

MINUTES OF MEETING HARMONY COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Harmony Community Development District was held Thursday, January 28, 2010, at 9:00 a.m. at 7251 Five Oaks Drive, Harmony, Florida.

Present and constituting a quorum were:

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| Robert D. Evans | Chairman |
| Nancy Snyder (<i>by phone</i>) | Vice Chairman |
| Steve Berube | Supervisor |
| Kerul Kassel | Supervisor |
| Mark LeMenager | Supervisor |

Also present were:

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| Gary L. Moyer | Manager: Moyer Management Group |
| Tim Qualls | Attorney: Young vanAssenderp, P.A. |
| Steve Boyd | Engineer: Woolpert |
| Brenda Burgess | Moyer Management Group |
| Thomas Belieff | Dockmaster |
| Greg Gologowski | Harmony Development Company |
| Todd Haskett | Harmony Development Company |
| Shad Tome | Harmony Development Company |
| Jason Shafer | Luke Brothers |
| Danny Gough | Bio-Tech Consulting |
| Residents and members of the public | |

FIRST ORDER OF BUSINESS

Roll Call

Mr. Evans called the meeting to order at 9:00 a.m.

Mr. Evans called the roll and stated a quorum was present for the meeting.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the December 17, 2009, Meeting

Mr. Evans reviewed the minutes of the December 17, 2009, regular meeting, and asked for any additions, correction, or deletions.

On MOTION by Ms. Kassel, seconded by Mr. LeMenager, with all in favor, approval was given to the minutes of the December 17, 2009, regular meeting.

THIRD ORDER OF BUSINESS

District Manager's Report

A. Financial Statements

Mr. Moyer reviewed the financial statements, included in the agenda package and available for public review in the District Office during normal business hours.

Mr. LeMenager stated I noted that we are well over what we expected to collect from the County for our maintenance assessments, and I think that is a very positive thing. With respect to the amount we set aside for first quarter operating expenses, is this unusual or the result of some efficiencies on the part of the County?

Mr. Moyer stated it is tied to when people pay their real estate tax bills, since our non-ad valorem assessments are placed on the tax bills. That happens between December 1 and March 31. Even though we prorate over a 12-month period what we expect to collect, the reality is we anticipate collecting it over four months. The amounts shown through December 31 probably represent people who have mortgages on their homes because the mortgage companies will pay that at the earliest available time to take advantage of the 4% discount. That is why it is a positive variance of roughly 46%. Based on last year, I anticipate we will receive all of it but it is a timing issue of when people pay their taxes.

Ms. Kassel asked does the budget reflect even amount monthly or the fact that the bulk of assessments are received by March 31?

Mr. Moyer stated the budget is not annualized, but in the monthly column, it is a proration.

Mr. LeMenager stated with respect to the assessments, it does not appear that is the case. It is the case with CDD-collected assessments, but not with tax collector-collected assessments. It appears that the accountant has correctly put in some acceleration so they have made some allowance for that.

Mr. Moyer stated you are correct.

Mr. Berube stated I have a question on receivables. On the financial statements ending September 30, there is a line that shows delinquent assessments from fiscal year 2006 for \$11,433. No other year shows delinquent assessments. What happened in 2006?

Mr. Moyer stated it is probably an adjustment that the auditors made that I will need to check.

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| On MOTION by Mr. LeMenager, seconded by Mr. Berube, with all in favor, approval was given to the financial statements as presented. |
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B. Invoice Approval #117 and Check Run Summary

Mr. Moyer reviewed the invoices and check summary, which are included in the agenda package and available for public review in the District Office during normal business hours, and requested approval.

Mr. Berube stated the invoice for Walker Technical Services says it is for monitoring of the MAXICOM irrigation system. Is this an ongoing, monthly invoice?

Mr. Golgowski stated that is correct.

Mr. Berube asked is that by contract? Is that an optional fee? What are we paying \$250 each month to receive?

Mr. Golgowski stated they monitor the irrigation system remotely and make sure if they see anything out of line or if there is a freeze like we just had, they will shut the water off. They can do that remotely. They advise on application rates for the season and time of year. It is a general overview of the efficiency of the irrigation system. They have found a number of deficiencies, and they have come out in the past to walk the property and analyzed whether zones are covering landscape shrubbery versus turf versus trees and different applications. They keep the system fine tuned. We have had events in the evening and suddenly the irrigation comes on, and they can shut down the irrigation remotely.

