

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

Zoom Meeting

Thursday, December 20, 2021
6:00 P.M. Following Closed Meeting

AGENDA

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Consent Agenda**
 - a. Approval of Minutes
 - i. Board of Supervisors Meeting June 7, 2021
 - ii. Board of Supervisors Special Meeting September 8, 2021
 - iii. Landowners Meeting June 7, 2021
 - b. Financial Report
- IV. Attorney's Status**
 - a. Kerry Hitt
- V. Management Report**
 - a. Roads
 - b. Engineer
 - c. Palm Beach Acquatics
- VI. Board Comments**
- VII. Next Meeting:**
 - a. Next Regular Board Meeting 01/24/2022
- VIII. Adjourn**

MINUTES

PINE TREE WATER CONTROL DISTRICT BOARD OF SUPERVISOR'S SPECIAL MEETING HELD MONDAY, SEPTEMBER 8, 2021 VIA ZOOM MEETING 6:02 PM

Pursuant to the foregoing notice, a meeting was held for the Pine Tree Water Control District Board of Supervisors on Wednesday, September 8, 2021 via zoom AT 6:02 pm.

Members present were:

Kerry Hitt, Chairman
Henry DeGouw, Director
Phil McLellan, Director

I. Call Meeting to Order by Kerry Hitt

Kerry Hitt: The reason we're calling the meeting is we received a letter from Wellington and the letter basically said that they agreed to everything that Jim Barnes and I had agreed to with one cavioc which was they want \$19,500.00 paid back to them because of tax they felt should not have paid in the first place. Am I reading that correctly, Michael.

Michael Compagno: I believe that's what it said. By way of explanation when we had the last public meeting we had voted in an attempt as a good faith effort to resolve not only issues related to assessments by Pine Tree but also the roads issue. The global settlement that was being discussed between Mr. Hitt and Mr. Barnes to see if there could be a resolution and at that time as a good faith effort we indicated that although there was a benefit that was being given to the Village of Wellington then a virtue of Section 24 property being in boundaries of Pine Tree that we would assess them zero. And before that it had been I guess in 2017 when Wellington last controlled the board of Wellington set the rate of theirs at \$10.00 or \$11.00 per acre.

Kerry Hitt: It was \$10.00 per acre.

Chris Wallace: It was \$11.00. There was change in there and I believe it was \$11.00.

Michael Compagno: I thought it had been \$11.00 also.

Kerry Hitt: Okay \$11.00 per acre. An actually that \$11.00 was negotiated by Tanya Quickel. What happened is when Wellington was in charge of Pine Tree and they were running it. They took the property off the tax roll. And Lee put it back on. They were complaining because they were put back on and then they negotiated that the \$11.00 per acre as administrative costs. So that was on

for a while. Then they've decided they don't want to pay anything at all. Chris, you know the history of this better than anybody.

Chris Wallace: I do.

Michael Compagno: One thing I think is unusual is that I don't know how they came up with the \$18,000 of approximate number because if you go back 4 years to 2017, 4 years @\$3,600 does not add up to that \$18,000 or \$19,000.

Henry Degouw: Doesn't that number kind of add up to those attorney's fees that they are trying to stick us with?

Kerry Hitt: Well that's it. Yes, Henry it is. What it is that is actually a bit more than the attorney fees where they are at this point. So I've spoken with Jim Barnes today. I said, "I just wanted to know, is there any light at the end of the tunnel? Is there any possibility of anything changing?" He said, "No!" in simple terms.

Chris Wallace: That doesn't sound like they're negotiations.

Kerry Hitt: I'm cutting to the quick on this. We had a good talk. He's not happy with what is going on. He is on record stating in a shade meeting when it comes out, that he was for the agreement we had and that agreement I will go over one more time. That we both take care of the attorney fees, lawsuit gets dropped, we give them zero assessments and we move on knowing that probably neither side would benefit. It is one of these things we would do for good will in an attempt to try to move forward. He had a predecessor and I had a predecessor, times are different and people are different and we hope we could move ahead and the people and residents in Rustic Ranches and the people of Wellington would start a whole new relationship. He still feels that way, would like to see that happen, he's on record saying that, I would have liked to see that happen but apparently their attorney and there are other members that in my opinion kind of hung him out to dry because they implied one thing and when the chips were down they voted against it. We in good faith voted to abate the assessments – zero. That has not gone in yet.

