

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

**Zoom Meeting**

Thursday, May 12, 2022

**AGENDA**

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Consent Agenda**
  - a. Approval of Minutes - Board of Supervisors Meeting February 24, 2022
  - b. Financial Report
  - c. Ratify actions of the Board – Hiring new Auditing Firm (Nowlen, Holt & Miner PA)
- IV. Attorney's Status**
  - a. The Markarian Group
- V. Management Report**
  - a. Roads
  - b. Engineers
  - c. Palm Beach Aquatics
- VI. Board Comments**
- VII. Next Meeting:**
  - a. Next Regular Board Meeting 06/16/2022
- VIII. Adjourn**

## MINUTES

### PINE TREE WATER CONTROL DISTRICT BOARD OF SUPERVISOR'S MEETING HELD THURSDAY, FEBRUARY 24, 2022 AT TOWN OF LOXAHATCHEE 155 F ROAD LOXAHATCHEE GROVES, FLORIDA

Pursuant to the foregoing notice, a meeting was held for the Pine Tree Water Control District Board of Supervisor's on Thursday February 24, 2022 at Town of Loxahatchee located at 155 F Road, Loxahatchee Grove, Florida.

Members present were: Kerry Hitt, Chairman  
Henry DeGouw, Director  
Phil McLellan, Director

Others present were: Dave Markarian, Attorney

#### **I. CALL MEETING TO ORDER BY KERRY HITT, CHAIRMAN**

Call the meeting to order

#### **II. PLEDGE OF ALLEGIANCE**

Pledge of Allegiance

#### **III. CONSENT AGENDA**

##### **a. Approve Minutes**

Kerry asked if everyone had read the minutes.

Motion made by Kerry Hitt and second by Henry DeGouw to approve minutes of December 20, 2021. Motion carried (3-0)

##### **b. Financial Report**

Betty Camplin read Financial Report for both banks for period 12/21/2021 through February 24, 2022.

Kerry Hitt: Are there any questions?

There was discussion of the attorney fees and how much more was needed for the lawsuit. Dave Markarian said he could certainly give us a budget and that it was not unreasonable for us to ask him for a budget of what it would cost to see this through to the end. The Board said that would be great if he would do that.

#### **c. Search for New Auditing Firm**

Betty Camplin said we need to advertise and search for a new auditing firm. Our previous auditor has resigned and will not be doing audits anymore. Betty informed them they need to advertise for 2 times in local newspaper to accept bids. Betty said we need to do that right away because it has to be done by June 30, 2022. And the new auditing firms will not be cheap. Betty has seen that the bids are much higher than we were paying by what she's seen from her other three districts. A motion was made by Kerry Hitt and second by Phil McLellan to have Betty advertise in local newspaper that Pine Tree will be accepting bids for new auditing firm. Motion carried. (3-0)

#### **IV. Attorney's Status**

Kerry Hitt introduced Dave Markarian to the board and asked him to give us an update to let them know where we are with the lawsuits and everything.

Dave Markarian said his firm is representing Pine Tree in complaint brought by Village of Wellington. It has two components to it. First is Wellington claimed that the taxes imposed on the Village of Wellington by the district are improperly being assessed. The second component of that action in public records request pertaining to that tax. The clear debate in the case is whether or not the amounts assessed were to cover administrative expenses that are incurred by the district as opposed to whether or not it was a special assessment. The position of the district is that that the tax was assessed to offset administrative costs. It's being couched in the claim being made against the district as it was a special assessment and if it was proper, etc etc. That's the essence of the claim. The most important thing or the most significant advance in that case is simply the discovery. That's what most lawyers call the process of providing information and exchanging information that is largely done. It's also claim that's in the position of actually having people sit at a table to try to figure out if there's a sensible way out. And that process is ongoing. It began with a law firm that was representing The Village of Wellington, they have left the case and new lawyers have come in. We have resumed that with the new lawyers and so we're in a prime position to evaluate whether that is a case that we can resolve and move on or whether that is something that's going to require more effort. Largely The Village of Wellington is desirous of having resolution but they are insisting upon a view of the case and a view of facts that are different than at least to my eye of or what the facts are.

#### **V. Management Report**

#### **a. Roads**

Kerry Hitt said they've had some issues getting new blades for the grader but they finally came in today. We had the grader operator to pull up some of the sides of road and in doing that it pulled in grass and the roads look bad right now, but this will disappear when the grass dies off. A discussion of what type of material; if we will need to remove some material that's there; will we need an engineer; and will we be tying into a Wellington road. Ruben Ferrazzino said he thought it would take 12-15 loads of material to repair the aprons. There was a discussion held on possibility of paving of the roads as compared to cost of attorneys.