Mr. Berube asked do you feel we are getting \$250 a month worth of services?

Mr. Golgowski stated yes, I think it is a bargain.

Mr. LeMenager asked if there is something physical, then Luke Brothers repairs it under their contract?

Mr. Golgowski stated that is correct.

Mr. Evans stated we are including two additional invoices in this approval: Young vanAssenderp and Bio-Tech Consulting.

Mr. LeMenager stated I made the point at the last meeting as to whether or not this CDD would pick up more than its fair share with respect to your lobbying effort. Does this invoice represent all the work you performed by your firm on this project or is it part of the total cost?

Mr. Qualls stated it likely does not represent all the work that will be done, but there have been some really good developments. Ken vanAssenderp and I and others at the firm have been able to come to an agreement with the lobbyist for Gulf Group Holdings. They have agreed to take this section out of the Bill. In reality, if you look at what has

been accomplished in such a short timeframe due to Mr. vanAssenderp's reputation, this comes in at a bargain for the work that has been done, well before the Session even comes up. This issue will not even come up during Session, and I believe in three week we will see a strike-all amendment on Senate Bill 664 in which Section 2 will no longer be in the bill. I think it is great news and well worth this small legal fee.

Ms. Kassel asked is the Bio-Tech invoice their monthly contractual bill and they failed to bill us until now, or is this something additional?

Mr. Golgowski stated it is a catch up for the previous months at their contract amount and is nothing additional to the contract.

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| On MOTION by Ms. Kassel, seconded by Mr. LeMenager, with all in favor, approval was given to the invoices as presented, including the additional invoices from Young vanAssenderp and Bio-Tech Consulting. |
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C. Public Comments/Complaints

Mr. Moyer reviewed the complaint log as contained in the agenda package and is available for public review in the District Office during normal business hours.

Mr. Moyer stated it is not listed on the log but I think you all saw some communication from one of our residents who, unfortunately, made a reservation for the use of the boat that did not get to Mr. Belieff. He was on vacation when the reservation was scheduled. It is one of those growing pains, and sometimes mistakes are made. We try to minimize those, but the reality is that every now and then, it happens. The only thing we can do is apologize. We certainly cannot staff someone full time since there is no place to put a person out here. Even if we had a place, we could not afford to have a full-time secretary sit here to schedule the boats. We will struggle with that until the District is large enough and has enough revenues to consider staffing a position.

Ms. Kassel asked do we have a part-time dockmaster?

Mr. Moyer stated yes.

Ms. Kassel asked is he supposed to cover when Mr. Belieff is on vacation?

Mr. Moyer stated yes, he is supposed to, but this was an occasion when none of that worked.

Ms. Kassel asked have you addressed this to the point where it should not happen again?

Mr. Moyer stated yes.

Ms. Kassel stated I have a question about the doggie bags for Luke Brothers. A number of the dispensers for the doggie pots are not locked so when you pull out the bag, the whole box of bags falls out. Does Luke Brothers have the key?

Mr. Shafer stated we do have the key, and they are supposed to be locked. This is the first time I am hearing about this, so I will address it immediately.

Ms. Kassel stated some of the sidewalks have moved and are no longer safe so we will need to address those. Do we have money in the budget for sidewalk repair?

Mr. Moyer stated yes.

Mr. LeMenager stated we have \$9,000 in the budget for sidewalks.

Ms. Kassel stated I have an item that I can raise during Supervisor requests. There was a dog park incident about a vagrant, but my issue is regarding the dog park being CDD property. The Companion Animal Committee may have discussed incidents in the dog park. As the CDD, what can we do to prevent or deal with incidents at the dog park involving dogs attacking other dogs or the perception of attacking and also knocking down people?

D. Ratification of Engagement Letter with Grau & Associates to Perform the Arbitrage Rebate Calculations for the Capital Improvement Revenue Bonds, Series 2001

Mr. Moyer stated whenever a government issues tax-exempt municipal bonds, we sign a contract that says we will perform an annual rebate calculation to determine if the District is making more in investment earnings on the monies that we have left in the bonds funds than what we are paying the bondholders. If there is positive arbitrage, then every five years we rebate that to the Federal Treasury. This is a document that is filed with the Federal Treasury that we will perform this, and when this work is completed, it goes to the trustee. The trustee will monitor that against the account that is setup in the bond fund called the arbitrage rebate account. It is frustrating to me but we have to do it. When you are earning 1%, it is not hard to figure out that 1% is less than 6%. Having said that, it still does not release you from having to hire someone to perform that calculation. The price is \$600 and it is much less than it was several years ago.

On MOTION by Ms. Kassel, seconded by Mr. Berube, with all in favor, approval was given to accept the engagement letter with Grau & Associates to perform arbitrage rebate calculations, in the amount of \$600, as discussed.

FOURTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Qualls stated Mr. vanAssenderp was asked by Severn Trent to develop a policy on the financial statements, and I would like to thank Severn Trent for the work they did in making these improvements and changes to terminology. I want to briefly report on Senate Bill 664, which had the section that would have made changes to Chapter 190, Florida Statutes. There was a meeting with Gulf Group Holdings and another entity who is interested in this Bill passing but also did not want Section 2 included because they thought it would make the Bill harder to pass due to a lot of opposition. Using the logic that something dealing with Chapter 190, F.S., should not be in a Chapter 197, F.S., bill that deals with tax collection and sale of tax deeds. Former Senator Fred Dudley, who is the lobbyist for Gulf Group Holdings, and their attorney, Deborah Marks, did orally agree at that meeting to remove Section 2 out of the Bill. In three weeks, you will receive a report that a strike-all amendment has been filed and it will not be included in the legislation. I think there is some minor work to be done but this should assuage a lot of the concerns with that bad language that would force the District to foreclose on properties within its boundaries and would have forced the District to purchase tax certificates. That is good news and we wanted to report that to the Board.

B. Engineer

Mr. Boyd stated I distributed the final draw from Jr. Davis Construction Company for the waterline construction. This is the final release of their retainage in the amount of \$6,171.20. The work is complete, we have DEP clearance, and the lines have been placed into operation. I want to point out there were no change orders on this contract. The lien release is also attached and if this is approved, I will ask Mr. Evans to sign a requisition and the District manager can forward the payment to Jr. Davis.

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| On MOTION by Ms. Snyder, seconded by Ms. Kassel, with all in favor, approval was given to the final payment to Jr. Davis Construction Company, releasing all withheld retainage, in the amount of \$6,171.20 for the waterline construction, as discussed. |
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Mr. Boyd stated we received a quote from Jr. Davis to do some additional work on the alleys that Mr. Haskett identified. There is one location in Neighborhood A-1 in Ashley Park where the trucks continue to cut the corners short. This will facilitate putting in some short bollards to force the trucks to stay on the asphalt. We need to decide what

color to paint it, which will be compatible with the neighborhood design palette. It should be painted when they are installed.

Ms. Kassel asked what is our sidewalk and alley maintenance budget for the year?

Mr. Moyer stated roads and alleys is \$5,000 and sidewalks is \$9,000.

Mr. Berube asked did we perform the alley repairs in last year's budget?

Mr. Boyd stated we did it as a capital requisition last year.

Mr. LeMenager asked how much is left in the capital funds? This could be considered a capital improvement.

Mr. Moyer stated the financials show that the 2004 capital projects balance is \$230,473.

Ms. Kassel stated I thought we should have only \$50,000 left.

Mr. Boyd stated we have not spent it all and our fees have not come through the District yet. Testing is done but the easement needs to be recorded.

Mr. Evans stated there might be \$100,000 left after all these requisitions are approved. It is a timing issue and they have not shown up in the financials yet.

Mr. Boyd stated I made contact via voicemail with the superintendent of Waste Management and explained the problem to him and I have not heard back, left voicemail with Commissioner Hawkins also. I have not heard from either of them, but I will continue to follow up until I do. Since you have not noticed a change in behavior, we can see how well our complaint gets handled that potentially can solve the problem. There will always be a little laziness with some of the drivers, regardless of the outcome of our conversations. I will follow up with both

Mr. Berube stated I made particular note that the garbage trucks go down the alleys the wrong way behind my house. If we are paying to fix the alleys, they need to do their part.

Mr. Evans asked would it be beneficial to put arrows on the alley signs?

Mr. Boyd stated some of them have arrows as well as One Way and Do Not Enter signs. They just ignore them. I will use this alley repair proposal in my conversation with Waste Management, and that might help the conversation a little. If we want to bring this back to the next meeting for your consideration, I will discuss that with Mr. Haskett.

