ITID and assess it to ITID, based on the recent court decisions. The Board authorized Mr. Poyner to start discussions with ITID on assuming maintenance responsibility for the road. He then asked about the corner clip easement that FPL wants to give the District. Supervisor Poyner said that now that it is an easement, he is ok with it. Mr. Poyner was told to request a new easement over our existing outfall through FPL's 500 KV right of way. The old section line easement will remain in place. The new easement would be to the CDD, not to everyone under the Mutual Easement Agreement. The District Attorney explained that the District would be accepting an easement for the safe sight corner from FPL. It is like a negative easement, since FPL is agreeing not to place anything in the triangle that would block the sight line. The supervisors said that the District should not have any liability to enforce the easement. Bobby Poyner said that since we maintain the roads in this area, he will be able to

monitor the triangle to make sure it remains clear. The attorney will review and revise the proposed easement as needed.

**6. Treasurer's Report**

The Treasurer reported that the District had \$203,000 at the end of August. He is budgeting \$50,000 for fuel. After setting aside operation funds through the end of the calendar year, he estimated that there will be \$28,000 for projects.

**7. Attorney's Report**

The attorney said that the Board needed to adopt a meeting schedule for the next fiscal year. He had distributed a proposed schedule based on meetings on the third Monday of each month, except November, which was the second Monday in order to avoid Thanksgiving Week. Supervisor Portnoy moved approval, Supervisor Duhaney seconded and the motion was unanimously adopted. The attorney said he will publish the schedule in the newspaper.

The attorney expressed his intention to resign at the end of the year. He said he will assist in finding his replacement. The Board expressed its desire for him to remain. He said he would consider it.

**8. Comments by Supervisors**

Supervisor Portnoy wanted to discuss the District's insurance coverage. He asked if the property coverage was sufficient to cover our pump stations. The Board and Mr. Poyner discussed the replacement costs and the amount of the policy coverage.

The District Engineer asked the attorney to review what rights the County would have to use the easements in the Mutual Easement Agreement. The attorney pointed out that the CDD does not have any rights under the Mutual Easement Agreement since it does not own any property of its own. He said one issue is that transporting or flowing water may not fit under the scope of the easement which is for stormwater drainage and irrigation. He said it would be necessary to look at who owns the properties with the easements that the water would flow through, since they could potentially object to the flowage of additional water.

**9. Comments by Public**

There were no members of the public present.

**10. Announcement of Next Meeting Date**

The Chair announced that the next meeting would occur on October 17, 2022 at 8:00 A.M. at 8756 Boynton Beach Boulevard, Suite 2100, Boynton Beach, Florida 33472.

**11. Adjournment**

Upon motion by Supervisor Portnoy, seconded by Supervisor Elsner the meeting was adjourned at 9:05 A.M.

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Charles C. Walsey, Chair

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Peter L. Breton, Secretary

**Cypress Grove Community Development District  
District Engineer's Report  
September 19, 2022**

**Lake Okeechobee System Operating Manual (LOSOM)-No revisions since August 2022**

Lake Okeechobee System Operating Manual.

The U.S. Army Corps of Engineers (USACE) is in the process of completing its re-evaluation of Lake Okeechobee operating schedule.

Activities to finalize LOSOM include:

- Release of LOSOM Draft Environmental Impact Statement (EIS)... July 27, 2022
- Public Comment on EIS due..... September 12,2022
- New LOSOM Schedule adopted .....in 2023**

**Loxahatchee River Restoration**

**On August 18, 2022 South Florida Water Management District (Jennifer Leeds) provided and update to the Palm Beach County Water Resources Task Force The Projects Status Included:**

**Tasks Completed:**

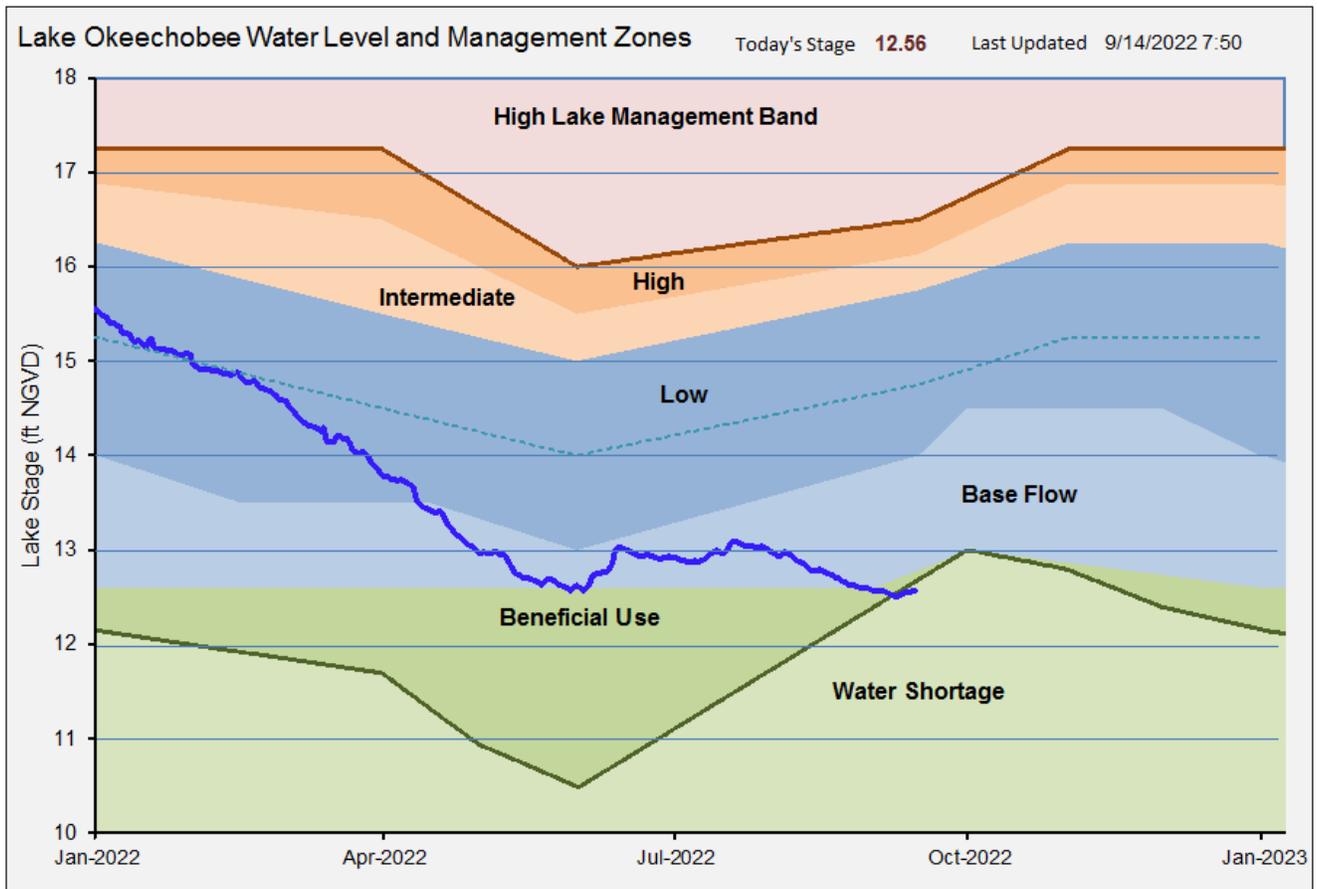
- **Project authorized by Congress – Water Resources Development Act 2020**
- **Restricted Allocation Area (RAA) rulemaking – June 2022**
- **Pre-partnership Credit Agreement (PPCA) – July 2022**

**Tasks Underway:**

- **Update Integrated Delivery Schedule (IDS) – October 2022**
- **Execute Project Partnership Agreement (PPA) – June 2023Flow-way 2**
- **Agreements and stakeholder engagement – Ongoing**
- **Execute design contract for C-18W Impoundment – December 2022**

## Current Lake Okeechobee Water Levels

On September 14, 2022, the Lake level was at 12.56 Feet NGVD. The one-year graph of the Lake Okeechobee water level is entering the Water Shortage Zone. If it continues expect water use restrictions by SFWMD Board. Reported release from the Lake are south into the L-8. The L-8 stage at West Palm Beach M Canal was at 11.9 feet NGVD.



## SR 7 Extension from Okeechobee BLVD to Northlake Blvd (No revisions since April 2022)

Palm Beach County and Florida Department of Transportation has submitted a new ERP permit application to South Florida Water Management District (Appl. No. 200930-4370). SFWMD has responded with its first request for additional information. SFWMD issued the permit on April 16, 2021. Between May and July, the City of West Palm made two petitions to SFWMD for an administrative hearing. SFWMD has dismissed both petitions on the grounds it contained only speculative and conclusory allegations. On July 2, the City responded to SFWMD second dismissal order, questioning SFWMD legal authority to deny an administrative hearing. SFWMD has not provided a response. An administrative hearing is currently scheduled on this issue to begin in February 2022. It may take several months after that for the ruling by the administrative law judge to be issued. If the Department prevails at the hearing, permit issuance would follow thereafter, and the Department will reschedule a letting date. **According to Palm Beach County Roadway Production the SWMD Administrative Hearing has been rescheduled for October 2022.**

## **County Five Year Road Program Fiscal Year 2021 – FY 2026 (No revisions since August 2022)**

On July 12, 2022, the Palm Beach County Commissioners adopted an ordinance to amend the 5-year roadway plan. The first four items below are the status of local roadway project on the County's December 9, 2022, critical 5-year road program projects. The remaining three items below are on the County's adopted 5-year roadway plan.

Seminole Pratt Whitney Rd. widening from 2 to 4 lanes from Orange to south of Northlake Blvd (1.8 miles) at an estimated construction cost of \$10.7 million with an estimated beginning date of construction is February 2022. Right-of-way staking and clearing of vegetation completed.

Seminole Pratt Whitney & Northlake Blvd. intersection improvements at an estimated construction cost of \$5.41 million with an estimated beginning date of February 2022.

Northlake Blvd East of Seminole Pratt Whitney Road east to Hall Blvd widening from 2 to 4 lanes (1 mile) at an estimated construction cost of \$7.5 million with an estimated beginning construction date of August 2022.

Northlake Blvd east of Hall Blvd. to Coconut widening from 2 to 4 lanes (2.4 miles) at an estimated right-of-way acquisition and construction cost of \$7.0 million. Construction beginning in August 2022.

60<sup>th</sup> Street North from west of 140<sup>th</sup> Avenue to Avocado Blvd. An estimated cost of \$ 0.5 million for design, right-of-way acquisition and mitigation for 0.8 miles of a 3-lane road in FY 2022.

60<sup>th</sup> Street North from Avocado Blvd. to East of 120<sup>th</sup> Avenue North. An estimated cost of \$50,000 for design in FY2022 for 1.6 miles of three land road. The construction cost is estimated to be \$6 million in FY 2024.

60<sup>th</sup> Street North from Seminole Pratt Whitney Road to 140<sup>th</sup> Street Avenue North. An estimated cost of \$ 0.25 million for design of 2.7 miles of a 4-lane road in FY 2026.

## **SFWMD Water Use Permit (No revisions since August 2022)**

### **FPL Silver Palm Solar( No revisions since June 2022)**

On May 6, 2002, Mock Roos had a TEAMS pre-application meeting with FPL and their consultant on their proposed solar and agricultural farm in Section 28 (Silver Palm Solar). Potential permit application fees include Underground Utility Crossing (\$300), Culvert Connections (\$350), Irrigation Connections (\$300) and a Deposit of \$1,500 for engineering and legal. Mock Roos and Bobby both will be coordinating their utility crossing, drainage and water use applications. A Special Condition will be added to the Permit that the Permittee will be responsible for removal and disposal of all vegetation within the non-exclusive easements along the north, east and south perimeter of Section 28, Township 42 South, and Range 40 East.

### **Section 29 Pontano (No update since June 2021)**

Bobby is coordinating the Water Use Agreement for the 22 acres and water use allocation (3.06MG/M and 15.37 MG/Y. Per 6/15/21 telephone call with Bobby Pontano is considering expanding facilities and may need an Irrigation connection permit.

### **Indian Trail Improvement District Moss Property Pilot Pumping Project**

A 25 cubic feet per second pump station discharging from ITID M-1 Impoundment into the Moss/Corbett property has been installed. ITID has installed the monitoring equipment. The system is fully operational. **Between July 19 and August 15, 2022 (21 days), pumped water from ITID M-1 Impoundment into the Moss property at a rate of 15 cfs. A total of 22.6 million gallons of water was pumped and if distributed evenly over the area north of Cypress Grove CDD main outfall canal could have resulted in about 0.67-inch increase in stage. Moss stage reading closer to the inflow pump were higher than those further away. .**

### **Website Update**

**The cgcdd.org website has been updated with the minutes for the August 15, 2022, board meeting and agenda for the September 19, 2022, meeting.**

# Cypress Grove Community Development District

## Operations Report

9/17/22

- On September 17, 2022 the offsite L-8 Canal elevation at the North Pump was 14.4 and the onsite elevation was 17.2 The South Pump offsite elevation was 14.4 and the onsite elevation was 17.2 Lake Okeechobee water level is 12.70 July level was at 12.99
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- 2nd quarter pump reports turned in.
- Side Mowing ongoing.
- Pontano Farms water use.
- Fuel tank inspection. There are no leaks and tanks are working properly at this time. We had 6500 gal of fuel delivered on 3/3/22 and have used 6300 gal since delivery.
- Capital Improvement Projects and estimated cost.
  1. Replace 60 Ft of 72" pipe at 59<sup>th</sup> & Carol St. (Estimate \$14,000.00 wet install one pipe.)
  2. Marie Ct & Dennis St. Clear & reshape canal banks. (Approx 1.25 miles.)
  3. Rip Rap reshape canal banks N/S pump stations.
  4. Remove brush west canal bank section 29. (Estimate \$15,000.00)
  5. Long reach summer maintenance \$12,000.00
  - 6.
  - 7.
  8. Clean canal bottom east side section 30&31. Estimate \$12000.00
  9. Close canal SE corner section 34. Estimate \$3500.00
  - 10.
  11. Pump replacement original north pump. Option 1. 37,644.00 Option 2. \$45,233.00
  12. Replace 40 feet of 72 inch pipe center road section 20&21. 20ft of pipe needed. Estimate \$7000.00

Future projects clean both sides of district canal banks.

- Item 10 Carol Street pipe replacement & canal bank cleaning Marie Ct & Louise Street prior to ITID road repairs. Discussion on adding two new 72" pipes Carol St & 59<sup>th</sup>. Additional pipe \$16,540.00. Two to three weeks for pipe new pipe delivery.
- ITID officially starting improvements at SRG. Review CDD & SRG projects. (Repair Louise Street) CDD regular maintenance. (Flooding Louise St)
- FPL using temp pump in section 28. Starting permitting for second solar field. Request to modify section 33 discharge permit.
- FPL easement Legum & Carol St.
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