

MINUTES

PINE TREE WATER CONTROL DISTRICT BOARD OF SUPERVISOR'S MEETING

Loxahatchee Town Hall
155 F Road
Loxahatchee Groves, Florida 33470

Wednesday, September 11, 2019
6:15 P.M.

Pursuant to the foregoing notice, a meeting was held for the Pine Tree Water Control District Board of Supervisors on Wednesday, September 11, 2019 at the Loxahatchee Town Hall, 155 F Road, Loxahatchee Groves, Florida 33470.

Board of Supervisors Present: Kerry Hitt, Board Supervisor and Henry DeGouw, Board Supervisor.

I. Call to Order: Mr. Hitt called the meeting to order at 6:00 p.m.

Mr. Hitt asked that we have a moment of silence to think about the people, military and first responders that lost their lives on 9-11.

Mr. Hitt called the meeting to order and led everyone in Pledge of Allegiance.

II. Consent Agenda:

a. Board of Supervisors Meeting – April 29, 2019

Motion was made by Henry DeGouw and second by Kerry Hitt unanimously passed (2-0) approving the Landowners Meeting Minutes for June 17, 2019.

Motion was made by Henry DeGouw and second by Kerry Hitt unanimously passed (2-0) approving the Minutes for June 17, 2019 Board of Supervisors meeting.

b. Financial Report

Betty Camplin presented a recap of the Financial Report for period June 17 thru September 7, 2019. Checks written were for normal expenses plus payment to engineering firm for preparation of 5-year plan.

III. Management Report

a. Update easement clearing and canal maintenance

Mr. Hitt: I have been in contact Palm Beach Aquatics and they are working on vegetation that is some kind of invasive species called "Crested Floating Heart". They are sending in 2 people this month and hope to have under control by end of month. When I spoke to Jason Levitz he had said the hurricane held them up.

b. Engineer's Amended Water Control Plan July 2019

Kerry Hitt: Dana Gillette has completed the 5-Year Water Control Plan but she was not able to be at meeting tonight. Ms. Gillette is flying and said we could call her on telephone she will go over report. The report is some 150 pages.

Dana Gillette: I started with the annual report which is required. The key points that are required was because some land was added to the district. There is a permit requirement to do some water quality monitoring, testing and recording that is not being done. That needs to be amended. The "Amended Water Control Plan" basic change from previous water control plans is this additional land that was added to your district. This additional 52 acres that was added at the very south end of district which is Flying Cow Ranch, part of it was in your district and part of it was not. In 2018 State Legislature made amendment to put all of it in your district. PTWCD's operation facilities don't reach that far south and doesn't have any impact your operations at this point. If they develop that land we would need talk with them about improvements that they would need to make to connect to PTWCD's network. That's the basics of it, do you have any questions or have you had a chance to look at it?

Kerry Hitt: I have looked at it briefly. One of the things that had been taken out was pumping station.

Dana Gillette: It wasn't really in the plan. It was referenced that you guys had been talking about it and that would be in Exhibit A 2014. I recall that when I read it was some discussions that you guys had been talking about it and it wasn't part of a plan.

Kerry Hitt: Asked Chris Wallace if the pumping station was considered a dead plan.

Chris Wallace: Said "yes".

Dana Gillette: The latest Water Control Plan which is very short, is 2 pages plus some exhibits in Section 2A that the pumping station had been estimated at \$684,000, of course that pretty old dollars. The Board decided that the cost vs. benefits didn't justify the Board considering it.

Chris Wallace: It was decided at PTWCD's supervisors meeting was not going to consider any further talks on the projected pump station and was considered a dead issue. Anyone can talk about it but they would just be talking because it is a dead issue. If the present board decided the district needs it, then the present board would have bring back up to have a discussion and the public would be invited to talk about it, but it is considered dead.

Kerry Hitt: Repeated what Chris Wallace had said to Dana Gillette because she could not hear what was said.

Dana Gillette: Further issues would be gravity control structure. As I mentioned in the annual report the permit for gravity control structure has flash board risers which are wooden boards that are not there. I mentioned that in item #4 in the annual report that maintenance to that existing structure be performed. Put that back in the condition that needs to be.

Kerry Hitt: Ruben (Ferrazzano) Are you familiar with the boards.

Ruben Ferrazzano: Said "no, not really. We used to just pull a board and add a board."

Henry DeGouw: The boards are used to control our water. But it doesn't affect us anymore.

Ruben Ferrazzano: Our water is controlled by SFWMD.

Henry DeGouw: So, we don't manage that anymore? R

Ruben Ferrazzano: No

Chris Wallace: We gave SFWMD the height that we needed for winter and for summer. I think it was 13' and 11'. When we have rains in the summertime they would lower and in the winter it would be a little bit higher.

Dana Gillette: My comment isn't that it's not working well that I thinks it's working fine; my comment is that we are not in compliance with the permit. If you don't want the boards to be there then we could attempt to modify the permit to remove the boards but at this point you are not in compliance and she has an obligation to point that out to the district.

Kerry Hitt: Dana is that something we need to look into doing the amendment.

Henry DeGouw: I talked with Lee about this and He said it doesn't control the district at all.

Kerry Hitt: Dana, could we look at a modification to remove the boards.

Dana Gillette: Yes, you could do that she and Kerry Hitt could do a pre-application meeting with them and have them remove the boards. She doesn't know if it needs to go in the amended plan and if we get a revised permit then it would go in next 5-Year plan update.

Michael Compagno: Said we need a resolution to have law firm look into eliminating the boards in the permit.

Motion made by Henry DeGouw and second by Kerry Hitt to make resolution to have Michael Compagno look into eliminating the boards from current permit. Unanimous (2-0)

Dana Gillette: Said item #5 was the water quality that I was talking about. There is a permit condition that some water samples be grabbed, tested and reported to SFWMD. They're looking for a test once per month in the wet season and once during the dry season. I have reached out to a couple companies that do the water testing and they will send proposals to Mr. Hitt.

The amended plan and her reading of the law that it should be presented to the SFWMD for their review and comment and then adopted by PTWCD and there is some public notice requirement for you to advertise in local paper but she will leave all that to PTWCD's lawyer. Mr. Hitt said "OK, we can address that".

Dana Gillette: Wanted to know if the board wanted to talk about reviewing permit applications; People doing any building etc.

Kerry Hitt: Yes, that was next on agenda.

c. Standardization of Culverts in Canals

Kerry Hitt: There are canals going through properties and land on the other side that people want to be able to access. As I understand it there is already one culvert that has been in place. Wellington issued permits for that and what we would like to do is to have it uniform. Is it possible to look at the one done that is in place and just follow that as an example.

Dana Gillette: Asked if we have the plans of the one that has been done.

Kerry Hitt: They were submitted to Wellington and could we get those from them?

Dana Gillette: Said she thinks we could. Even though PTWCD is having some legal issues with Wellington maybe we could file a freedom of act and get the information. I wouldn't really be doing anything from scratch because we have done some canal crossings for other water control districts. She had sent some examples to Lee when first started talking about that.

Kerry Hitt: Stated he just wants to make sure there are no obstacles and we can just move ahead with the proper engineering and have that as a template to follow.

Chris Wallace: The person who wants to do this would have to get permission from the Board. Then he/she would have to submit to Code Enforcement and they may tell them they will need certain type of engineering report. Then you'll be given something specific. The finished work will look the same but sometimes something different may have to be put down as far a foundation may change. Our attorney may have to get involved with that. But before they do anything else they will need to get permission from the Board to do it because they are crossing PTWCD's water easements.

Ted Brinkman: I'm the one this discussion is about. I'm looking at buying a lot at 16300 Norris Road. It has the big canal behind it going over to the park. I want to build a barn there, I play polo and need to be able to ride in the park. So my purchase is contingent to being able to put the culvert in the crossing. So several months ago I started and went to the town of Wellington and they said after talking to about 6 different people they didn't even know that one culvert was there. They said oh that's not up to them, it's up to PTWCD. So if I get the approval from the Pine Tree Board, obviously has to meet certain specifications. So my request is I just wanted a motion and vote of acceptance from PTWCD that I can do that and move forward. I just need a yea or nay from the Board that I can do this and obviously I have to do with an engineer and it has to be approved.

Dana Gillette: I think what Wellington is looking for and what I have been talking to Lee about is have engineer take a look at what size culverts would be appropriate and there is some criteria. The proposal I had given Lee was not designed as a culvert. It was to form some standards and have some general criteria. So before you approve Mr. Brinkman's plans, it might be wise for me to take a look at it which I could do quickly. I know right now Mr Brinkman probably doesn't want to wait another month or until you have another Board meeting. Maybe there is a conditional approval you could do.

Mr. Hitt: I think the procedure would be to make a motion that we are going to allow culverts based on engineering findings and the engineering findings, which could be different for different canals, that they be overall uniform. I think that's all we're looking for. So at this point and time to help him move ahead with his purchase if we make a motion allow culverts to be put in the canals based on proper engineering perimeters. And making Condition on having Dana Gillette look at it.

Chris Wallace: When I did this Wellington was our management company so it was done differently too.

Kerry Hitt: Right. I think at this point we have the capability to say that.

Henry DeGouw: I think that's fair enough and I agree with that.

Ted Brinkman: Thank you

Kerry Hitt: So what you'll need on the culverts, we'll get that information to you when you're back in the area.

Dana Gillette: You've been focused on the culverts and I have the impression that Wellington is looking for PTWCD to review and approve any development plans for compliance under the SFWMD permit, which I didn't put in the plan. In Exhibit H it's got some land use grading criteria so the SFWMD should be checking and that Wellington doesn't want to the checking on this anymore since they aren't operating and maintaining the district. It would be nice if we could have a sit down with Wellington and go over these things. I don't know if that's possible or not.

Kerry Hitt: It should be possible.

Michael Compagno: Yeah it should be. This plan has not been finalized and should be presented for approval.

Kerry Hitt: On the water control plan, is it basically finalized?

Dana Gillette: I thought so, unless you guys have comments, I am ready to turn into the SFWMD for their review.

Michael Compagno: Do you want to approve the plan?

Kerry Hitt: Yes, Based on the summary.

Henry DeGouw: Of course, I just saw it and you did too.

Chris Wallace: Why don't you give it a couple of days.

Kerry Hitt: Can you give us a couple of days to look over it and get back to you? Will that work?

Dana Gillette: Oh yes that's fine with me.

Kerry Hitt: So you'll be back tomorrow, right?

Dana Gillette: Yes, that's right.

Kerry Hitt: So I can get back to you say beginning of the week, Monday?

Dana Gillette: Oh yeah, whatever your schedule.

Kerry Hitt: You had addressed the question for the permit. So this question is for Michael. Does PTWCD have a tentative obligation for construction projects? Are we obligated to do that?

Michael Compagno: Honestly I can't answer that. I wish I could.

Kerry Hitt: Dana, Is that one of the questions you were referring to?

Dana Gillette: Yes. If we don't meet with Wellington, we can go over that. So I have on my notes, we will move toward:

1. Amending the permit to remove the boards
2. Kerry and I will set up a pre-application meeting with the District to find out the steps for that.
3. Next week after review I will submit to SFWMD for their review and comments.
4. Kerry and I will meet with the Village of Wellington for permit reviews with respect for canal crossings and developments.
5. Will ask Wellington to give us a copy of crossing they have approved.
6. Move forward for standards in crossings in general
7. Review Mr. Brinkman's plan

Did Mr. Brinkman give you any documents you can send to me?

Kerry Hitt: No, not yet

Ted Brinkman: No, not yet. Alan Gerwig is going to be the land planner and we close Monday and he and I are going to meet next week.

Kerry Hitt: What he is looking at is to make sure we pass a resolution to allow him to do that based on engineering.

Michael Compagno: So you need to make a motion on the resolution

Motion by Kerry Hitt and second by Henry DeGouw that Pine Tree Water Control District adopt a resolution to have Dana Gillette develop a procedure for permitting the construction projects in Pine

Tree Water Control Districts. Unanimous (2-0). This is a resolution of condition approving culverts in general so there is standardization and PTWCD can provide future permitting.

d. Update on Roads

Everyone knows the update of the roads.

e. Review of Budget for Year Ending 09-30-2019

The Board reviewed the Budget 2019. Betty Camplin explained the two budget sheets. One is the budget that was turned in June 2019. The second page is the comparison of 2018 to 2019 budget. Discussion of legal fees are going to more this year than what is on the budget. Some of the income will not be collected. Ruben Ferrazzano stated there's income listed that we aren't going to collect and that money won't be there. Is there a way say to get money from reserve if we don't have enough money say to pay legal fees. Property owner said swale mowing is high and she is cutting her own swale. The landowner doesn't believe it is being done.

Kerry Hitt: Michael Compagno what is the amount we can spend without approval in a meeting? The amount you can spend without approval is \$20,000.

f. Set Final 2019 Trim

Motion by Kerry Hitt and second by Henry DeGouw to adopt budget based on \$157 per acres for Rustic Ranch Assessment. Unanimous (2-0)

g. Banking

It has taken us 6 or 7 weeks to get our current bank account straight where we could pay current bills, therefore we didn't work on getting a new bank account.

IV. Attorney's Report

Michael Compagno: The latest lawsuit is the Village has filed petition for writ mandamus and has gone to the court, there was a hearing in which Pine Tree sought to dismiss saying that it was legally insufficient. The judge denied that ordering Pine Tree to respond to this petition that has been filed by Wellington and that is to be filed next week by Pine Tree attorneys. Then the court will have to have a hearing to determine whether Wellington is appropriate or not. In a related matter a group of individuals, I will call interveners, they have filed their own separate lawsuit. They wanted to intervene into the Wellington petition matter. They had a hearing on that and the court said no I'm not going to allow you to enter into the petition matter which is involving Pine Tree and Village of Wellington. And now what they have done is filed their own separate lawsuit against Wellington and Pine Tree; which they are asking the court to direct primarily that Wellington be responsible for the roads. Having talked

to the attorney it is believed that Pine Tree has been named an interested party just in case the court was to rule that Wellington does not have to do the roads. That was filed a week ago.

V. Other Business

Rubin Ferrazzano: Are we going to do anything about the squigley that the pipe needs to be replaced?

Kerry Hitt: I have someone to put it in for a price of \$1,400 and will have it done by end of next week.

Motion

Rubin Ferrazzano: Are we going to do any clean out where the road crossings are? I other words where I swales are to each property? I drove by today and there's a lot of dirt buildup. It's built like a dam. Could the man who is doing the pipe work give us an estimate on cleaning those out?

Kerry Hitt: I have mentioned that to him and he does have the extended backhoe.

Rubin Ferrazzano: We have a pipe on Norris that's pretty clogged up across the street from the Chinese lady that is no longer there.

Kerry Hitt: Is this something the Pine Tree is responsible for or is it the landowner's responsibility?

Henry DeGouw: This is something Lee covered. That's a really good question.

Kerry Hitt: We will have to find out and establish a procedure and what authority we have to enforce it.

VI. Board Comments:

Kerry Hitt: Are there were any more questions. There was no reply.

Landowner: The trails are in bad shape. Do we need to ask the Equestrian Committee? The lady at the Equestrian Committee to contact is Jane Cleveland.

VII. Next Meeting:

Next Supervisor's Board meeting is set for January 27, 2020 at Loxahatchee Town Hall at 6:00 pm.

VIII. There being no further business to come before the Board, the meeting was adjourned at 7:30 p.m.

Approved:

**BOARD OF SUPERVISOR'S MEETING
PINE TREE WATER CONTROL DISTRICT**

Loxahatchee Town Hall
155 F Road
Loxahatchee Groves, Florida 33470

Monday, September 11, 2019
6:00 P.M.

AGENDA

- I. Call to Order**
- II. Consent Agenda**
 - a. Approval of Minutes
 - i. Annual Landowners Meeting-June 17, 2019
 - ii. Board of Supervisors Meeting-June 17, 2019
 - b. Financial Report
- III. Management Report**
 - a. Update easement clearing and canal maintenance
 - b. Engineer's Amended Water Control Plan July 2019
 - c. Standardization of Culverts in Canals
 - d. Update on Roads
 - e. Review of Budget for Year Ending 09-30-2019
 - f. Set Final 2019 TRIM
 - g. Banking Review
- IV. Attorney's Report**

Phil Harris-Update on lawsuit
- V. Other Business**

Long and Short Term Plan for Pine Tree
- VI. Board Comments**
- VII. Next Meeting:**
 - a. November 4, 2019
- VIII. Adjourn**

PINE TREE WATER CONTROL DISTRICT
FINANCIAL STATEMENT
06/17/2019 THRU 09/07/2019

CASH:

Starting Cash 6/16/2019	292,666.53	
Interest (PBC & BOA)	1,563.19	
PBC Investment Earnings	8.55	
PBC Tax Collector	9,982.16	
Total Cash on Hand		304,220.43

Expenses:

Amy Swindle, CPA		
Bank of America-Bank Service Charges	202.68	
Betty Camplin-Fees (June, July, Aug & Sept)	2,300.00	
Betty Camplin-(Tele, Supplies & Mailing)	289.99	
Boost (Telephone for September	50.00	
Erdman Anthony (Engineers)	3,695.00	
Hal Fickett & Company	500.00	
Henry DeGouw (Sune & September Meeting)	100.00	
Palm Beach Aquatics	2,400.00	
Phillip B Harris, PA	9,052.50	
Town of Loxahatchee	150.00	
Wellington Pro Lawn	14,900.00	
Less Expenses		33,640.17

Account Balance 04/29/2019

270,580.26