Mr. LeMenager stated I thought we were going to use up almost all of what we have left in capital to do the waterline, so I would like a more accurate number of what we have available.

Mr. Berube stated I am happy to get on the telephone and assist in contacting these people if the situation is not corrected.

Mr. Boyd stated it might be helpful to have a meeting with them on site when the trucks are driving through the alleys so they can see what is happening.

Mr. Boyd stated last month you asked me to check on the flushing of the fire hydrants. I contacted Toho Water Authority and they are aware some had been closed. They close some of them periodically and are monitoring the water quality, so you will see flushing or not flushing periodically, which is a good sign and means they are getting control of the issue.

C. Dockmaster/Field Manager

Mr. Belieff reviewed the monthly boat report as contained in the agenda package and is available for public review in the District Office during normal business hours.

Mr. Berube stated this report is very nice and I would like to ask you to expand it a little. Do you keep track of who the users are?

Mr. Belieff stated yes.

Mr. Berube stated I would like you to add that information to the report, including who they are and the trip length. I am interested in the number of unique users for these boats, if there are five people who continuously use the boats or 50 different people. I would like to see that information for the past six to 12 months. Secondly, we look at the expense of the boats and every month we wonder what to do. Last year, we spent \$16,900 at Advanced Marina and \$3,200 at Napa to maintain the boats. When you look at the total cost to maintain the boats last year, 90% of our total boat maintenance went to two companies. I am not saying anyone is doing anything wrong, but that is a lot of money going to one place. Mr. Belieff's charge has been to fix boats when they are damaged but I think we are spending a lot of money with a more expedient repair when we might be able to save money in not getting it repaired quite as quickly. If the Board does not object, I would like to get involved in repairs on the boats. It is not to say Mr. Belieff has done or is doing anything wrong, but my background and my current job is repairing things that are broken. I am more than happy to assist and perhaps we can save some money. If there is a smaller repair that you can easily fix, that is not a problem. If there is

a large repair over \$500, I would like to come down and see the boat. Perhaps we can slow down the repair process. I do not see a reason to have all the boats available every minute of every day if we are spending a lot of money for them to be repaired quickly. Sometimes if there is a little delay in the repairs can save some money. I think we need to do that, because the trajectory of boat repairs is steadily increasing. I do not want to be forced into doing something more rash than this.

Ms. Snyder stated I agree with what you are saying, and I would like to help out. After we see that the boats are in good repair most of the time, then we can see how much use there really is.

Mr. Berube stated I agree. We have talked about the cost of the boats every month, and this is a starting point to an action plan. We need an action plan to figure out where we are going with these boats. Once they are in good repair, perhaps we can hire a mobile marine mechanic to perform some maintenance, but we do not know enough information yet.

Ms. Snyder stated the numbers do not justify what we are paying. I think this is one of the greatest facilities that Harmony has. I want to see how much they are used when they are all in working condition most of the time.

Mr. Berube stated we need to instill reliability and then we see the results. When you figure the cost last year versus the number of trips, the minimum cost just based on boat repairs, every trip cost more than \$70.

Ms. Snyder stated there were a lot of problems and people shied away from using them because there were so many problems.

Ms. Kassel stated in addition, there is the deposit that was instituted and has made people hesitate or they have not provided their information to the CDD to be able to rent the boat. I would like to see over the last four years what the boat expenses have been. Now that they are older, they are more expensive to maintain because they break down more frequently. As time goes on, costs may increase because they continue to get older.

Ms. Snyder stated you suggested leasing at one time.

Ms. Kassel stated yes, I did, but I have not heard anything about that and I do not know if that is an option.

Ms. Snyder stated if we have a lease and a boat is never used, we could probably remove it from the lease.

Mr. LeMenager stated that may depend on the terms of the lease.

Mr. Berube stated this is an early stage. I am merely suggesting adding another set of eyes and hands to the oversight and the repair process to get a handle on it before it gets out of control. Last year we spent \$25,000 and the majority of that when to two suppliers. Perhaps those two suppliers are the best we are going to find, but I do not know that yet. I think we need to start somewhere, and I am willing to step into it personally.

Mr. Evans stated I think it will also give you an inside look on what our options are. Mr. Belieff has done a great job to work within his framework of his authority. There are two component parts. One is maintaining the boats in proper form and what it costs to do that, what is proper and what level of maintenance we need. The other thing is to enhance our programming efforts to get more people to utilize the boats. Winter has been cold, but it gives us time to design these programs to implement them as the weather warms up. I think it would be advantageous and we appreciate your involvement in the boating facilities.

Mr. LeMenager stated up to now, we have relied on the developer to do the bulk of legwork required by the Board, and over time, we need to do more and they need to do less. I appreciate Mr. Berube volunteering his time and expertise.

Mr. Qualls stated this Board spent a lot of time developing rules for the use of the boats. The rules state that someone either pays the \$250 security deposit or provides a credit card and valid identification. It is not like they have to pay the \$250 deposit each time they use the boat, if that helps anyone.

D. Landscaping – Luke Brothers

Mr. Shafer reviewed the monthly landscaping report as contained in the agenda package and is available for public review in the District Office during normal business hours.

Ms. Kassel stated last month we discussed replacing some plant material. I want to make sure you have all that information.

Mr. Shafer stated yes, and I am working closely with Tim Nicholson on that.

Ms. Kassel stated we noticed a significant irrigation leak in one of the neighborhoods, and I will provide that to you. On my Apple computer, I have trouble reporting problems on the website.

Ms. Burgess stated you can just send an email and we can address it.

Mr. Berube stated on Schoolhouse Road, across the street just south of the school entrance in front of the real estate model home, there are three trees on the back side of the sidewalk that were not mulched. I know you have not finished all the mulching, but I think you have completed that area. It looks like those three got missed.

Mr. Shafer stated I will see that those are mulched.

Mr. Berube stated also at the exit driveway to the school on Schoolhouse Road, there is a small area of sod that was removed and not replaced.

Mr. Shafer stated I will add that to my list.

Ms. Kassel stated across the street from the school, a yellow fire hydrant is constantly dripping. Is that intentional or does that need attention?

Mr. Haskett stated I do not believe it is intentional.

Ms. Kassel asked who is the person to deal with that? Is it Mr. Belieff or someone else?

Mr. Moyer normally it is Toho Water Authority.

Ms. Kassel asked residents need to report that to Toho Water Authority?

Mr. Haskett stated you can, but we will call them now that we know about it and have them address it.

Ms. Snyder stated between my house and my neighbor's house, there has been a broken cover on the sewer drain. It has been that way a couple months. We reported it once. My question for Luke Brothers is, if you see something like that and you drive over it with a lawnmower, would they report that? I am concerned about all the children in the area.

Mr. Shafer stated yes, they should report that.

Ms. Snyder stated I am not saying they broke it because it has been broken before you started. It seems to me that you should report that a cover is broken that someone can fall into it since it is about 12" x 18". It is between the sidewalk and the street right next to 7023 Five Oaks.

Mr. Shafer stated I am not aware of that so I will look into it.

E. Aquatic Plant Maintenance – Bio-Tech Consulting

Mr. Gough reviewed the monthly aquatic maintenance report as contained in the agenda package and is available for public review in the District Office during normal business hours.

Ms. Kassel stated ponds 9 and 18 are problematic. Is that because they are small comparatively speaking or because they are in sheltered position and they do not receive much wind?

Mr. Gough stated pond 18 is smaller and has a very shallow depth. It has accumulated a lot of material. Pond 9 has some runoff from the golf course. I think your assessment is correct.

Ms. Kassel asked would it be helpful to excavate more out of pond 18 to help maintain its system?

Mr. Golgowski stated pond 18 has a shelf on the west end that is exposed. With the low water level, that is a good target to install plantings to create a little wetland, which should help the pond.

Mr. Gough stated if you fill in that area, it should look a lot nicer and it will help with the chemistry of the pond.

Mr. Golgowski stated these plantings have been done by residents at no cost to the District. The plants they are using have been transplanted from other locations and installed by volunteers. They are David Leeman, Rachel Garwood, and Nettie Bartel, and they have been very active for years doing these activities. So when you see some of these improvements in our ponds, it is their work. They just did some plantings at ponds 32 and 33, and pond 18 will be next.

Mr. Berube asked do we have a plan for pond 18 before the water comes back up?

Mr. Golgowski stated yes, we will get the plants in there now.

Mr. Berube asked are there other ponds that need vegetation planted?