Dave Markarian said it would be entirely appropriate and it's done every day in corporate America for this body to ask for a budget provided to take you from point A to point C. And that information could inform everybody whether it makes sense to move forward or not. Appeals are a written effort to try and set something straight that should be undone or turned on its head so it's written thing. Then that written thing is accompanied by a verbal argument in front of three judges.

Kerry Hitt said with that being said the Stevens Group have that all buttoned up and I'm not expecting anything more from them. They finished, presented it and now it's the matter of waiting.

#### **b. Engineer**

Kerry Hitt said we have engineer on agenda but she is not here this evening. He pointed out that the 5-year Water Control Plan has some issues and we're trying to get it straightened out. I have asked another engineer to read through it. There is some land that is actually missing from the report and we think it's pretty important and needs to be in the report. Hopefully we will have that resolved by next meeting.

#### **c. Palm Beach Aquatics**

Palm Beach Aquatics is working pretty closely with SFWMD. SFWMD seems to be very happy. There is some leather palm in the outfall on SFWMD's side and they are aware of this.

### **VI. Board Comments**

There were no board comments at this time.

Ruben Ferrazzino wants to know what the board is going to do with the overgrowth in the swales. There's also an issue with somebody putting material over by the North and South canal over next to Terry. We haven't been able to maintain that. We had it cleaned out and it's

a mess all over again. We've asked Palm Beach Aquatics to spray that but they have no access to get in there because the debris is in the way.

Dave Markarian said the district is empowered under the acting bylaws of this district to insure appropriate drainage.

The board discussed sending a polite letter to the residents limiting the time to 45 days, because hurricane season is upon us, with the consequences in it as long as its reflected in a way that says "should we not be able to work together with you to meet this time frame then our only choice would be to do the work and seek to have you reimburse us". Dave Markarian said the district is empowered under the acting bylaws of this district to insure appropriate drainage.

#### **VII. Next Meeting**

Next meeting is set for May 12, 2022.

Motion by Kerry Hitt and Second by Henry DeGouw to adjourn the meeting at 6:55 pm.

**PINE TREE WATER CONTROL DISTRICT  
FINANCIAL STATEMENT  
02/24/2022 THRU 05/11/2022**

CASH:	BANK OF AM	SUNTRUST MONEY MKT	SUNTRUST CHECKING	
Starting Cash 02/24/2022	59,413.08	174,744.83	5,000.00	
Transfer to Suntrust Checking		-24,310.91	24,310.91	
Transfer to Suntrust Money Market				
Transfer from Money Mkt to Checking				
Permit Income				
Excess Funds (PBC)				
Interest (PBC, BOA & Suntrust)	3.24	4.30		
PBC Investment Earnings				
PBC Tax Collector		9,922.06		
Void Old Checks				
Total Cash on Hand	<u>59,416.32</u>	<u>160,360.28</u>	<u>29,310.91</u>	249,087.51
<b>Expenses:</b>				
Amy Swindle, CPA				0.00
Bank Serv Chgs	229.35			229.35
Betty Camplin-Fees			2,865.00	2,865.00
Betty Camplin-(Advert,Postage,ink & Checks)			387.34	387.34
Derrevere, Stevens, Black, Cozad Attorneys				0.00
Dept of Economic Opportunity (Special District Fees)				0.00
Domain Registry				0.00
Erdman Anthony (Engineers)				0.00
Floria Court Recording				0.00
Florida Dept of Economic Opportunity				0.00
Harold Fickett (Website)-GridPlay Designs			350.00	350.00
Henry DeGouw				0.00
Lockhart Ag Technologies				0.00
Palm Beach Aquatics			4,050.00	4,050.00
Palm Beach County			150.00	150.00
Palm Beach Post			667.36	667.36
Ruben Ferrazzano (Reimb for Parts & Fuel)			337.46	337.46
Professional Grading (Canals & Ditches)				0.00
Robert Harris (Grader Operator)				0.00
SLB Gen Contracting				0.00
The Markarian Group (Attorneys)			3,486.25	3,486.25
Town of Loxahatchee			350.00	350.00
USPS (Box Rent)				0.00
U S Legal Support Inc				0.00
Walter Burgess (Grader Operator)			1,312.50	
Wellington Pro Lawn			10,355.00	10,355.00
Total Expenses	<u>229.35</u>	<u>0.00</u>	<u>24,310.91</u>	<u>23,227.76</u>
Account Balance 05/11/2022	<u>59,186.97</u>	<u>160,360.28</u>	<u>5,000.00</u>	<u>224,547.25</u>