Michael Compagno: So what's the purpose of tonight's meeting?

Kerry Hitt: The purpose for tonight's meeting is to get together and present it to the people and present it to the board and I want to see how you feel about it and what you feel as though we should do.

Henry DeGouw: Let's go with Chris as she was right.

Chris Wallace: I don't see what they're giving up. I only see the faith on your part.

Michael Compagno: You miss the point of what Kerry is saying.

Kerry Hitt: What I'm throwing out and saying that the timing that they almost ran out the clock but in moving on this thing and having Betty advertise the meeting and everything is within all the rules

and regulations in order to have out meeting. The tax assessment has not been turned in. It does not have to be turned in until the 10th. So we have an opportunity to change.

Henry DeGouw: Right. Yeah.

Kerry Hitt: My question is..

Henry DeGouw: No, put it back to what it was. Right?

Kerry Hitt: So do you want to make that motion, Henry? Phil, are you here?

Phil McLellan: Yes sir.

Michael Compagno: Question I had Kerry, is it \$11 or \$10 per acre? Betty's notes say \$10.

Kerry Hitt: Chris, you know best.

Chris Wallace: I remember \$11.

Henry DeGouw: We can make it \$11.

Chris Wallace: It's just for administration costs.

Michael Compagno: Why don't you do it this way? Kerry, make it whatever it has been for the preceding year and if it's \$11 it will be \$11 and if it's \$10 it will be \$10.

Henry DeGouw: Yeah.

Michael Compagno: We'll have Betty confirm that.

Chris Wallace: I would like to ask a question of the attorney Michael please.

Michael Compagno: If I can answer.

Chris Wallace: It's a legal question. I understand the Sunshine Law and I understand that the three of you cannot be at a meeting with the rest of the neighborhood.

Michael Compagno: Right unless it's a litigation meeting discussing actual litigation and those are called shade meetings and we have held those.

Chris Wallace: Okay, but you have not held them with the neighborhood, have you?

Michael Compagno: You don't have a litigation or shade meeting with the neighborhood. It's to maintain attorney-client privilege to discuss stuff that if you told to the public it would get out and therefore you couldn't have any litigation strategy.

Chris Wallace: Could you have one person from the board have a meeting with the neighborhood and still be within your grounds of the Sunshine Law?

Michael Compagno: I think people could meet with people individually but the best thing for you to do is when we have these meetings raise your issues at the meetings like tonight.

Henry DeGouw: We just can't meet together.

Michael Compagno: You can't have Kerry and Phil meeting or Henry and Phil meeting.

Chris Wallace: I understand that. I just meant one of the members of the board meeting in a private meeting with just the residents. Because everything that Pine Tree does and I know it affects a lot of people, we have a lot of acres here. But it basically affects the people that live in Rustic Ranches. And we're just a little postage stamp in the big picture.

Michael Compagno: We give people notice and if they don't attend and don't ask their questions, that's their opportunity to talk and ask questions.

Chris Wallace: I understand that. But I just meant where it would be private. Not broadcast.

Michael Compagno: I don't think they should be doing meetings like that.

Chris Wallace: It was just a question. I wasn't really sure of this.

Michael Compagno: Right. I can't you from calling up somebody and doing it.

Kerry Hitt: It's just the board members can't meet individually.

Henry DeGouw: We Can meet, we just can't talk Pine Tree.

Chris Wallace: Right, Right.

Henry DeGouw: Phil is right across the street from me and I can't ignore him.

Kerry Hitt: Is Phil on?

Phil McLellan: Yes

Kerry Hitt: So timing wise we have to the 10th for Betty to put in the final assessment for the taxes. Do we want to do anything differently? I bring that up because I am basically the one who sold it to everybody and said look let's do this in good faith, let's make this thing work. I guess I owe you all an apology and Chris you were right on. You were adamant about this and right on and I was hoping you were wrong but you weren't.

Michael Compagno: Kerry, you gave them the benefit of the doubt. You can't blame yourself for giving people the benefit of the doubt and trying to work things out.

Henry DeGouw: No.

Chris Wallace: No

Henry DeGouw: I was hoping.

Michael Compagno: Now that you know what things are, what are you doing to do?

Henry DeGouw: Yeah, yeah. Would we still want to try and go the route and the good will and give them a buy on it? But I don't think it's going to do us any good.

Michael Compagno: We're talking \$3,600 approximately.

Henry DeGouw: Michael, do you think it might do some good will. They would just blow us off. Especially the other attorneys where they are trying to sue us for all the attorneys fees and we say, hey, we gave you what you wanted and you're still after us for \$3,600 you know?

Michael Compagno: As I told you all before I haven't seen any change or indication.

Kerry Hitt: Michael, I've been thinking about this a lot. I like to throw these things out and maybe some of them are wrong and some are not, but I look at it first of all, and you have told me this, they have to win in order for us to have to pay their attorneys fees.

Michael Compagno: Yes and if you win they pay your attorney fees.

Kerry Hitt: Ours and theirs?

Michael Compagno: Yes

Kerry Hitt: You're looking at a \$100,000. Tell me what you think they are really looking at.

Michael Compagno: You mean if they continue at this rate? Yeah, at least that.

Kerry Hitt: So okay. That's 100 grand. If we reassess them, not reassess, hold their assessment at what it was last year that's only \$3,500. However there's next year. There are other subsequent years. If we win, it's not going to take a long time for the taxes to be at a point where that \$19,000 that they're looking at really would look like maybe they should have taken up what would have been a pretty good deal. In addition to that there are things that we know and things that we have which I won't bring up.

Michael Compagno: I don't want you to discuss.

Kerry Hitt: I understand.

Kerry Hitt: You and I have discussed things that are other issues with some emails that we have, some videos we have.

Michael Compagno: Yes.

Kerry Hitt: So all of that stuff we have. It sounds as though it's really not a bad case if everything is square in the courts.

Michael Compagno: Right and that's a big assumption also Kerry you know that.

Kerry Hitt: I know that. Sadly I know that. I hate to even have to bring it up but that seems to be an issue. So our choices are to do one of three things. We let things as they are and move ahead and we're going to move ahead with the lawsuit; we assess them at what they were before this whole thing started.

Michael Compagno: What they set themselves.

Kerry Hitt: Which they set themselves. So I guess there are only two things not three.

Michael Compagno: Yeah.

Chris Wallace: Can I ask a question when you finish Kerry?

Kerry Hitt: Ok. So this meeting is to basically lay this thing out to the board members who voted and to the public for comment as to what we want to do in response to what Wellington is demanding.

Michael Compagno: Right. You had set forth a good faith effort to try to resolve by setting at zero and now it appears it's not going to happen and you're going to reconsider what you did.

Chris Wallace: Yes. My question is this. It's always been our policy in Pine Tree, the people that have been running the board, that we pretty much want to govern ourselves as far as the rules we make for Pine Tree. And in the past it hasn't been like that when Big Sugar doing us, then when Wellington was doing the Pine Tree meetings. One of the things I'd like to see is to make it official that we have to have two residents of Rustic Ranches on the board.

Michael Compagno: That's by statute Chris. You'd have to ask the legislature to change that.

Chris Wallace: Okay. It used to be that you had to have one person or at least one person. But I'd like to put that the other way that we have two people from Rustic Ranches on our board because we would do the best for us and the whole community. Wellington is not really affected by what happens in our little community here. And originally we wanted to govern ourselves, we wanted to stay the way we were as far as being very rural out here. That was part of our deal with Wellington. It was also part of the deal that SFWMD would pump us out at no charge and also that Wellington would take care of the roads at no charge which is the point of contention with us.

Kerry Hitt: That's the basis of everything is roads. Jim and I have had that conversation.

Chris Wallace: This was a promise to us

Kerry Hitt: I know that.

Chris Wallace: and they know that. Now they don't want it anymore.

Henry DeGouw: Appeal what we have lost the case so far, knowing all of that. We're in the process and the next step is appeal and that's where we're at.

Kerry Hitt: So we have a re-hearing, Michael, correct?

Michael Comagno: Yes.

Henry DeGouw: Yeah

Kerry Hitt: Chris, one more thing. We now have three people on the board which are residents of Rusti Ranches.

Michael Compagno: Yeah I know. It's always been three.

Kerry Hitt: Yeah.

Michael Compagno: That's when you took over.

Chris Wallace: Right.

Kerry Hitt: When we took over. And we're really trying to do the best. I really would like to try and get. Getting the roads taken care of is such a small thing of the whole picture of what's happening and what's going on. Every time we make attempt to do something is almost like whack a mole and we're the mole.

Chris Wallace: I think with a few hiccups we've done a pretty good job with the roads. Sometimes they're bad and sometimes they're not. I moved out here when it was 3 ½ miles bad and I did it on purpose. And so you Henry and so did a lot of people. I do get it. I don't see what Wellington wants to say, if you don't do this we'll stay out of your elections. If you don't charge us we'll stay out of your elections. We'll make ourselves a silent entity part of Pine Tree. I don't hear any of what they're going to give up.

Kerry Hitt: This is Wellington's ultimate goal in looking at the whole picture and the whole history of everything. Wellington wants Pine Tree to be dependent on Wellington.

Chris Wallace: Yes

Kerry Hitt: And that's something down the line that may end up happening. However they're going about it the wrong way. At one time they were in charge, they were running Pine Tree. Everything was working until there got to be the personality conflicts. I'm saying that kindly. And then it all went to hell in a hand basket.

Chris Wallace: Yes.

Kerry Hitt: We've got a guy over there now I truly still believe he is very sincere in wanting to get this thing worked out. We had a call today and as I said I just cut to the quick on it. He does not know why they don't look at the long at the long picture. He doesn't know why they are digging

their heels in. I believe honestly that it has a lot to do with the whole history of what has happened, the egos, the power and all the other crap that causes wars throughout the world. That's human nature I guess.

Chris Wallace: What is his power? I could have an opinion that would totally side with Wellington but I have not power. If this man feels that is a viable thing then fine, but does he have the power to say ok I've decided we can do this? It doesn't seem like he has it. He's fighting the old opposition.

Henry DeGouw: I think that Laurie Cohen is the one that threw the wrench in it. Just like Michael thought would happen.

Kerry Hitt: Yeah. I think you're right. And until we either do something to snap her to attention or she leaves or whatever, I don't know. Right now the issue is we've got to make a decision to move forward. We're in charge of what we're doing. We're in charge of our destiny so to speak. We want to know what step we want to take. Do we want to and I'm throwing this out because we've got to make a decision to do something that we leave things as they are or do we look at reassessing?

Michael Compagno: Terry, Roger or Gary do you wish to be heard?

Roger: I'm still new so I'm trying to catch up what's going on around here.

Michael Compagno: okay. Gary? or Ruben?

Ruben Ferrazzano: What are we trying to do?

Michael Compagno: Ruben, last time around we were attempting to settlement of all issues. As part of that we said as part of a good faith effort which was part of a proposal we would not assess you anything. And in turn it looks like things have fallen apart. So the result to that the board is reconsidering whether to set it at.

Ruben Ferrazzano: Yeah, charge them.

Michael Compagno: Okay so that's your point, charge them?

Ruben Ferrazzano: Yeah, my point is charge them. If they have nothing to put on the table that's worth anything, then why do we have to do it?

Michael Conmpagno: Terry, do you want to say anything or do you want let the board to discuss and vote on it?

Chris Wallace: I think ya'll know how I feel about it.

Michael Compagno: Yeah Chris, you've felt this way from the get go even at the last meeting. So Terry this is your last chance to be heard, if not I'll throw it back over to the board members.

Terry: No, I'm in agreement with everybody else. I'm just listening in and whatever decision you guys make is okay with me.

Michael Compagno: Okay Terry. So what do you want to do Mr. Hitt?

Kerry Hitt: Henry? Phil?

Henry DeGouw: I say we leave it as it was last year. There's no more good will. It doesn't look like it will do us any good.

Kerry Hitt: Do you want to make a motion to that?

Henry DeGouw: Yeah.

Phil McLellan: Just what does that mean? Just keep their taxes going? We haven't made a deal with them?

Henry DeGouw: Right.

Phil McLellan: Is that what that means?

Henry DeGouw: Keep it same as last year.

Phil McLellan: I concur

Michael Compagno: Okay again I do not know what the real amount is but I guess your resolution is that you are going to set as last year.

Henry DeGouw: 10 or 11. It's one or the other.

Michael Compagno: Okay. Is the vote 3-0 or 2-1. What is the vote?

Chris Wallace: Those in favor of keeping the assessment as what it was last year.

Kerry Hitt: Based on what has happened, based on the attempt we made, the good will that we put forward, the thumb in the eye that we got trying to do what we had done, then I would agree with the board.

Henry DeGouw: Then it's 3-0

Kerry Hitt: 3-0

Michael Compagno: Then we will have to inform Betty of this. Is there any other business that the board has to take up or comment?

Chris Wallace: When is the next meeting?

Michael Compagno: I think it's in November.

Chris Wallace: I think it's the 15th.

Michael Compagno: I think it's November 15th. Is there anything else or are you going to make a motion to end this?

Kerry Hitt: No, that was the main reason for this meeting to discuss this. So I will make the motion to adjourn the meeting and see what happens.

Michael Compagno: Is there a second?

Henry DeGouw: I'll second it.

Michael Compagno: Okay that's it for the meeting.

Kerry Hitt: Meeting adjourned. Thank you everybody.

METING ADJOURNED AT 6:29 pm.

PINE TREE WATER CONTROL DISTRICT
FINANCIAL STATEMENT
08/23/2021 THRU 12/20/2021

		SUNTRUST	SUNTRUST	
CASH:	BANK OF AM	MONEY MKT	CHECKING	
Starting Cash 6/05/2021	60,214.48	203,557.95	9,551.04	
Transfer to Suntrust Checking				
Transfer to Suntrust Money Market				
Transfer from Money Mkt to Checking		-60,590.09	60,590.09	
Permit Income				
Excess Funds (PBC)				
Interest (PBC, BOA & Suntrust)	1.85	6.17		
PBC Investment Earnings		504.70		
PBC Tax Collector		63,877.72		
Void Old Checks				
Total Cash on Hand	60,216.33	207,356.45	70,141.13	337,713.91
Expenses:				
Amy Swindle, CPA				0.00
Bank Serv Chgs	573.83			573.83
Betty Camplin-Fees			2,300.00	2,300.00
Betty Camplin-(Advert,Postage,ink & Checks)			497.81	497.81
Daniel Drawdy				0.00
Derrevere, Stevens, Black, Cozad Attorneys			5,042.50	5,042.50
Dept of Economic Opportunity (Special District Fees)			175.00	175.00
Domain Registry				0.00
Erdman Anthony (Engineers)			2,450.00	2,450.00
Floria Court Recording			2,272.94	2,272.94
Florida Dept of Economic Opportunity				0.00
Harold Fickett (Website)-GridPlay Designs			875.00	875.00
Henry DeGouw				0.00
Lockhart Ag Technologies			5,099.30	5,099.30
Michael Compagno			13,293.50	13,293.50
Palm Beach Aquatics			5,400.00	5,400.00
Palm Beach County			210.00	210.00
Ruben Ferrazzano (Reimb for Parts & Fuel)			985.68	985.68
Professional Grading (Canals & Ditches)				0.00
Robert Harris (Grader Operator)			840.00	840.00
SLB Gen Contracting				0.00
The Markarian Group (Attorneys)			5,000.00	5,000.00
Town of Loxahatchee				0.00
USPS (Box Rent)			70.00	70.00
U S Legal Support Inc			679.40	679.40
Wellington Pro Lawn			19,950.00	19,950.00
Total Expenses	573.83	0.00	65,141.13	65,714.96
Account Balance 08/22/2021	59,642.50	207,356.45	5,000.00	271,998.95