Mr. Gough stated most have a good amount of vegetation, but more is better for the pond chemistry and in keeping algae levels down. The majority of the ponds have a good ring of beneficial vegetation right now. We have not identified any that are totally lacking, so by this time next year, most ponds will have beneficial vegetation. At this point, I do not see any that will not require additional plantings

Mr. Berube stated regarding brownish sponge looking stuff, some of it has dissipated but it is not completely gone. It is in a number of the ponds. Is this something you are treating and how long before it disappears?

Mr. Gough stated yes, we are treating it. The algae come and go depending on fertilization and weather and other factors. It is an ongoing treatment, and every time we

see it, we will treat it. There will be times when there may be blooms, such as after a heavy rain event or when it gets warm and the pond gets stagnant. We will stay on top of it as much as possible to keep it treated, and we will keep in contact with Mr. Golgowski so that if there is a problem, we are here to get it taken care of. In the winter and through spring, we can typically get rid of it where it will stay away. Once we get to mid summertime when it is hot and rainy, we will get some periodic blooms that we will treat at that time. We are trying a new algaecide that should be extremely effective and it is very fast acting. As soon as it is applied, the algae break down within a couple hours.

Mr. LeMenager stated when you are out in the community, an alligator has taken up residence in pond 7.

Mr. Gough stated we have seen a couple out there, and we have seen six or seven babies in pond 18. We will keep an eye out for them.

F. Developer

Mr. Golgowski stated we provided street map of the neighborhoods and a collection of photographs that pertain to a program that the developer is working on for the community called Fire Wise. It is a national program and we are working in conjunction with the Florida Division of Forestry. The program is intended to recognize that some communities on the urban fringe are in areas that burn or are subject to wildfires. This does not apply much to Harmony, but we wanted to explore this program to see if we had any weaknesses and any additional protections that could be offered to the community. At the end of the program, we will be recognized as a fire-wise community that has made reasonable efforts to protect itself. Staff from the Division of Forestry toured the community, looking for problems. They found none but they recommended an additional step for the area around the pond in Birchwood on Buttonbush Loop that abuts the conservation area. It is an area where some work could be done. The Fire Wise program recommends a clear zone of 30 feet between flammable natural material and structures. We have that for the right-of-way clearance, although it has been planted with landscaped material, notably the shrubs, which are wax myrtles. "Wax" suggests something that might burn, and wax myrtles are often a concern. They recommend that they mow for us a 15- to 20-foot swath of the wetland buffer, which is on property owned by Birchwood Acres, so it is not a direct concern to the District. They also recommend removing some of the wax myrtles that get a little too close to some of the houses. They are also interfering with the growth of the oak trees, so it will benefit the tree. This work will

mainly be a tidying up of that area, and I wanted to introduce the program to the Board. Some of these plantings to be removed are on CDD property.

Mr. LeMenager asked they will pickup the cost?

Mr. Golgowski stated yes, they will do the work for us, including removing the trees. We will be obligated to keep it in that condition, but they will do the work and we just have to maintain it.

Ms. Kassel asked have you spoken with the resident whose house is pictured?

Mr. Golgowski stated yes. We walked the property and they are on board with it.

Mr. LeMenager stated it is a great idea.

Mr. Berube stated they will mow it once but we are coming into the wet season, and it will grow back fairly quickly. Is this an ongoing maintenance program or do we need to address it?

Mr. Golgowski stated it is incumbent upon Birchwood to mow their land, and it will be maintained in a rough condition to keep vegetation low, not as manicured as your yard. Most of the material is blackberries which do not burn very well. The wetland buffer edge is Birchwood property. Both areas depicted on the map to be mowed are Birchwood property and not CDD property. I am just asking for permission to remove the wax myrtles.

Mr. LeMenager stated I have no problem with that.

Mr. Evans stated you may proceed.

Mr. Haskett stated the Board discussed the proposal from A Cut Above tree service, and there was some hesitation on the scope of work. I met with Hank, the owner of A Cut Above, to better define the scope of work. He revised the proposal and I provided a revised copy to the Board. The total is \$6,000 against a budget of \$15,000. if the Board is comfortable that the scope of work is well defined, I would like to proceed with executing the contract and scheduling the work for the end of February.

Mr. Berube stated when we discussed this last month, there seemed to be more listed and I thought the cost was about \$10,000.

Mr. Haskett stated it was, but we tightened up the scope of work that was highlighted.

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| <p>On MOTION Mr. LeMenager, seconded by Mr. Berube, with all in favor, approval was given to the proposal from A Cut Above for tree trimming services in the amount of \$6,000, as discussed.</p> |
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Mr. Haskett stated we distributed a photograph of the security gate at Buck Lake that is in service and works well. Thanks to Chapco for doing a good job on that. It is a heavy-duty gate system and it will hopefully prevent vandalism of the boats.

Mr. Berube stated I looked at it last night, and it looks a lot better than what I anticipated. It really looks good.

Mr. Haskett stated from a distance, it is very hard to make out that there is a gate out there until you get on the dock, so it is not intrusive.

Mr. Berube stated it is nearly invisible from the street.

Ms. Kassel stated I am wondering if we might have a key onsite somewhere for emergencies, in case Mr. Belieff or no one else is around and someone needs to open the gate to rescue someone in the water. I think it is a wise idea to have a local emergency key.

Mr. Haskett stated we can put in a combination that we can give to someone on the phone rather than a key that can get lost or copied. I will recommend that we cycle the codes once a month to keep security tighter. Mr. Belieff will have the code and keys, and we will keep one with the key master at the development office.

Mr. Berube asked are you giving code to people so they can open the gate and leave the dock area?

Mr. Haskett stated yes.

Mr. Berube stated I hope we are not defeating the purpose in having the gate.

Mr. Haskett stated I would hope the ones utilizing the boats are not the ones causing the damage.

Mr. Berube asked is there anything else they need to do when they are finished with a boat rental? Do they drop off paperwork and pickup a receipt or just drop off the key? Is there something else they need to do besides just leave?

Mr. Belieff stated they put up the life preservers and return the key to the lock box.

Mr. Berube stated we can try the code but if they have to drop off the key to the boat, why not give them the key to the gate as well. Then they can just drop off two keys in the lock box instead of cycling combinations. You can keep both keys on the key ring for the boat. Then others can still know the combination to the gate for emergencies.

Mr. Haskett stated we can see if that works.

Ms. Kassel stated it is easier to change a combination than it is to change a lock and provide a new set of keys.

Mr. Berube stated if they are turning in the key to the boat, they will also turn in the one for the gate. If they do not turn in one or more of the keys, we have their deposit. There is probably no good way, but if they are already dropping off one key, why not drop off two and then we eliminate one more step that we have to monitor.

FIFTH ORDER OF BUSINESS

Supervisor Requests

Ms. Kassel stated I would like to request that the next time there is an opening on the Board, like we had last month with Mr. O'Keefe resigning, in the interest of transparency, due diligence, fairness and accountability, the Board is told before the meeting and there is an opportunity for residents to submit résumés and show interest in the position. We also need time for the Board to review those résumés so that we can make an informed decision. I am not saying at all that Mr. Berube is inappropriate. My point is that we did not necessarily do our due diligence as a Board in selecting a replacement member. In the future, I would like the Board to be informed with enough time to receive and review information before we are forced to fill a position. My second item, in last month's minutes on the first page there was mention that an announcement would be going out regarding pressure washing of the drainage structure through an e-blast or in the Harmony Notes. I do not recall seeing that.

Mr. Tome stated it was in the Harmony Notes.

Ms. Kassel stated we also talked about activities to increase boat usage and lake usage. How is that going and are there any other developments?

Mr. Golgowski stated the activities director is focusing on that in trying to have at least one activity each month,. The next one is a fish-a-thon on the dock in a couple weeks. We will have a recognition for the largest fish caught out of the lake on January 1, 2010.

Ms. Kassel stated I suggest having a sunset boat ride in February or March for residents. The rules say you cannot use the boats or be out on the dock later than 30 minutes after sunset, so it would have to be a sanctioned activity.

Mr. LeMenager stated I like it because you have to go through the training and put up a deposit to use the boats on your own. We can send an e-blast to say no training is necessary but just come out and have a night on the boats. I think that is a wonderful idea

to try to get people out and try it for the first time. I think there are many people who think it is too much trouble to do the training or provide the deposit. I think it would be of interest to a lot of people.

Ms. Kassel stated if there is enough interest after one or two times, it could be an ongoing activity.

Mr. Berube asked did I see something about asking if people wanted to use the sailboat?

Mr. Tome stated I do not recall.

Mr. Berube stated we need to focus on that sailboat to get it in use.

