

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

The Board of Supervisors of the Boynton Village Community Development District held multiple Public Hearings and a Regular Meeting on September 11, 2019 at 2:00 p.m., at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

Present at the meeting were:

Richard Buck (via telephone)	Chair
Harvey Gonzalez	Vice Chair
Adam Freedman	Assistant Secretary
Jim Gielda	Assistant Secretary
Michael Bowden (via telephone)	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Lisa Dao	Wrathell, Hunt and Associates, LLC
Ginger Wald	District Counsel
Jeff Schnars	District Engineer
Bill Horowitz (via telephone)	Public

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 2:04 p.m. Supervisors Gonzalez, Freedman and Gielda were present, in person. Supervisors Bowden and Buck were attending via telephone.

SECOND ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

**Public Hearing on Adoption of Fiscal Year
2019/2020 Budget**

A. Proof/Affidavit of Publication

The proof of publication was included for informational purposes.

B. Consideration of Resolution 2019-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020; Authorizing Budget Amendments; and Providing an Effective Date

Ms. Cerbone recalled that, when first presented, the proposed Fiscal Year 2020 budget contained much higher costs than in prior years because the Board had discussed taking over all operations and maintenance (O&M) and repairs that the District currently contracts out to the Master Association. Between approval of the proposed Fiscal Year 2020 budget in June and today, a proposed budget was prepared to reflect the CDD not taking over the O&M and repairs from the Master Association, which was the budget contained in the agenda. She reviewed the proposed Fiscal Year 2020 budget line items, including line item increases, decreases, changes from the prior year and the originally proposed budget, etc., and discussed the reasons for any changes or adjustments. Overall, with the proposed Fiscal Year 2020 budget, as currently presented, assessments would decrease.

A Board Member noted their inability to reach the Property Manager and/or receive a timely response. Ms. Cerbone stated that, in discussing the issues with the Property Manager's superior, it became apparent that neither the Property Manager nor his boss understood how to manage a mixed-use community and despite Management's attempts to help the Property Manager, there was no improvement. Several Board Members stated that they were not comfortable leaving O&M with the Master Association and noted that the lack of responsiveness has been going on for years.

Discussion ensued regarding the approximate \$158,000 cost if the CDD assumed all O&M, currently contracted out to the Master Association, how much property owners actually pay the Master Association for the services currently provided by the Master Association, whether the property owners are getting what they pay the Master Association for, etc.

Mr. Buck felt that new Master Association leadership has taken interest in trying to correct some of the current issues; therefore, he preferred to allow the Master Association to continue with the O&M and repairs. Mr. Freedman discussed his concern about the maintenance of the dog park, which was under an agreement between the City and the Master Association, over which the CDD has a maintenance easement. He felt that other O&M items could remain with the Master Association but believed that the dog park was not being

properly maintained, which creates complaints and, generally, is not good for owners, residents and the CDD. Ms. Cerbone stated that, when originally calculated in June, the estimated costs for the District to take over O&M of the dog park were \$10,650 per year for porter services and \$35,580 per year for landscape and irrigation. Since that calculation, the City's Director of Parks and Recreation visited Management's office and expressed his concerns about the dog park and, as a result, she obtained the City's exact maintenance requirements and forwarded those to the original landscaper for the dog park and the Greenway and also sent them to the porter services vendor that the Master Association uses to currently maintain the dog park. In essence, the Master Association landscaper's response was that they did not have a problem with the standards; however they would not be out there seven days per week; they were not willing to conduct the required daily inspection or do anything that was a daily requirement beyond Monday through Friday. Ms. Cerbone estimated that the cost for the District to take over the dog park would be higher than originally contemplated, as there could be rehabilitative work necessary to bring the dog park back to its original condition. Mr. Freedman believed that the Master Association would never keep the dog park maintained to the standards set forth by the City; therefore, he favored having the CDD take over the dog park. Mr. Buck questioned how well the City communicated its requirements to the Master Association and/or if it notified the Master Association of deficiencies; therefore, he was not comfortable with the CDD taking over the dog park. He felt that the City and Master Association should communicate about this. Mr. Freedman stated that, much like everyone, the City tried to communicate with the Master Association but the Master Association does not respond to inquiries or take any action, which is the problem. Mr. Buck stated that the Master Association was somewhat responsive to him and new proposals were being obtained; he felt that the Master Association was trying to meet the City's expectations. Mr. Bowden stated that the Master Association's responsiveness to him has improved recently and he favored leaving the dog park with the Master Association.

Discussion ensued regarding Management's efforts to assist the Property Manager in being responsive to issues, the Property Management Company's lack of experience managing mixed-use developments, whether the CDD or Master Association would be best-suited to control the dog park amenity, etc.

Mr. Bowden stated that he also serves on the Master Association Board and has observed changes on that Board and he was not sure it was previously receiving the attention it needed, although he understands the frustration.

Mr. Freedman stated, in his experience, the Master Association Property Manager would do or say whatever they can but will not follow through. He felt that the situation does not make sense as, even when the CDD tells the Master Association what needs to be done, it still does not get done and, if done, the quality is substandard, which is why he wanted the CDD to take over the “public facing” amenity. He noted that the CDD Board Members who also serve on the Master Association Board were the ones to pull that from the CDD budget.

Mr. Buck believed this was the first time a landscape proposal consistent with the City’s expectations was obtained; therefore, he felt that was encouraging. Mr. Giolda noted that, aside from that, under the Master Association, basic, normal things such as daily porter service, making sure the lawn does not look bad and proactively working with the landscape contractor has not occurred. The Property Manager’s overall attitude and lack of action are an issue. Mr. Freedman felt strongly that the CDD should take this opportunity to take over the dog park.

Ms. Cerbone stated that, if the Board decided the CDD should take over the dog park sometime during Fiscal Year 2020, the proposed budget had unassigned fund balance that could be used to pay for the unbudgeted expense.

Mr. Freedman suggested the CDD take over the dog park maintenance, increase the Fiscal Year 2020 budget slightly, using the majority of the unassigned fund balance and adding a \$15,000 reserve to cover the expense. The CDD costs would not increase much and it would be a non-issue, since the expense would be removed from the Master Association budget.

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

Mr. Bill Horowitz, a member of the public, asked if the second dog park and the deck should already be part of the CDD assessment. Ms. Cerbone replied no because the dog park does not belong to the CDD; the observation deck does not currently belong to the CDD but was expected to be conveyed to the CDD. The park itself belongs to the City. It was explained that there is only one park, it is a civic tract and has always been one park.

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

Ms. Cerbone stated that the Fiscal Year 2020 budget in the agenda does not contain maintenance for anything that the District has contracted with the Master Association for and it does not contain maintenance for anything that the CDD does not own; the CDD does not own the dog park. The only two maintenance items included were the bridge and the pump station.

Ms. Cerbone recalled that, at the June meeting, the Board also directed her to prepare a pared down budget that did not include any maintenance that the Master Association is responsible for. The motion should be either to adopt the budget as is, as presented in the agenda book, or adopt the budget as amended, if funds would be added to cover irrigation, landscape and porter services for the dog park and utilizing some unassigned reserves.

Ms. Cerbone presented Resolution 2019-06.

On MOTION by Mr. Buck and seconded by Mr. Bowden, with Mr. Buck, Mr. Bowden and Mr. Gonzalez, in favor, and Mr. Freedman and Mr. Giolda dissenting, Resolution 2019-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020, as presented in the agenda book; Authorizing Budget Amendments; and Providing an Effective Date, was adopted. [Motion passed 3-2]

Ms. Cerbone stated that the adopted Fiscal Year 2020 budget excludes any maintenance except for irrigation, pump station and the bridge.

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 2019/2020, Pursuant to Florida Law

A. Proof/Affidavit of Publication

The proof of publication was included for informational purposes.

- B. **Consideration of Resolution 2019-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; 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**

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

Mr. Horowitz asked if insurance on the observation deck should go the special revenue fund. Ms. Cerbone replied no; the special revenue fund is only related to the Greenway and the observation deck is not on the Greenway.

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

Ms. Cerbone presented Resolution 2019-07.

On MOTION by Mr. Buck and seconded by Mr. Bowden, with all in favor, Resolution 2019-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; 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 2019-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2019/2020 and Providing for an Effective Date

Ms. Cerbone presented Resolution 2019-08. The October 23, November 27 and December 18, 2019 and January 22, February 26, March 25, April 22, May 27, June 24, July 22, August 26 and September 23, 2020 meetings were deleted from the Meeting Schedule.

On MOTION by Mr. Gonzalez and seconded by Mr. Freedman, with all in favor, Resolution 2019-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2019/2020, as amended, and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Update: Repair and Maintenance Items with Boynton Town Center Master Association

Ms. Dao distributed a chart of the “Boynton Village CDD – Status of District Improvements maintained by BTCMA” and stated that she was working with the Property Manager to update the chart of items identified by the District Engineer that required repairs and/or maintenance by the Master Association. She reviewed the items on the chart and the status provided by the Master Association, as of today.

SEVENTH ORDER OF BUSINESS

Consideration of Osprey Landscape Contracting and Maintenance Proposal #3102 for Pruning Services

Ms. Cerbone presented a \$13,464 proposal from Osprey Landscape Contracting and Maintenance for necessary landscaping outside of the normal scope of the landscape services agreement. If the Board wished to approve this work, she suggested having some of the work completed in September, as there were some available funds in the Fiscal Year 2019 landscape budget, and then completing the remainder in October.

This item was deferred.

EIGHTH ORDER OF BUSINESS

Discussion: Irrigation and Pump Station

Ms. Cerbone presented the proposal from Sullivan Electric & Pump, Inc. to perform inspections of the pump station; the expense was already included in the Fiscal Year 2020 budget. Discussion ensued regarding issues with unauthorized personnel accessing the CDD pump station.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2019

Ms. Cerbone presented the Unaudited Financial Statements as of July 31, 2019.

On MOTION by Mr. Freedman and seconded by Mr. Giolda, with all in favor, the Unaudited Financial Statements as of July 31, 2019, were accepted.

TENTH ORDER OF BUSINESS

Approval of June 12, 2019 Regular Meeting Minutes

Ms. Cerbone presented the June 12, 2019 Regular Meeting Minutes.

On MOTION by Mr. Giolda and seconded by Mr. Gonzalez, with all in favor, the June 12, 2019 Regular Meeting Minutes, as presented, were approved.

ELEVENTH 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*

There being no report, the next item followed.

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

Regarding the lighting, Ms. Cerbone stated it was powered back on by Florida Power & Light (FPL) but not all lighting was repaired yet; parts would arrive the first week of October.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

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

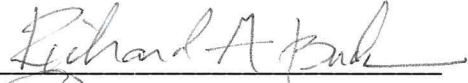
THIRTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Freedman and seconded by Mr. Gonzalez, with all in favor, the meeting adjourned at 3:20 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair