

MINUTES OF MEETING  
HERITAGE PARK  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Heritage Park Community Development District was held on Thursday, March 26, 2026 at 1:00 p.m. at the Heritage Park Amenity Center, 225 Hefferon Drive, St. Augustine, Florida 32084.

Present and constituting a quorum were:

Thomas Ferry	Chairman
Robert Curran	Vice Chairman
Joanne Wharton	Supervisor
Judith Kinnecom	Supervisor
Louis Pingotti	Supervisor

Also present were:

Matt Biagetti	District Manager
Kyle Magee <i>by phone</i>	District Counsel
Jeff Johnson	Operations Manager
Devin McMichael	Operations
Geraldine Ferry	HOA President
Residents	

*The following is a summary of the actions taken at the March 26, 2026 meeting. A copy of the proceedings can be obtained by contacting the District Manager.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Biagetti called the meeting to order at 1:00 p.m. All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Public Comment**

This item would be discussed later in the meeting.

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**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the January 22, 2026 Meeting**

This item would be discussed later in the meeting.

**FOURTH ORDER OF BUSINESS**

**Acceptance of Fiscal Year 2025 Draft Audit Report**

Mr. Biagetti reported as a unit of government, the Community Development District (CDD) was required to have an annual audit conducted by an independent CPA firm, in accordance with Chapter 218 of the Florida Statutes. The Fiscal Year 2025 audit was included in the agenda package, which was prepared by Grau & Associates. It was a clean audit, as there were no current or prior year findings or recommendations, the District did not meet the financial emergency conditions described in Section 218.503 of the Florida Statutes and the financial records were in accordance with the standards for the Auditor General of the State of Florida. The financials presented fairly in all material respects, the respective financial position of the governmental activities in each major fund of the District as of September 30, 2025 and there were no material weaknesses. However, there was one correction, changing text within the document that said, “*Hearings for the budget adoption*” to “*Hearing,*” to make it singular versus plural.

On MOTION by Mr. Pingotti seconded by Ms. Wharton with all in favor the Fiscal Year 2025 draft Audit Report was accepted.

- **Public Comment** (*Item 2*)

Mr. Biagetti opened the public comment period. Resident Ann Germain of 907 Oak Arbor Circle reviewed prior minutes and discussed the following:

1. On Page 2, the last sentence stated that she would have Kristen expedite it. That was Ms. Ferry.
2. On Page 3, where it stated that Ms. Lauren Kirikiti of the St. Johns County Biological Conservation & Management provided information to her, what it did not say, was that Ms. Kirikiti also forwarded that same information to the management company. The District Engineer also mentioned that he was going to contact companies that maintain ponds.

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Mr. Biagetti confirmed that it was a work in progress. There has been communication, but they did not have a presentation today on the future outlook of the pond banks. Ms. Germain voiced concern that everything was postponed and as mentioned at the last meeting, things mentioned last May and June were not taken care of. She did not want to have to wait two more months for a pond assessment and now it was two months later and there has been no communication. Ms. Wharton pointed out that Mr. Stilwell was working with some of the companies that would be discussed today and she received an email from one of the companies. Furthermore, Ms. Wharton was not aware of anything that was supposed to be done last year that has not been done; however, some things were in progress, like trying to get the land that they had to trespass on. Mr. Biagetti indicated that there would be an update on that today.

3. Asked if Future Horizons would be using a truck to treat the pond, as it was very close to the edge of the pond and they did not want to cause more damage to the edge of those ponds.

Mr. Ferry recalled Ms. Germain suggesting that they use a longer hose. Mr. Johnson reported that he spoke with Future Horizons and was informed that they have to get vehicles close down to the bank as part of the treatment process. They had two options, either go side to side or use a boat, but either way, they had to get down to the pond bank edge to treat the pond. He talked with Future Horizons about extending their lead out further away and was hopeful that they would abide to that. Ms. Wharton asked if it was strictly for the aquatic weeds. Mr. Johnson confirmed that it was for aquatic weed control. They used a 4x4 with a tank on it that goes around and sprays for aquatic weeds and fertilization. Mr. Ferry suggested that they park in different spots. Mr. Johnson reported that he had that conversation with Future Horizons and they agreed to make changes where they could. Mr. Ferry questioned how often they come out to treat. Mr. Johnson confirmed that they come out once a month, but as long as they could get access to the area, they would do their best to try not to damage the bank. They were fully aware and support everything that the Board was working hard to achieve. Mr. Ferry had no issues, as long as they did not drive on it when it was wet.

4. Last week, Yellowstone was mowing the grass around Pond 100 using a big mower down by the pond, close to the edge. *Mr. Ferry indicated that he spoke to Mr. Johnson about this and they were told not to. Mr. Johnson would speak to*

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*Yellowstone again. Mr. Curran noticed that they were doing the same on Pond 400.*

5. On Page 5, a drain box was mentioned and questioned what a drain box was. *Mr. Johnson explained that someone cut into the pond bank by Ms. Germain's home, to help their yard drain down. It was a trip hazard. As part of the erosion project on Pond 100, Yellowstone would be installing a drain box at the top edge of the bank.*
6. On Page 7, Ms. Ferry was informed by the Board of Health, if there were duck feces on the sidewalks, they would come out and look at it, as it was a health hazard. *Ms. Wharton recalled that Ms. Germain brought up at the meeting about duck feces. Ms. Germain explained that she brought up the feces, but not the Board of Health. Ms. Ferry was informed by the Board of Health.*
7. On Page 10 and top of 11, Ms. Germain asked if the Board was requiring a homeowner to remove a fence, so the CDD had access to the pond, who would become responsible for maintenance of the easement, since the owner was not the homeowner.

Mr. Biagetti confirmed that it was the property owner's responsibility to maintain the easement. Ms. Wharton pointed out that it was different than not having use of it. The homeowner may use it but not obstruct it. Ms. Germain understood that it was acceptable for the homeowner to install a gate, as long as it was not locked. Ms. Wharton indicated that it was acceptable, as long as the CDD had access to it, but it was complicated, because technically permanent structures could not be built on easements and having a gate was a permanent structure. The homeowner should have been notified at the time that the fence was installed, that there was an easement. It also should have been disclosed at closing, when they received their documents. Ms. Germain pointed out that it was not disclosed to her.

8. On Page 12, Ms. Germain discussed the crack in a big concrete square box in front of her home, which was above the water line. It needed to be patched. *Mr. Johnson reported that he inspected it, took pictures and sent it to a couple of people. They all said that the crack had no integrity issues.*

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9. Ms. Germain recalled that a cease-and-desist letter was sent to people who were feeding ducks and questioned whether these letters were sent to everyone who fed the ducks or just that group of people.

Mr. Biagetti explained when they had proof of people blatantly feeding the wildlife, they sent out this type of letter and also used signage to assist in different areas. Ms. Wharton recalled that it cost the CDD money to send out these letters. So far, one was sent to the individual who was a blatant violator. Ms. Germain asked that since they were going through the expense of putting in plants and know that the ducks were eating them, if the ducks were attracted to those plants and the plants were destroyed, whether it was due to the homeowner feeding the ducks. Ms. Wharton pointed out that this was more complicated than that, as they did not want to get into major lawsuits. Ms. Germain questioned the cost. Ms. Wharton hoped that it would not cost the CDD anything, because ducks tended to not forage on native species and the plants were guaranteed and would be replaced, if something happened. The CDD had no control over this. Mr. Pingotti recalled asking District Counsel whether the CDD could do anything and District Counsel informing him that the CDD could not do anything. Mr. Ferry reported that he received a phone call from a resident in Quail Ridge asking if he could go onto the bank behind his house to push away the ducks. Mr. Ferry did not think so. Ms. Wharton pointed out that the CDD could not give permission because of liability. Mr. Johnson indicated that the only ones that could go onto the pond bank, were people that maintained the ponds. Ms. Germain asked if someone could plant something on the pond bank. Mr. Johnson indicated not unless the CDD approved it.

- **Approval of the Minutes of the January 22, 2026 Meeting (Item 3)**

Mr. Biagetti presented the minutes of the January 22, 2026 meeting, which were included in the agenda package. He received a few corrections.

On MOTION by Mr. Ferry seconded by Mr. Curran with all in favor the Minutes of the January 22, 2026 Meeting were approved as amended.

## **FIFTH ORDER OF BUSINESS**

### **Pond Bank Presentation**

This item was deferred, as the District Engineer was not present.

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**SIXTH ORDER OF BUSINESS****Staff Reports****A. Attorney**

Mr. Magee reported did not have anything specific to report, but he has been working with Mr. Biagetti on various easement agreements and letters regarding fencing, since the last meeting. His office had a team in Tallahassee that was tracking Bills in the Legislative Session that have passed. There were a couple of Bills that passed that were currently being sent to the Governor, that would have some impact on CDDs. The first one establishes a mechanism for recalling members of Community Development District Boards sitting in General Election seats. It was a tight process that mirrors the current recall of statutes for other public officials. It was sent to the Governor but has not been signed yet. The other large Bill that would not have an impact for this District, was another piece of legislation, which would require the CDD to provide either a credit card or electronic payment option for any fines, fees or other rental fees. Typically, this would be for an Amenity Center. In this District, the Amenity Center was run by the HOA. As Bills were signed by the Governor and go into effect, his firm was tracking that and they would provide a legislative wrap up document, as well as implementation guidance, later on in the year. Unfortunately, the Legislature did not pass a budget which statutorily needs to be in place by July 1<sup>st</sup> and because of that, they were going to have to schedule a special session later in the Spring. His office would be monitoring this and once they have the legislative update finalized, he would be distributing it to the Board.

**B. Engineer**

There being no comments, the next item followed.

**C. Manager**

Mr. Biagetti reported that the General Election would be taking place in 2026, with three seats up for election: Seats one, three and five. The qualifying period at the Supervisor of Elections office was June 8<sup>th</sup> through June 12<sup>th</sup> and anyone could file and pre-qualify at any time. Ms. Wharton questioned who was currently in those seats. Mr. Biagetti confirmed that Ms. Kinnecom was in Seat 1, Mr. Curran was in Seat 3 and Mr. Ferry was in Seat 5. A preliminary budget would be provided to the Board for approval at the May meeting. Once they had an approved budget, it could not be increased, but over the next couple of months, it could be refined and decreased before final adoption in July. Mr. Ferry wanted to have extra meetings, to

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ensure that they budget like they did in the past. Mr. Biagetti reported that six meetings were budgeted for this year and would speak to the accountant about increasing this line item to account for additional meetings.

Ms. Wharton recalled that they normally had six meetings and the Board had discussed increasing the contingency for erosion to \$20,000 and splitting it into two lines. Mr. Biagetti pointed out that \$10,000 was budgeted for pond bank erosion and would split it into lake contingency and pond bank erosion. Ms. Wharton indicated that they must continue to increase it by \$10,000, in case they had a blowout. Mr. Biagetti recalled speaking to the Chair prior to the meeting regarding a reminder that would be sent to the Board, to complete their Form 1, send it to the Commission on Ethics by July 1<sup>st</sup> and to complete their four hours of ethics training. Ms. Wharton asked if there was any new ethics training, as what they currently had was nonsense. Mr. Biagetti indicated that there were some paid links. Mr. McGee confirmed that there were no new free ones, but there were some paid options. However, the Commission on Ethics was updating a few of their videos. If there were any changes, he would redistribute the memo. Ms. Wharton asked if it would count if she took an advanced continuing education course on pond management. Mr. McGree indicated that it would not count.

#### **D. Operations Manager - Report**

Mr. Johnson presented the Operations Manager Report, which was included in the agenda package. He introduced Mr. Devin McMichael, his new Operations Trainee. The light pole at the front entrance on Hefferon Drive, was repaired with a new LED light and was now operational. Now that they know that the CDD was responsible, staff would ensure that it would continue to be operational. Mr. Ferry appreciated Mr. Johnson following up on that. Mr. Johnson reported that new locks were installed on all of the fountain timer boxes. Ms. Wharton requested the code. Mr. Johnson confirmed that it was the same code. The fountain in Pond 1100 had to be replaced. Two were left in stock. New signage was installed on Pond 1800. The fence was removed at 862 East Red House Branch Road and staff now had easement access to Pond 900. Ms. Wharton asked if it was permanently removed and if it was relocated. Mr. Johnson confirmed that it was permanently removed and the homeowner was planning to redesign the fence line so that it did not cross an easement. Mr. Biagetti pointed out that this was a coordinated effort between the HOA and CDD and all parties were in communication.