Ms. Kassel stated the last item I have is what we might do to address dog park incidents. I know we are not liable as a governmental entity, but what we can do to prevent or address any incidents, dog-dog or dog-human, since we own and maintain those parks? I think it is a timely issue.

Mr. Berube stated we have a Companion Animal meeting scheduled for February 8, 2010, and we will make that an agenda item.

Mr. Evans stated that is the first forum to discuss the issue because you will have first-hand knowledge of incidents, whether it is isolated cases or continual. They can make a recommendation.

Mr. Berube asked could the incidents largely be contained in the 5:00 happy hour when there is a crowd at the park?

Ms. Kassel stated those are the kinds of things I know of, but I do not know of everything that goes on. When there are more dogs, there is a greater likelihood of something happening. Usually it is not people who have been coming for a long time. It is usually people who are new or who do not understand that their dog's behavior is taken offensively by other dogs or people. As a resident or a neighbor, you make a comment, but if they do not get it after a few comments, then what do you do? Do you have a confrontation? Is there some other method to address it?

Mr. Berube stated some people treat their dogs like children and think they can do no wrong. We will add it to the agenda and discuss it.

SIXTH ORDER OF BUSINESS

Audience Comments

A Resident asked are the fire ants being taken care of?

Mr. Shafer stated we are treating them with the best treatment available. They come up a lot when we get a lot of rain, and then they die down a little during dry weather. As they come up, we treat them.

Mr. Dave Leeman stated if there is going to be an emergency number to call for the key or combination to the gate, that information should be posted. Otherwise, how will anyone know how to get the gate open?

A Resident stated they should not be there unless Mr. Belieff is around.

Mr. Evans stated I think what he is saying is that if someone notices a problem, like a boat sinking or something that is an emergency, there should be an emergency number to call and the number should be posted.

Mr. Leeman stated I respectfully disagree about the dog park issue. That is not a CDD concern. People should be able to work these things out on their own. If not, perhaps the Companion Animal Committee can educate people. That may be within their bailiwick. Regarding the aquatic contractor and the landscaping contractor, are we sure they are not working at cross purposes? Mr. Gough mentioned the fertilizer running into the ponds creates the algae, and Mr. Shafer's report indicates they are fertilizing the turf soon. Are they in contact with each other? I am not sure how much contact there needs to be between them, but there should be some overall strategy to be sure they are not working at cross purposes.

Mr. Shafer stated I agree and I will be in contact with Bio-Tech.

Mr. Leeman stated I was disappointed in the way the meeting ended last month. It descended into chaos simply because of one person and I think it could be avoided with Robert's Rules of Order. One reason I am disappointed is because I did not get to be heard. So I think it is incumbent upon the Board to not let personal animosities affect the conduct of the meeting. I know it is difficult to hear things, such as we can save \$140,000 by not treating the golf course ponds. In reality, the whole contract for a year is only \$36,000, so I am not sure exactly how that is savings is going to come about. I understand it is hard to hear these things, but nonetheless, you need to maintain order. You are a representative body, and you need to hear everyone. It is my understanding that your ability to end a meeting without a motion is in case someone has a heart attack or the building is on fire so that we do not need to risk safety or something important just to have a motion. It is not in order not to hear from someone who no one wants to hear

from. I want to voice my opinion that I could not voice last month. I know you already approved the contract for trees, but it is really important that as a town, we fulfill our responsibilities. Some would say we do not need to maintain the trees because the developer will fund it because they need to sell lots. Or we could think no one needs to mow their lawn because the developer will also pick that up because they want to sell lots. Maybe we start with the pond in Birchwood and not treat it so that the developer will take care of it and see what response you get from that citizen. The last thing I have is, the person appointed last time is fine, but I wholeheartedly agree with Ms. Kassel about the process in filling vacancies and not springing it on us at the meeting, because all of us residents were surprised. I know there was one resident who would have put himself forward if that opportunity had arisen. I would like there to be an announcement if there is a vacancy that needs to be filled so that the Board can consider all interested people, and any interested resident can apply.

Mr. LeMenager stated from time to time, we hear comments that if something is not done, the developer will do it. I would like to remind everyone that the developer pays the majority of the budget, so they are already paying significantly toward our maintenance.

SEVENTH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 10:15 a.m.

Gary L. Moyer, Secretary

Robert D. Evans, Chairman