

CYPRESS GROVE COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS  
MINUTES

Date: October 16, 2023  
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 8:00 A.M.

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

In Attendance:

*Board Members:* Charles Walsey, Larry Portnoy, Pam Duhaney (via Microsoft Teams), and Pat Fogarty.  
*District Engineer:* Alan Wertepny  
*District Attorney:* Peter Breton (via Microsoft Teams)  
*Operations Manager:* Robert Poyner, RLP Property Services, Inc.

**2. Approval of Agenda**

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

**3. Approval of Minutes**

After a motion by Supervisor Fogarty and second by Supervisor Portnoy, the minutes of the Board meeting of September 18, 2023 were unanimously approved.

**4. Engineer's Report**

The District Engineer presented his written report (copy attached). Supervisor Portnoy informed the Board that when the District obtained the easement for the canal at the north pump station from FPL, one requirement was to increase the liability insurance limits to \$3,000,000 and make FPL an Additional Insured. He said that the insurance limits have been increased but that FPL could not be an Additional Insured under our policy because the carrier only insures government entities. He has requested that FPL amend the agreement on this point. He has not heard back yet. He asked about the easement for the corner clip requested by FPL, but Mr. Poyner said that nothing has happened yet.

**5. Operations Manager's Report**

The Operations Manager distributed his written report (copy attached). He described some washouts along 59<sup>th</sup>. He said that an old pipe has collapsed in the middle of our roadway and he will have to crush it. He described how fill is being taken from our easement along 59<sup>th</sup> and he is going to call the Sheriff to put a stop to it. He discussed the fuel resupply situation. He will order one tanker that will be invoiced in late November or December. The Treasurer said that he has budgeted for one tanker this calendar year. He estimates that it will cost about \$8,000 to clean up 59<sup>th</sup>. He will wait as long as possible to do the repairs. He said that his fuel usage depends on the rainfall. He holds as much water as possible, but if the soil is saturated, he must release water. He reported that the flooding at the school has been corrected.

**6. Treasurer's Report**

The Treasurer reported that he has not received a bank statement but that the bank balance after writing checks will be \$77,650. He said there is no excess until the tax collections come in.

**7. Attorney's Report**

The Attorney stated that the Board needs to adopt the meeting schedule for the fiscal year. He circulated the list of dates and requested a motion. Supervisor Portnoy moved to adopt the meeting schedule, Supervisor Fogarty seconded, and the motion was unanimously approved.

The Attorney reminded the Board that there will be a landowners meeting for the election of the supervisors whose terms are expiring at the November meeting. The regular Board meeting will follow the landowners meeting. He said he would be sending letters and proxies to each landowner, and that the required newspaper ads would be published.

**8. Comments by Supervisors**

Supervisor Portnoy reported on his efforts to find an attorney to replace Mr. Breton. He has contacted two of the attorneys that Mr. Breton suggested, but they declined due to potential conflicts. Mr. Breton said he would remain to assist with the transition but requested that a replacement be found as soon as possible.

Supervisor Portnoy then discussed the Indian Trail Grove Water Project and its relationship with the CDD. He discussed the impacts to the CDD budget and the need to be more detailed on the assignment of costs. There will be differing levels of benefits received once the water project is implemented. Mr. Breton explained the process for removing land from the CDD.

There were no additional comments by Supervisors.

**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 November 20, 2023 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 Fogarty, the meeting was adjourned at 9:02 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  
October 16, 2023**

**Lake Okeechobee System Operating Manual (LOSOM) No update on progress since September 2023**

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 adoption .....in 2023

On March 1, 2023, National Marine Fisheries. A division of NOAA requested a formal biological review of the impact of LOSOM, as currently drafted, on red tide on Florida’s west coast. The request pushed back the expected date of implementation from June 2023 to December 2023.

The National Marine Fisheries Service (NMFS) missed their deadline of August 30, 202,3 to complete its biological assessment.

**Loxahatchee River Restoration (No revisions since September 2022)**

On August 18, 2022, South Florida Water Management District (Jennifer Leeds) provided an update to the Palm Beach County Water Resources Task Force. The Project Status included:

Tasks Completed:

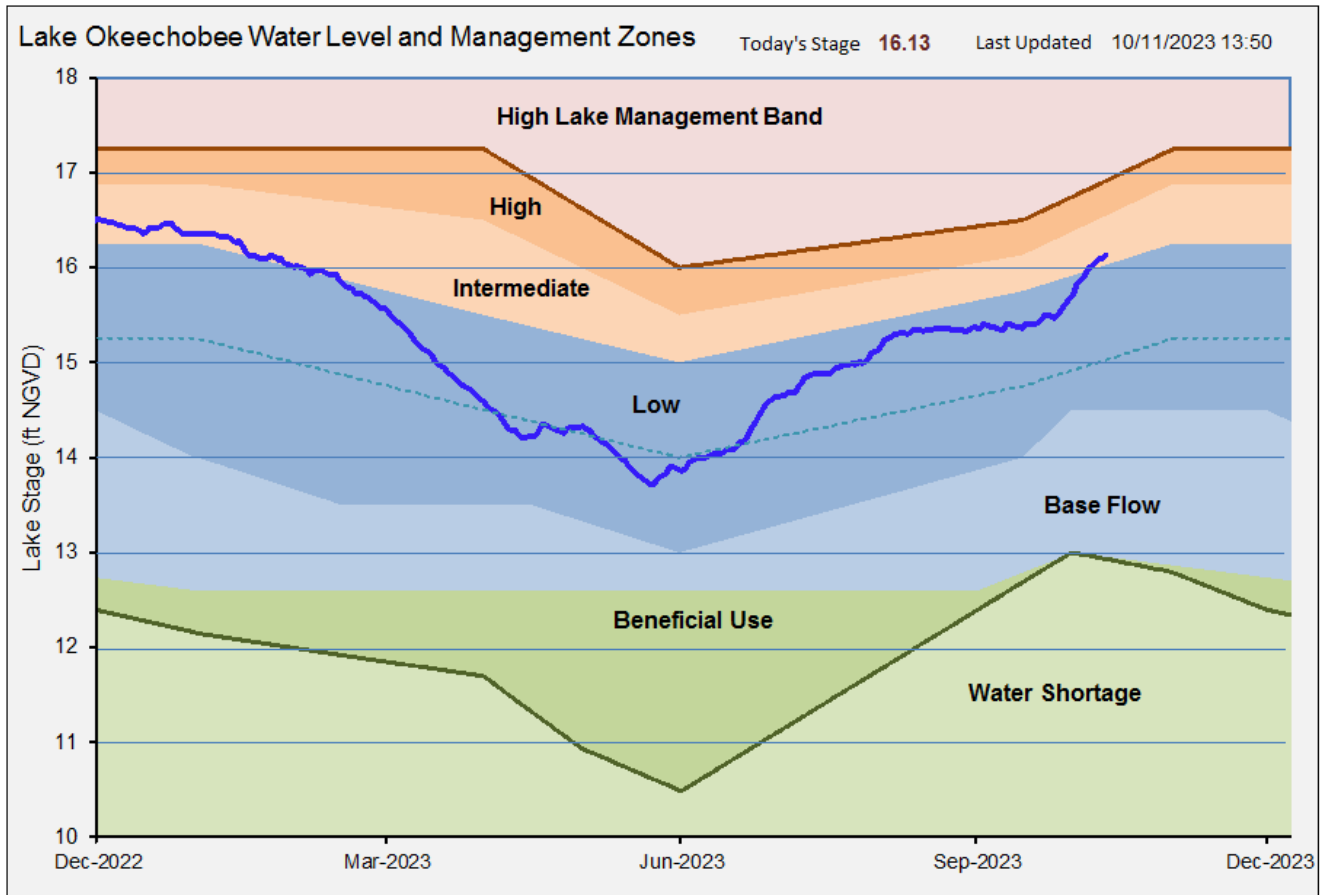
- Project authorized by Congress – Water Resources Development Act 2020
- Restricted Allocation Area (RAA) rulemaking – June 2022
- Pre-partnership Credit Agreement (PPCA) – July 2022

Tasks Underway:

- Update Integrated Delivery Schedule (IDS) – October 2022
- Execute Project Partnership Agreement (PPA) – June 2023 Flow-way 2
- Agreements and stakeholder engagement – Ongoing
- Execute design contract for C-18W Impoundment – December 2022
- Design on Mecca major impoundment is in progress

**Current Lake Okeechobee Water Levels**

**On November 11, 2023, the Lake level was at 16.13 feet NGVD. The one-year graph of the Lake Okeechobee water level is within the intermediate Zone (Approximately 3.1 feet above the Water Shortage Zone). Reported releases from the Lake are west into the Caloosahatchee River and south into the L-8 Canal. The L-8 Canal stage at West Palm Beach M Canal was at 14.3 feet NGVD.**



**SR 7 Extension from Okeechobee BLVD to Northlake Blvd (No revisions since November 2022)**

The City of West Palm requested an administrative hearing on SFWMD permit for SR7 Extension. This hearing has been delayed and has not been rescheduled.

**County Five-Year Road Program Fiscal Year 2023 – FY 2027 (No major revisions since January 2023)**

On December 20, 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 projects 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. Construction of the drainage system is underway south of Northlake Blvd.

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

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 to begin in August 2022.

60<sup>th</sup> Street North from Avocado Blvd. to East of 120<sup>th</sup> Avenue North. The construction cost is estimated to be \$7 million for 1.6 miles of a three-lane road in FY 2024.

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 three-lane road in FY 2025.

60<sup>th</sup> Street North from Seminole Pratt Whitney Road to 140<sup>th</sup> Street Avenue North. An estimated cost of \$ 0.50 million for design of 2.7 miles of a 4-lane road in FY 2026.

### **SFWMD Water Use Permit**

**We received the 3<sup>rd</sup> quarter water use reports from Bobby. Withdrawals were minimal. We are processing and will be submitting the report to SFWMD the week of October 16, 2023.**

### **SFWMD Proposed Rule 40E-7 Canal Management Plan for Vegetation, Trash and Debris (No revisions since June 2023)**

SFWMD held a second public workshop on their proposed regulatory process of requiring a written Vegetation and Debris Management Plan (documenting practices/schedule) and retainage of records of implemented vegetation and debris management activities. In a letter dated May 24, 2023, the Florida Association of Special District provided comments on the proposed program. FASD raised the following issues:

1. Lack of a list, map, GIS layer, database or some other identifying criteria of areas that are and are not subject to the proposed rules.
2. Allowance for a time extension for implementation for budgeting, procurement, contracting, and/or updating water control plans.
3. Concerning increased costs for special districts.

4. Appears to be duplication of similar requirements already incorporated in other District regulatory criteria. Expand exemptions to include existing regulatory programs.

### **FPL Silver Palm and Sable Palm Solar Facilities**

**Silver Palm -clearing and removal of the vegetation along CGCDD canal easements adjacent to Silver Palm (Section 28 - north, east and south sides) is complete. Discharge pump installations are in progress. Bobby is monitoring it. We are still waiting on FPL to reactivate discussions for an easement to CGCDD easement at the northeast corner of Carol St. and Louise St.**

**Sable Palm- discharge control structures risers have been completed consistent with the permit modification.**

### **Indian Trail Improvement District Moss Property Pilot Pumping Project (No revisions since November 2022)**

### **Website Update**

**The cgcdd.org website has been updated with the minutes of the September 2023 meeting and October 16, 2023, agenda.**

# Cypress Grove Community Development District

## Operations Report

10/16/23

- On October 15, 2023 the offsite L-8 Canal elevation at the North Pump was 14.4 and the onsite elevation was 17.3 The South Pump offsite elevation was 14.4 and the onsite elevation was 17.3 Lake Okeechobee water level is 16.31 September level was at 15.4
- Canals- Aquatic herbicide in progress & canal bank spot treatment of Florida Holly.
- Pump reports sent to Alan.
- Side Mowing ongoing.
- Discussion 59<sup>th</sup> Lane & north canal road repairs.
- Fuel tank inspection. We had 7018 gal of fuel delivered on 3/8/23 and have used 4400 gal since delivery. Passed County ERM inspection.
- Capital Improvement Projects and estimated cost.
  - 1.
  2. Marie Ct. Clear & reshape canal banks. (Approx 1 mile.)
  3. Rip Rap reshape canal banks N/S pump stations. (South station started)
  4. Remove brush west canal bank section 29. (Estimate \$15,000.00)
  5. Long reach summer maintenance \$17,500.00 (Reduced \$7500.00)
  - 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.

- School lake retention. (COMPLETE)
- ITID Review CDD & SRG projects.
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- FPL easement Legum & Carol St. & CDD L-8 Easement update.
- Corbett Draining in to West Canal Section 19.
- Projects to complete. (Repair canal bank east canal 21&22
- Water boom estimate \$3000.00 (GEI Works)
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