

**MINUTES OF MEETING
BOYNTON VILLAGE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Boynton Village Community Development District held a Regular Meeting on Wednesday, September 12, 2018 at 10:30 a.m., at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

Present and constituting a quorum were:

Adam Freedman	Chair
Jim Gielda	Vice Chair
Gary Einfalt	Assistant Secretary
Michael Smith (<i>via telephone</i>)	Assistant Secretary
Mike Oliveri (<i>via telephone</i>)	Assistant Secretary

Also present were:

Michal Szymonowicz	Wrathell, Hunt and Associates, LLC
Dennis Lyles	District Counsel
Jeff Schnars	District Engineer
John Markey	Public

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Szymonowicz called the meeting to order at 10:34 a.m. Supervisors Freedman, Gielda, and Einfalt were present, in person. Supervisor Smith was attending via telephone. Supervisor Oliveri was not present at roll call.

SECOND ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

**Public Hearing to Hear Comments and
Objections on Adoption of Fiscal Year
2018/2019 Budget**

A. Affidavit of Publication

The affidavit of publication was provided for informational purposes.

On MOTION by Mr. Freedman and seconded by Mr. Giolda, with all in favor, the Public Hearing was opened.

B. Consideration of Resolution 2018-07, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Szymonowicz presented Resolution 2018-07 and read the title. He reviewed the Fiscal Year 2019 General, Special Revenue (Greenway) and Debt Service Fund Budgets. The Series 2007 A-2 bonds will be paid off on November 1, 2018; the Series 2007 A-1 bonds, which encumber the property in the first phase of the District, will remain. Some assessments will be on-roll and others will be off-roll.

There being no public comments, the next item followed.

On MOTION by Mr. Giolda and seconded by Mr. Einfalt, with all in favor, the Public Hearing was closed.

On MOTION by Mr. Giolda and seconded by Mr. Einfalt, with all in favor, Resolution 2018-07, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2018/2019, Pursuant to Florida Law

A. Affidavit of Publication

The affidavit of publication was provided for informational purposes.

On MOTION by Mr. Giolda and seconded by Mr. Freedman, with all in favor, the Public Hearing was opened.

- B. Consideration of Resolution 2018-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2018/2019 Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. Szymonowicz presented Resolution 2018-08 and read the title.

There being no public comments, the next item followed.

On MOTION by Mr. Freedman and seconded by Mr. Einfalt, with all in favor, the Public Hearing was closed.

On MOTION by Mr. Giolda and seconded by Mr. Freedman, with all in favor, Resolution 2018-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2018/2019 Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2018-09, Adopting the Annual Meeting Schedule for Fiscal Year 2018/2019

Mr. Szymonowicz presented Resolution 2018-09.

Mr. Oliveri joined the meeting via telephone.

The following change was made:

Meeting Location: Change "Suite 202E" to "Suite 410W" and delete "or 2300 Glades Road, Suite 410W"

On MOTION by Mr. Giolda and seconded by Mr. Einfalt, with all in favor, Resolution 2018-09, Adopting the Annual Meeting Schedule for Fiscal Year 2018/2019, as amended, was adopted.

SIXTH ORDER OF BUSINESS**Consideration of Temporary Construction and Permanent Public Access Easement for the Observation Deck**

Mr. Schnars stated that an observation deck would be built on the west side of the CDD's lake, as part of the expansion of the City's Dog Park. Mr. Szymonowicz noted this was discussed at prior meetings.

Mr. Lyles stated that a legal description of the location is not yet available; therefore, the Easement can only be conceptually approved. Discussion ensued regarding the location. Mr. Freedman recommended a 10' Access Easement and a 25' Construction Easement.

Mr. Markey stated that this is a condition of the latest Site Plan approval that was obtained for the property. He asked the Board to consider the same form of contract for the contractor that District Counsel approved for previous projects. A sketch and the legal description could be provided. Mr. Freedman noted that the contract would not be with the District. Mr. Markey concurred but felt that, in the interest of the District and the ease of review, using the same contract form would be advisable. Mr. Lyles stated that he recommended a Temporary Construction Easement for the contractor to be on the property to build the observation deck, on behalf of another entity but, if the CDD is required to do this, it would be different. The District would not have an agreement; in this instance, the District's only interest is to make sure the Easement is in proper form and that the Developer who is doing it, under contract, will fulfill the requirement of the City legally and properly. Mr. Markey expressed his understanding and stated that he made the assumption that the contract between the Developer and the General Contractor would be reviewed by the District. Mr. Lyles stated that it is not necessary for the District to review it. The Temporary Construction Easement will be between the CDD and the Developer and the Permanent Public Access Easement will be in favor of the general public. The sizes of the Easements would be

determined, based on the legal descriptions. Staff would proceed with preparation of the necessary Easements.

SEVENTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of July 31, 2018

Mr. Szymonowicz presented the Unaudited Financial Statements as of July 31, 2018.

On MOTION by Mr. Giolda and seconded by Mr. Freedman, with all in favor, the Unaudited Financial Statements as of July 31, 2018, were approved.

EIGHTH ORDER OF BUSINESS

Approval of Minutes

- A. **July 25, 2018 Regular Meeting**
- B. **August 8, 2018 Regular Meeting**

Mr. Szymonowicz presented the July 25 and August 8, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections.

On MOTION by Mr. Giolda and seconded by Mr. Einfalt, with all in favor, the July 25 and August 8, 2018 Regular Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Staff Reports

- A. **District Counsel: *Billing, Cochran, Lyles, Mauro & Ramsey, P.A.***
There being no report, the next item followed.
- B. **District Engineer: *Schnars Engineering Corporation***

Mr. Schnars stated that there is a Temporary Construction Easement for Cortina III, which is the southeast portion of the CDD to the entity controlled by the Morgan Group, who now owns the property. Part of the work is the previously contemplated lake modification, so the CDD will need to have those improvements permitted through the appropriate regulatory agencies. Permit applications must be executed by the District Manager. Both permit

applications involve the South Florida Water Management District (SFWMD). The CDD will be a co-applicant on the dewatering permit with Cortina III, LLC, who is the owner of the property surrounding the lake. The other is the SFWMD environmental resource permit application, which will be for a permit modification.

On MOTION by Mr. Freedman and seconded by Mr. Einfalt, with all in favor, authorizing appropriate District Staff to execute both permit applications referenced by the District Engineer, was approved.

Mr. Schnars stated that the Temporary Construction Easement only covered the area of the lake owned by the CDD. There is also an improvement modification of drainage in the Greenway that is proposed as relocation of a catch basin that probably was not part of the Temporary Construction Easement. The options are to grant another Temporary Construction easement, modify the existing one or revise the plan to engineer the District out of the situation. Mr. Freedman wanted to do what was most effective for the District and for the owner. Mr. Schnars stated that the cleanest approach would be to move the catch basin. Mr. Freedman was in favor of following the District Engineer's lead on this, provided it is properly documented and stated to keep the current Easement and have a new separate Temporary Construction Easement and make sure that the Greenway is repaired in accordance with the plan. Mr. Lyles will prepare the new Greenway Temporary Construction Easement for the drainage relocation.

Mr. Schnars stated that Alta Cortina is preparing for construction within Audace Avenue, which is owned by the CDD and has a Maintenance Agreement with Alta Developers to maintain Audace Avenue. The road is currently open and being utilized but Alta would like to close the road for possibly up to eight month while the construction work is underway and to help control construction traffic and interruptions by public traffic, etc. Mr. Freedman felt it was not appropriate to close the public road for that length of time. Discussion ensued regarding whether it was necessary to close the road for that length of time, whether the City or CDD has jurisdiction over the road, the likelihood that the City would not approve closure of the road for eight months, etc. Mr. Schnars would relay the CDD's position. Mr. Lyles

suggested telling them that, based on this District’s experience, Maintenance of Traffic (MOT) is a matter for the City; the CDD does not have jurisdiction.

Mr. Schnars stated that the Annual Report was submitted to Management last week. The bridge repairs commenced but are stalled because additional information and shop drawings were requested showing how the contractor was proceeding; the project would continue, once the information is received. The pump station inspection and repairs work was underway but not completed.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

i. NEXT MEETING DATE: September 26, 2018 at 10:30 a.m.

The next meeting will be held on September 26, 2018 at 10:30 a.m.

TENTH ORDER OF BUSINESS

Supervisors’ Requests

There being no Supervisors’ requests, the next item followed.

ELEVENTH ORDER OF BUSINESS


Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Einfalt and seconded by Mr. Freedman, with all in favor, the meeting adjourned at 11:15 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair