

**MINUTES OF A BOARD OF SUPERVISORS MEETING
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT 02/26/25**

Pursuant to the foregoing Notice, the Board of Supervisors of Northern Palm Beach County Improvement District was called to order at approximately 8:00 a.m. on February 26, 2025, in the Administrative Building and Emergency Operations Center, 359 Hiatt Drive, Palm Beach Gardens, Florida.

1) ROLL CALL

There were present Board President Matthew J. Boykin and Supervisors Ellen T. Baker, L. Marc Cohn, Brian J. LaMotte and Gregory Block; Executive Director Dan Beatty; and General Counsel Kenneth W. Edwards of Caldwell Pacetti et al.

Also present were Director of Finance & Administration Katie Roundtree; District Engineer Kim Leser; District Clerk Susan Scheff; Director of Operations Ken Roundtree; Programs & Facilities Maintenance Administrator Jared Kneiss; Permit Coordinator Kimberly Marcello; Technical Assistant/Records Management Specialist Kathleen Maloney-Pollack; Chris Traber of Nabors, Giblin & Nickerson, P.A.; Jim Sullivan, Katelin Kutz, Travis Douglas and Ricardo Coconcelli of BGE; Steven Eaddy of Estrada Hinojosa; Brandon Selle and Laura Niemann of Seacoast Utility Authority; Victor Nowicki of BallenIsles Country Club (Unit 31); and John Q. Podesta, Mary D'Angelo, Celeste Colliton, Virginia Utley and Betsy and Ralph Maling (Unit 43).

2) ESTABLISHMENT OF A QUORUM

Mr. Boykin announced that there was a quorum and that it was in order to consider any business to properly come before the Board.

3) ADDITIONS OR DELETIONS TO THE AGENDA

Mr. Beatty reported that no additions or deletions to the Agenda were necessary. Mr. Boykin proposed switching the order of discussion of the Unit 34 – Hidden Key and Unit 53 – Arden items as there are a

group of people who wish to speak regarding the Unit 34 item.

A **motion** was made by Ms. Baker, seconded by Mr. LaMotte and unanimously passed accepting the agenda with the requested switching of the order of discussion of the Unit No. 34 and Unit 53 items.

4) APPROVAL OF MINUTES

A **motion** was made by Ms. Baker, seconded by Mr. LaMotte and unanimously passed approving the Minutes of the January 22, 2025 Regular Meeting.

5) COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Mr. Boykin called for any comments from the public for items not on the Agenda to which there was no response.

6) CONSENT AGENDA

There were no comments from the public with respect to the Consent Agenda.

A **motion** was made by Ms. Baker, seconded by Mr. LaMotte and unanimously passed approving the following Consent Agenda Items:

- a) Unit No. 2C – Alton
Consider Eighth Amendment to Maintenance Agreement
- b) Unit No. 3A – Woodbine
Consider Purchase Order to Top Dog Industries, LLC
- c) Unit No. 9A – Abacoa I
Consider Purchase Order to Connect Engineering, LLC
- d) Unit No. 23 – The Shores
Consider Purchase Order to Top Dog Industries, LLC
- e) General
 - i) Consider Fiscal Year 2025/2026 Budget Calendar
 - ii) Consider Approval of General Services Contract – Nu-Pipe, LLC
- f) Payment Requests

copies of which are contained in applicable Northern files.

7) REGULAR AGENDA

a) UNIT OF DEVELOPMENT NO. 3 – HORSESHOE ACRES/SQUARE LAKE Consider Amendment to Notice and Disclosure of Taxing Authority

Mr. Edwards stated that Northern records a Notice and Disclosure of Taxing Authority when it forms a new Unit of Development to make the public aware of Northern's involvement for those purchasing property within the Unit. He explained that, in this case, the owner of a parcel of land within an existing Unit wishes to develop its parcel but in order to do so, Palm Beach County is requiring the owner to convey a 20-foot-wide strip of the parcel to the County for road right-of-way purposes. He further explained that when the County's title search showed Northern's Notice and Disclosure, the owner's attorney asked Northern how to go about releasing the property from the Notice. Mr. Edwards advised them of the process Northern would have to go through to do so, noting that it is lengthy and that someone would have to pay for it to be done.

Mr. Edwards stated that the owner and the County requested that Northern delete the 20-foot-wide parcel from the legal description used in the Notice. He advised that there is language in the amendment explaining that such a deletion would not affect Northern's assessment authority as to the 20-foot-wide strip. He further advised that Northern Staff and General Counsel have no objection to the request and would recommend approval of the Amendment to the Notice and Disclosure of Taxing Authority.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Ms. Baker, seconded by Mr. LaMotte and unanimously passed approving the Amendment to the Notice and Disclosure of Taxing Authority.

c) UNIT OF DEVELOPMENT NO. 53 – ARDEN Consider Award of Bank Loan to Webster Bank & Approval of Related Loan Resolution (2025-01) (Item moved to be heard before Item b) previously in the meeting.)

Ms. Roundtree explained that in October, at the request of the developer, the Board approved the issuance of a Request for Proposals (RFP) for a Water Control and Improvement Bond in the form of a bank

loan for Unit of Development No. 53 in order to finish up the project, as Northern was running short on bond funds. She reported that the RFP was issued in January, three responses were received and after review by Staff, Northern's Financial Advisor, and Bond Counsel, it was determined that Webster Bank submitted the best proposal. Staff and Consultants are recommending a bond be sold with an approximately 20-year repayment schedule at a 4.66% interest rate which translates to additional debt assessments of approximately \$93-\$133 per household per year, depending on the type of land use (townhouse, zero lot line single-family house or traditional single-family house).

Ms. Roundtree then introduced Chris Traber, Northern's Bond and Note Disclosure Counsel, to present the Resolution.

Mr. Traber introduced himself and reviewed the Award Resolution's general provisions and authorizations, noting that it is also prepayable in full on the semi-annual interest payment date. He stated that, if approved, it will close later this week and fund on Friday. Mr. Traber stated he would be happy to answer any questions the Board may have on the Resolution.

Mr. LaMotte had some additional questions, which Ms. Roundtree answered, regarding how the Bond will affect assessments.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Ms. Baker, seconded by Mr. LaMotte and unanimously passed approving the issuance of the Water Control and Improvement Bond, Unit of Development No. 53, Series 2025 Bond to pay the costs of certain Plan of Improvement public improvements within the Unit No. 53 Plan of Improvements and approval of Resolution No. 2025-01, as presented.

**b) UNIT OF DEVELOPMENT NO. 34 – HIDDEN KEY
Consider Potential Permit Request from Seacoast Utilities**

Mr. Beatty stated that Hidden Key is located to the east of Federal Highway, and on north side of Jack Nicholas and/or the extension of PGA Boulevard and displayed a photo of the subject area. He explained that

he received a call from one of the residents about a month ago about the potential installation of a sewer force main by Seacoast Utility Authority (SUA). He further explained that SUA has not officially submitted an application for a permit to Northern, noting that Northern owns the road rights-of-way within Hidden Key and work within that right-of-way would require a permit. Mr. Beatty stated that he contacted SUA and they confirmed that a resident who purchased a home in Hidden Key intended to construct a new home on the property and was interested in having SUA install sewer, which SUA then began to pursue.

Mr. Beatty reported that, a couple of years ago, Staff researched the possibility of pursuing grant funding for the installation of a similar sewer system. After conducting a survey of the residents, 26 of the 28 responses received were not in favor of converting to sewer. He stated that SUA recently conducted a survey of the affected lots on Point Way and SUA representatives are in attendance and can report those results.

Mr. Beatty stated that Staff's concern in issuing a permit is it could result in significant impacts to the all of the homeowners as a result of a Florida Statute which states that once sewer is available within 300 feet of your home, the Health Department requires homeowners to connect to sewer within 365 days. He briefly reviewed the type of system required and the expenses involved in converting from septic to sewer as well as the ongoing payment to SUA. He stated that representatives from SUA and the community are in attendance to present their views to the Board.

Mr. Boykin asked where the sewer connection would come from and Mr. Beatty pointed out the location of the existing force main on one of the slides. Mr. Boykin asked if any of Hidden Key is currently on sewer lines and Mr. Beatty advised that he believes only the condos are on sewer lines.

A general discussion followed with regard to the potential route and the possible construction plan, noting that it is very preliminary at this point and SUA has not discussed the project with Northern. The discussion continued with regard to who would be impacted if this were to go through, who would be responsible for the connection fees, and whether or not the homeowner could replace the septic system or

would they be forced to use the existing septic system.

The representatives from SUA were asked if they wish to address the Board at this time.

Brandon Selle, SUA Chief Operations Officer, introduced himself and Laura Niemann of their Engineering Department. He thanked Mr. Beatty for covering the basics and explained that SUA has a program in place to assist customers either rebuilding or having septic tank failures. He stated that the plan is optional and similar to Mr. Beatty's previous statements, explaining that Seacoast commits to installing a low-pressure force main and hope that others choose to connect. He clarified that connection is optional in the eyes of SUA, but debatable as to whether the Health Department sees it that way. Mr. Selle stated that he has not yet seen the Health Department enforce this law, but added that if there was a septic system failure, the Health Department might ask if there was sewer availability.

A general discussion followed with regard to the cost estimate to replace a septic system, the popularity of the program among homes that are being rebuilt along the water, whether the homeowner's septic is functional and if their deposit can be refunded, and SUA's initial process before requesting a Northern permit.

Mr. Boykin asked Mr. Edwards about the law and the risk involved.

Mr. Edwards advised that Section 381.0655, states that the Health Department must notify the applicable landowners that they have 365 days in which to connect. He stated that there may be some potential exceptions, but he cannot speak to that, noting that Northern's understanding is that the law says the applicable landowners must connect and it is up to SUA to inform them of that obligation.

The discussion continued with regard to the inability to know whether or not the Health Department would choose to enforce the requirement, whether or not SUA has helped homeowners get grant money from the State and their lack of success, SUA's lack of interest in waiving connection fees or seeking a waiver from the Health Department requirement.

Mr. Edwards explained that most of this discussion is premature as SUA has not submitted a permit application and Northern does not know how the Health Department would respond if SUA asked for a variance. He further explained that, once Northern knows the requirements and conditions, it would be advisable to hold a Public Hearing for further feedback from the community. He advised the Board to table a decision until the parties have more information from the Health Department.

Mr. Boykin stated that he believes the Board is simply having a preliminary discussion at this time, but said he would be happy to hear from the residents in attendance that wish to speak on this issue.

Mr. Selle reported that SUA has already spoken with the Health Department, and the Department will not commit to whether or not they would enforce the law.

A general discussion followed with regard to Northern's obligations and/or considerations when processing permit applications, who the permitting agencies would be in this case, how SUA differs from Loxahatchee River District, and what happens if the power goes out.

The discussion continued with regard to the possibility of a private sewer connection, whether the other homeowners would be exempt from the Health Department requirement, and the possible implications with regard to maintenance, etc.

Mr. Boykin stated he would like to hear from the residents in attendance.

Ms. Niemann stated that SUA conducted an interest survey of the 14 affected customers on Point Way, noting that eight were interested, two were not interested and three did not respond.

Ms. Baker asked if the survey included the cost, and Ms. Niemann responded affirmatively.

Mr. Boykin said he would be interested in seeing the survey documents along with the cost sheet and thanked the SUA representatives for their time.

Mr. Boykin called upon the first homeowner who wishes to address the Board and Mr. Edwards advised the speakers of Northern's Public Comment Policy which calls for a three-minute time limit, which may be extended to ten minutes at the Chair's discretion.

John Podesta, Virginia Utley and Mary DeAngelo each filled out a Speaker Card and addressed the Board to raise their concerns and opposition to this project. A brief summary of their concerns include the limited notification process with no request for comment, the need to notify all Hidden Key residents of any potential impacts to their community and the fact that only those potentially affected homes on Point Way were surveyed; the financial impact on the community, many of whom are retirees; and the desire to have Northern decline a potential request for permit and have SUA refund any monies paid by the homeowner requesting the sewer connection.

Ralph Maling, the homeowner requesting the connection to sewer, also filled out a Speaker Card and addressed the Board to explain that he had not intended to cause this problem. He further explained that he believes it would be much better for everyone to have sewer, noting his real estate experience and the future of the community. He stated that he plans to live in the home and does not wish to upset his neighbors. He further stated that he will put in a septic system, although he would prefer a sewer system, noting the benefit to the environment. He reviewed the fees he expended thus far and his understanding of the community's financial concern.

Mr. Block confirmed with Mr. Maling that he was aware of the septic system before purchasing the property and Mr. Maling responded affirmatively, adding that his engineer was the one who suggested the change to a sewer system.

Mr. Maling stated that he is fine with either decision, but he would like a decision soon, as he intends to move into the home within 9 to 12 months.

Mr. Boykin thanked everyone for their time and asked Mr. Edwards for some additional research with regard to the law.

Mr. Beatty stated that it is now up to the community and SUA to determine whether SUA is going to submit a permit application to Northern. If so, Northern would then hold a Public Hearing. If Mr. Maling chooses to utilize a septic system, then Northern does not need to take further action.

Ms. Baker asked Ms. Leser for her opinion and Ms. Leser advised that she has not seen the full submittal, but from an engineering standpoint, there is not much of an impact. She reviewed what she believes the process would be, noting that there is no issue from an engineering aspect if everyone was on board with moving forward.

Once again, Mr. Boykin thanked everyone for their time.

This item was presented for information only and no Board action was required.

8) MISCELLANEOUS REPORTS

a) ENGINEER

Ms. Leser gave the following status updates with accompanying photos under her report, noting that many projects are currently in the paperwork stage:

Unit No. 2C – Alton: Ms. Leser reported that Staff will be working on closing out the POI in the next year or so. She stated the hospital construction is still progressing and is set to open in Spring 2026.

Unit No. 5A – Vista Center of the Palm Beaches: Ms. Leser reported that the Board approved the final payment to Nu-Pipe on the Consent Agenda for the rehabilitation project and she showed some before and after photos of the project.

Unit No. 53 – Arden: Ms. Leser reported on the current status of the work within the various Pods with accompanying photos. She also showed a photo of Saddle View Elementary School which is scheduled to open in August 2025. Ms. Leser also showed a photo of our newly formed Unit 54, with Unit 53 on the east side.

Ms. Leser also reported that the multi-unit pump station control panel replacement project is out for bid and she hopes to present to the Board for award at the March Regular Meeting, along with the five annual landscaping maintenance contracts.

b) ATTORNEY

Mr. Edwards explained he has one item to report with regard to the Unit 54, Artistry Lakes, Developer’s Agreement which was approved by the Board in November 2024. He reported that Northern has finally reached a point that the Agreement will soon be executed by all parties; however, it was originally dated 2024 throughout. He explained that Staff is requesting Board authorization to change the dates to 2025 and modify the Effective Date in Section 18.13 from the date last signed by all of the parties, which is typical, to the date the Agreement was approved by the Board.

Mr. Boykin called for any comments from the public to which there was no response.

A **motion** was made by Ms. Baker, seconded by Mr. LaMotte and unanimously passed approving the change of dates from 2024 to 2025 and the modification of Section 18.13 of the Developer’s Agreement, as presented.

c) EXECUTIVE DIRECTOR

Mr. Beatty reported that Northern has filled almost all of its vacant positions with the exception of one, so he should have some new employees to introduce to the Board at the March Board Meeting.

The Public and Community Relations Report was included in the Board materials for review.

9) COMMITTEE REPORTS

**a) ENGINEERING REVIEW COMMITTEE
Consider Committee Recommendations**

Prior to consideration of the Engineering Review Committee recommendations, including a Florida Power & Light Company (FPL) waiver of the Engineering Standards Manual, Mr. Boykin recused himself from the vote, having previously filled out a Form 8B on matters involving this company.

Mr. Beatty reported the Engineering Review Committee (ERC) met on February 11, 2025, adding that there were three items on the agenda for consideration, each of which will be addressed separately.

i) General

(1) Consider Florida Power & Light Waiver of Engineering Standards Manual

Mr. Beatty reported that the first item was to consider FPL's request to waive the signing and sealing of plans requirement within Northern's Engineering Standards Manual. He stated that Mr. Edwards was able to come up with a compromise for FPL in which they would issue a letter indicating that the individual responsible for the design is a full-time employee of FPL and an engineer who has attended an accredited university. He further stated that FPL should be preparing a draft letter for Mr. Edwards' review and approval before being incorporated into the Engineering Standards Manual.

(2) Consider Revisions to Engineering Standards Manual

Mr. Beatty stated that the next item was to review changes to the Engineering Standards Manual, noting that Staff reviews it from time to time to identify changes that need to be made for technical, financial or other purposes. He explained that one of the specific changes involved establishing new encroachment policy.

**ii) Unit No. 16 – Palm Beach Park of Commerce
Consider Escrow Reimbursement and Plan of Improvements Closure**

Mr. Beatty stated that Mr. Edwards would be presenting this item.

Mr. Edwards reported that this item involves an escrow of approximately \$700,000 that was set up in 2003, explaining some of the history of the establishment of the Escrow Agreement. He further explained that the escrow exists to conclude the construction requirements of the Plan of Improvements (POI). Mr. Edwards stated that the current developer is requesting that Northern close the escrow and repay them the escrowed amount. He explained that the prior developer requested Northern amend the POI in order to use those escrowed funds, if not required for other facilities, for any necessary improvements to Northern's roadway that connects to the Beeline Highway. Northern agreed and amended the POI accordingly.

Mr. Edwards stated that the current developer does not believe the escrowed funds will ever be needed for such road improvements, based upon the number of trips logged in the last study conducted by Palm Beach County. He reported that there are currently approximately 10 acres of undeveloped land within the Unit and Northern cannot be sure that road improvements will not be required before the Unit is fully developed. If the money was returned, another Plan Amendment would be required, and any new tenant causing the extra trips would be solely responsible for paying for the road improvements.

It was the recommendation of the Committee to keep the money and keep the POI open until final buildout.

There was a general discussion with regard to the anticipated closeout time of the remaining acres and the interest received by the developer for the escrowed funds.

Mr. Boykin reiterated that he was abstaining from the vote.

There were no comments from the public with regard to this item.

A **motion** was made by Ms. Baker, seconded by Mr. LaMotte and passed by the voting members approving the recommendations of the Engineering Review Committee.

10) RECEIVE AND FILE

The following items were presented to be received and filed:

- Assessment Collection Status;
- Northern Monthly Financial Reports; and
- Proof of Publication of Meeting Notice

copies of which are contained in Northern's records.

11) COMMENTS FROM THE BOARD

There were no further comments from the Board.

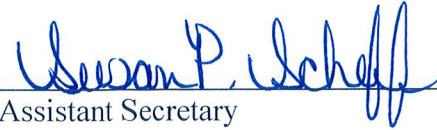
12) ADJOURN

A **motion** was made by Ms. Baker, seconded by Mr. LaMotte and unanimously passed to adjourn the meeting.

There being no further business to come before the Board, the meeting was adjourned.



Vice President



Assistant Secretary