

AGENDA

ANNUAL LANDOWNER'S MEETING OF PINE TREE WATER CONTROL DISTRICT

DATE: JUNE 8, 2020 TIME: 6:00 PM DAY OF WEEK: Monday

1. Call Meeting to Order
2. Pledge of Allegiance
3. Notice of Meeting Read
4. Selection of Chairman of Meeting _____
5. Establishment of Quorum
6. Motion from the floor that nominations be closed.
 - a. If only one candidate, motion that said candidate be elected by acclamation
 - b. If more than one candidate, ballots distributed and tabulated.
7. Announcement of name of Supervisor whose term expires at this meeting.
Kerry Hitt

Phil McLellan	1 year
Henry DeGouw	2 years

 - a. Request for nominations for office of Supervisor.
 - b. Motion from the floor that nominations be closed.
 - a. If only one candidate, motion that said candidate be elected by acclamation
 - b. If more than one candidate, ballots distributed and tabulated.
13. Swearing in of Supervisors
14. Comments from the Board of Supervisors
15. Adjourn Meeting.

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

Zoom Meeting

Monday, June 8, 2020
6:00 P.M.

AGENDA

- I. Call to Order**

- II. Consent Agenda**
 - a. Approval of Minutes
 - i. Board of Supervisors Meeting April 27, 2020
 - b. Election of Officers (Chairman, Treasurer, Secretary)
 - c. Financial Report

- III. Attorney's Report**

Michael Compagno – Update on lawsuit

- IV. Management Report**
 - a. Road Issues
 - b. Water Quality Management and Report
 - c. Approve Amended Permit Procedure
 - d. Update easement clearing and canal maintenance
 - e. Review Budget for year ending 09/30/2020
 - f. Set Trim for 2020 _____

- V. Other Business**

- VI. Board Comments**

- VII. Next Meeting:**
 - a. Next Regular Board Meeting September 21, 2020

- VIII. Adjourn**

MINUTES

PINE TREE WATER CONTROL DISTRICT SPECIAL MEETING

Loxahatchee Town Hall
155 F Road
Loxahatchee Groves, Florida 33470

Monday, April 27, 2020
6:00 P.M.

- I. Call Meeting to Order
- II. Pledge of Allegiance
Everyone stood for Pledge of Allegiance

Motion made by Henry DeGouw and second by Phil McLellan to approve minutes as presented for meetings of January 27 and February 24, 2020.

Betty Camplin read the financial report for period 1/28/2020 thru 4/27/2020 and Kerry Hitt had to read part of the report due to loss of transmission. A Discussion on payment of bills and auditing. Betty will have Henry look at bank statements and bills to okay payment. Motion made by Kerry Hitt and second by Phil McLellan to copy approval of invoices to include Henry DeGouw when Kerry Hitt sends via email to Betty for payment. Motion carried (3-0). Motion made by Kerry Hitt and second by Phil McLellan to accept the financial report as read. Motion carried (3-0)

- III. Michael Compagno updated the District on lawsuit

We had issues with the lower court and that's where the Judge enter an injunction order against Pine Tree and we have appealed that order to 4th District Court of Appeals, that's three judges who are going to review what this other judge ruled. While that appeal is pending we have asked and we worked with Wellington and were able to get them to agree and we got the court to agree that we would stay the lower court of the trial court proceeding pending the appeal. That matter is stayed for approximately 6 months and we're hoping to get an outcome from the appellant court by that time.

The second thing is that in the appellant court we just got Wellington's what is called the answer brief. I know I mentioned to some of the members that when you have an appeal, the person who is taking the appeal is the appellant, they have what is called the initial brief. We have submitted our initial brief. Wellington is the other party, the appellee, they get to argue that the judge was right and that is called the answer brief. We have not a period of time of 2 ½ weeks in order to go ahead file basically a rebuttal to what Wellington issued. That means that the appellant court will have all 3 briefs and can

issue a ruling. The situation with the coronavirus should not affect it because most of that work is done remotely with judges and law clerks looking at those briefs. I think one highlight that I can at least point out is of the Wellington answer brief is they spent 13 pages trying to argue why a statute 95.361 does not apply. This is a statute that if a government entity such as a municipality, it doesn't apply to a water control district, that if a municipality was to repair and maintain roads for 7 years that road is considered to be publicly dedicated in favor of that municipality. We have always maintained that these roads are owned and belong to Village of Wellington. Almost half of that brief argues why that the statute was not applicable.

The last thing I can update is sort of not dealing directly with Pine Tree, but there is a separate lawsuit that has been brought by another attorney that involves 17 of the landowners within Rustic Ranch which is Pine Tree and it appears that case is also going to be stayed pending the determination of the Court of Appeals in the Pine Tree matter. So it looks like everybody is just waiting to see what is going to happen in terms of the appeal of this matter that the judge has already issued an order. We're fighting now in one court, that would be the appellant court, we have one brief to send out and then hopefully we'll get a swift prompt resolution from the appellant court.

THE FIVE YEAR PLAN

The South Florida Water Management approved the final Five Year Plan. The water management is given the opportunity to give any comments on it and they had no comments. We adopt the document and we send a copy to the Village of Wellington for information and it's done. Motion made by Kerry Hitt and second by Phil McLellan to adopt the approval of Five Year Water Control Plan as presented. Motion carried (3-0)

iv: Manager's Report

a. ROADS

Kerry Hitt said as you know on the financial report Pine Tree bought a grader. We looked at what the cost would be to have these roads done and the cheapest quote was \$75,000 for 1 year. I thought was pretty exorbitant. We purchased a used grader. We did some work on it, thank you to Ruben who worked and donated his time, got some parts and got some things working well. We have an operator that is Daniel Drawdy who is maintaining the roads. We are just looking at maintaining the roads rather than grade them. It's costing \$20 per hour so we're looking at about \$80 and fuel about \$100-\$125 per grade. Obviously that doesn't include the cost of the grader. This about the most cost effective way we could do it and have a little bit of control as to what's going on. Michael Compagno pointed out that we agreed to maintain the roads until the outcome of court order.

A man name Murray calls himself helping but it's a hindrance rather than help at this time and we need to have Michael Compagno write a cease and desist letter to him. Board agrees (3-0). We don't want him messing up our order to comply with the courts.

b. WATER QUALITY MANAGEMENT REPORT

I understand there isn't too much to be done right now, that it's the dry season. We're going to start the rainy season and should get a report on that for the next meeting.

c. APPROVE TED BRINKMAN'S PERMIT

Motion made by Kerry Hitt and Phil McLellan second to approve Ted Brinkman's permit for crossing and he is going to put in according to plans we had laid out (48" pipe). Along with that to grand-father Ted Brinkman's and other canal crossings that is done. There are only certain number of crossing that can be installed based on the calculations by the engineer.

d. DISCUSS AND AMEND PERMIT PROCEDURES

Felipio Viana has property on Rustic Road and wants to connect his other property to the trail with a bridge to get access. We're going to go across the water. A culvert bridge is what we're looking at.

Michael Compagno said he and Dana had talked about what the Boards roll would be when permits were going to be approved or not. The last time we talked the Board was taking a hands off where the engineer was going to receive the application, confirm all the documents necessary were provided, then engineer would work with the applicants engineer to make sure everything is kosher, done as it should be from an engineer's standards. Then the engineer was going to issue the permit. Basically the Board has no roll in issuing the permit. I sent a suggestion to the Board that when a permit is issued the process is the same except when the engineer finds an appropriate issue, then Pine Tree would get a notice out that there is intent to issue a permit. That would give the people opportunity to go ahead and comment on it if they want to.

A discussion of permit procedures and guidelines was discussed and what the process would be. Felipio Viana expressed he liked the idea of having a template to go by so he could look at the numbers and know what you expect and do the right way. We already have the application form and can be requested from Betty. Dana Gillette suggested we could post on the website. Can we post that and the Water Control Plan on the website? Everyone agreed that would be a good idea. We would put the guidelines along with the permit application on the website where they can download it, fill it out and turn it in.

Michael Compagno said one the application has been turned in, Dana Gillette will look at it and verifies that all the t's are crossed and i's have been dotted, meets all the requirements, money has been paid, etc, etc. Once the permit is able to be issued the engineer will notify the permit is ready to be issued and then a "Notice of Intent to Issue" is sent out (Published). At that time people will be told that they have 30 days to indicate if they would like to be heard on the issue of the permit. If nobody objects then the permit is going to deemed automatically issued. Kerry made a motion and second by Phil McLellan that we follow that procedure Michael Compagno outlined for procedure of permit. Motion carried (3-0).

Michael Compagno said he has another issued because he is concerned that there are more properties that front these canals than as per Dana there is enough flow that is able to take place in these canals. If everybody who has a parcel of property were to put in a canal crossing, if you don't have the proper size culvert, her indication is you could have street flooding if you have a storm event. If you have too small of culvert then those crossings act as a dam. Suggestion that if you're going to have the canal crossings you could put on the corners of the property so basically people can share the crosses and that reduces the amount of crossings and that not every property would have a crossing. Another alternative that Dana has suggested is that you would have larger sizes of culverts and that would be going forward. She has calculated that everybody would have 66" for all future culverts. She's indicated you could have variance in the size in the culverts. If you're closer to the East side of Rustic Ranches, then it would have to be smaller like 54", but if you went to the West the culvert size would have to be larger size up to 72".

Motion made by Kerry Hitt and second by Henry DeGouw that all future canal crossings must have 66" diameter culverts and part of the permitting condition would be to grant a 20' easement from top of bank permitting Pine Tree Water Control District to do canal maintenance. Motion carried (3-0).

Dana Gillette said someone had asked if the landowner was required to maintain the bank of the canal on their side like they maintain the swales in front of their property. Is that something you would want to do?

Kerry Hitt & Phil McLellan responded with no, that is the landowner's responsibility.

Rubin Ferrazzano: Would Pine Tree Water Control District grant a crossing for every 5 acres or landowner or what?

Dana Gillette said there are 43 lots total along North, South and West.

Kerry Hitt: The reason for this was to connect to the horse trails, right?

Ruben Ferrazzano said some of Rustic Road and Hollow Tree will not need crossing because there is no horse trail for them to have a crossing to connect to. And Skipiks Rd doesn't need any crossing because there are no horse trails to access.

Motion by Henry DeGouw and second by Kerry Hitt there be one crossing per property owner. Motion carried. (3-0)

There being no further business motion made by Kerry Hitt and second by Henry DeGouw to adjourn the meeting at 7:52PM.

NOTICE OF INTENT TO ISSUE PERMIT

Permit No. _____

Permit Applicant _____

Permit Type _____

Parcel ID No. _____

Street Address _____

Pine Tree Water Control District ("Pine Tree") hereby gives notice that Permit No. _____ (the "Permit") has been certified by Pine Tree's Engineer as complete and ready to be issued to authorize the construction or modification of the works or other activities to serve the real property described on Exhibit A attached hereto, with the original Permit application attached as Exhibit B hereto.

Within 30-days of this Notice, the Permit will be deemed automatically approved and issued by Pine Tree and work in connection with the Permit can commence at that time, unless a member of Pine Tree's Board or a member of the public residing within Pine Tree's jurisdictional boundaries raises an objection to the Permit's issuance. Such Notice by a member of the public shall be provided by delivery by mail to Pine Tree at P.O. Box 2811, Clewiston, FL 33440, such that it is received before expiration of the 30-days. If an objection has been raised, approval and issuance of the Permit shall be considered by Pine Tree's Board at its next public meeting, at which time public comment can be provided and formal approval by the Board considered.

PINE TREE WATER CONTROL DISTRICT
FINANCIAL STATEMENT
4/28/2020 THRU 06/05/2020

CASH:	BANK OF AM	SUNTRUST MONEY MKT	SUNTRUST CHECKING	
Starting Cash 4/28/2020	69,960.23	222,832.30	5,000.00	
Transfer to Suntrust Checking		-21,043.57	21,043.57	
Transfer to Suntrust Money Market				
Transfer from Money Mkt to Checking				
Permit Income		500.00		
Excess Funds (PBC)		539.95		
Interest (PBC & BOA)	0.21	563.56		
PBC Investment Earnings				
PBC Tax Collector	Correction	-7,672.88	6,424.12	
Total Cash on Hand	62,287.56	209,816.36	26,043.57	298,147.49
Expenses:				
Bank Serv Chgs	63.48			63.48
Betty Camplin-Fees (May & June))			1,150.00	1,150.00
Betty Camplin-(Advert,Postage,ink & Checks)			243.57	243.57
Boost Telephone				0.00
Daniel Drawdy				0.00
Equipment Purchase (Road Grader)				0.00
Erdman Anthony (Engineers)				0.00
Floria Court Recording				0.00
Harold Fickett (Website)			350.00	350.00
Henry DeGouw				0.00
Lockhart Ag Technologies				0.00
Mailing				0.00
Michael Compagno				0.00
Palm Beach Aquatics			1,600.00	1,600.00
Philip B Harris PA				0.00
Professional Grading (Canals & Ditches)			7,300.00	7,300.00
Theodore Johnson Tractor Services				0.00
Town of Loxahatchee				0.00
Wellington Pro Lawn			10,400.00	10,400.00
We Will Transport It (Road Grader)				0.00
Total Expenses	63.48	0.00	21,043.57	21,107.05
Account Balance 6/5/2020	62,224.08	209,816.36	5,000.00	277,040.44

PINE TREE WATER CONTROL DISTRICT BUDGET
FY 2019 BUDGET

REVENUES

FY 2018 BUDGET

RY 2019 BUDGET

	Units	Assessment	Total	Units	Assessment	Total
Rustic Ranch Assessment (PAM)	638.94	\$157.00	\$100,313.80	638.94	\$157.00	\$100,313.80
Agricultural Assessment (PBM)	223.04	\$25.00	\$5,576.00	276.00	\$25.00	\$6,900.00
Water Management (PCM)	2,805.45	\$10.00	\$28,054.50	2,805.45	\$10.00	\$28,054.50
Village of Wellington (VOW)	364.59	\$10.00	\$3,645.88	364.59	\$10.00	\$3,645.88
Less Collection Allowance (5%)			-\$8,527.00			-\$8,527.00
Use of Reserves			\$8,250.00			\$8,250.00
Total Revenues			\$137,313.18			\$138,637.18

EXPENDITURES

Canal Weed Control & Testing		\$9,600.00	\$9,600.00
Swale Mowing		\$40,440.00	\$45,950.00
Road Maintenance		\$0.00	\$35,000.00
Other		\$52,173.18	\$11,663.18
Supervisor Meeting Fees		\$600.00	\$600.00
Engineering		\$6,000.00	\$6,000.00
Legal		\$8,000.00	\$8,000.00
Printing & Advertising		\$1,550.00	\$1,550.00
Dues		\$200.00	\$200.00
Banking Charges		\$1,200.00	\$1,200.00
Audit		\$5,300.00	\$5,300.00
Misc Fees (Postage, etc)		\$250.00	\$250.00
Administrative Cost		\$12,000.00	\$12,000.00
Total Operating Expenditures		\$137,313.18	\$137,313.18

PINE TREE WATER CONTROL DISTRICT
BUDGET COMPARISON
AS OF 6/5/20

REVENUES	RY 2019 BUDGET			Actual Expenditures 10/1/19 thru 5/31 20	(Over) Under Budget
	Units	Assessment	Total		
Rustic Ranch Assessment (PAM)	638.94	\$157.00	\$100,313.80	\$121,312.59	
Agricultural Assessment (PBM)	276.00	\$25.00	\$12,972.00		
Water Management (PCM)	2,805.45	\$10.00	\$28,054.50		
Village of Wellington (VOW)	364.59	\$10.00	\$3,645.88		
			\$144,986.18	\$121,312.59	23,673.59
Excess Funds				\$539.95	(539.95)
Less Collection Allowance (5%)			-\$8,527.00	-\$938.64	(7,588.36)
Less Discount on Taxes				-\$2,871.37	2,871.37
Use of Reserves			\$8,250.00		8,250.00
Interest Income				\$5,765.95	(5,765.95)
Investment Earnings				\$18.51	(18.51)
Permits				\$500.00	(500.00)
Total Revenues			\$144,709.18	\$124,326.99	20,382.19

EXPENDITURES

Administrative Costs			\$16,000.00		16,000.00
Supervisor Meeting Fees			\$600.00	\$200.00	400.00
Swale Mowing			\$45,950.00	\$32,000.00	13,950.00
Canal Weed Control & Testing			\$9,600.00	\$14,500.00	(4,900.00)
Road Maintenance				\$280.00	(280.00)
Water Testing				\$1,392.60	(1,392.60)
			\$72,150.00	\$48,372.60	23,777.40
Miscellaneous Fees					
Audit			\$5,300.00		5,300.00
Engineering			\$6,000.00	\$11,816.10	(5,816.10)
Legal			\$8,000.00	\$26,730.50	(18,730.50)
Special District Fees				\$175.00	(175.00)
			\$19,300.00	\$38,721.60	(19,421.60)
Other Expenditures					0.00
Accounting				\$5,225.00	(5,225.00)
Bank Charges			\$1,200.00	\$614.43	585.57
Equipment Purchase				\$19,000.98	(19,000.98)
Printing & Advertising(Mailing)			\$1,800.00	\$909.84	890.16
Dues			\$200.00		200.00
Website Expenses				\$1,500.00	(1,500.00)
Telephone				\$477.00	(477.00)
Rent				\$645.00	(645.00)
Reserve			\$50,059.18		50,059.18
			\$53,259.18	\$28,372.25	24,886.93
Total Operating Expenditures			\$144,709.18	\$115,466.45	29,242.73

Bank Balance-Suntrust	10/1/2018	\$0.00	10/1/2019	\$0.00	
Bank Balance-Bank of America	10/1/2018	\$167,546.75	10/1/2019	\$268,179.90	
Bank Balance-Suntrust	9/30/2019	\$0.00	6/5/2020	\$214,816.36	
Bank Balance-Bank of America	9/30/2019	\$268,179.90	6/5/2020	\$62,224.08	277,040.44

PINE TREE WATER CONTROL DISTRICT BUDGET
FY 2020 BUDGET

REVENUES

RY 2020 BUDGET

**Showing Non Payment
For SFWMD & VOW**

	Units	Assessment	Total	Total
Rustic Ranch Assessment (PAM)	638.94	\$177.00	\$113,092.38	\$113,092.38
Agricultural Assessment (PBM)	276.00	\$25.00	\$6,900.00	\$6,900.00
Water Management (PCM)	2,805.45	\$10.00	\$28,054.50	\$28,054.50
Village of Wellington (VOW)	364.59	\$10.00	\$3,645.88	\$3,645.88
Less Collection Allowance (5%)			-\$8,527.00	-\$8,527.00
Use of Reserves			\$8,250.00	\$8,250.00
Total Revenues			\$151,415.76	\$151,415.76
Water Management (PCM)				-\$28,054.50
Village of Wellington (VOW)				-\$3,645.88
				<u>\$119,715.38</u>

EXPENDITURES

Administrative Costs

Canal Weed Control & Testing	\$17,100.00	\$17,100.00
Road Maintenance	\$3,360.00	\$3,360.00
Supervisor Meeting Fees	\$600.00	\$600.00
Swale Mowing	\$45,950.00	\$45,950.00
Water Testing	\$4,500.00	\$4,500.00
	<u>\$71,510.00</u>	<u>\$71,510.00</u>

Miscellaneous Fees

Audit	\$2,500.00	\$2,500.00
Engineering	\$6,000.00	\$6,000.00
Legal	\$8,000.00	\$8,000.00
Special District Fees	\$175.00	\$175.00
	<u>\$16,675.00</u>	<u>\$16,675.00</u>

Other Expenditures

Accounting	\$6,900.00	\$6,900.00
Banking Charges	\$1,200.00	\$1,200.00
Dues	\$200.00	\$200.00
Equipment Purchase	\$0.00	\$0.00
Printing & Advertising(Mailing, Postage, etc)	\$1,800.00	\$1,800.00
Rent	\$1,500.00	\$1,500.00
Telephone	\$640.00	\$640.00
Website Expenses	\$2,500.00	\$2,500.00
Reserve	\$48,490.76	\$16,790.38
	<u>\$63,230.76</u>	<u>\$31,530.38</u>

Total Expenditures	\$151,415.76	\$119,715.38
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