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Mr. Johnson reported that the Pond 100 erosion project was completed, minus some small items. All of the irrigation was installed, as well as the plantings, erosion mat and pump. The pump had a floater in the pond that looked like a decoy duck, which would sit in the water and keep the aerator in the bottom of the pond. Yellowstone would be monitoring that irrigation pump and adjusting it as needed. The plantings were guaranteed for a year. Ms. Wharton questioned how many were planted. Mr. Johnson indicated that a mixture of Fakahatchee and Muhly grasses were planted. Ms. Germain had pictures of the finished product, which came out nice. Mr. Johnson reported that a dog house would be covering the pump, to help keep the pump in good working order and keep it from being exposed to the elements. He did not yet have a ship date. Rip rap was going all around the culvert on the back end of the pond and coquina would be used. Whatever they do would mimic every erosion project that they do, so they know how it was going to go in and what it would look like. Ms. Wharton asked if this item was budgeted for. Mr. Johnson replied affirmatively. Within the next week or so, this project should be completed. There would also be a drain and they would be monitoring the irrigation. It would have a one-year guarantee. As noted earlier, when they install plants or anything along the CDD area, unless it was Board approved, it would be removed.

## **SEVENTH ORDER OF BUSINESS**

### **Audience Comments**

Resident Ann Germain of 907 Oak Arbor Circle voiced concern that members of the community were not aware of what was occurring with the ponds, nor that the Board has communicated the problem. Mr. Curran pointed out that there were many empty chairs at this meeting. Ms. Germain understood but felt that the Board needed to get the word out. When the plants were being installed, someone posted on Facebook inquiring about what was occurring and felt that it would be better if the Board could discuss the erosion of the ponds and the cost. People did not understand that it was a natural phenomenon, due to age and the increase and severity of hurricanes. Ms. Wharton asked Ms. Ferry to provide a statement for the newsletter, indicating that the Board was asking for residents to stay off of the pond banks and the things that the Board were doing, such as restricting mowing to 10 feet, to allow the grass to grow along the pond banks and not fishing. They could also remind residents not to feed the ducks. Mr. Biagetti suggested attaching the current policy on the pond banks. Ms. Germain did not want to just tell residents that they could not do something. They needed to provide a reason. Mr.

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Biagetti pointed out that staff would work on something and provide it to the Board prior to distribution.

Resident Stephen Cobb of 817 Oak Arbor Circle questioned what metric would be used to see if the plantings and rip rap slowed down erosion. Mr. Johnson reported that the edge was marked, specifically on Ponds 1000 and 100, to determine the rate of erosion and that the banks were being monitored. A few stakes were placed here and there. Mr. Cobb questioned how long it would take the plantings to grow to lessen the erosion. Mr. Johnson confirmed that the bank was currently stable and estimated that the plants would take three to six months to grow. Ms. Wharton indicated that the plants would take two to three years to be fully grown, but they should start to see something within six months, even if it was not visual, as the roots should start slowing the erosion. Mr. Johnson pointed out that staff was monitoring the erosion. Ms. Wharton noted that it looked worse now, because the banks were so low. They did not know what the hurricane season was going to do and this was not their first test bank. They had another test bank that did not do so well. Everything died, but it was all replaced for free, because the irrigation was not working properly. It was all ripped out and redone. Mr. Johnson confirmed that it was doing well and was holding. Ms. Kinnecom questioned how they would know that the irrigation was working, as she checked the bank all of the time and did not see any dribbles coming out of the hose. Mr. Johnson indicated that it was a drip, not a spray and was going underneath the dirt line. It had a timer on it, which Yellowstone was monitoring.

Resident Geraldine Ferry, HOA President, recalled that the HOA was receiving ongoing complaints regarding the ducks, from Arbor Park to Quail Ridge. They were telling residents that the HOA had nothing to do with it. She wished people would stop feeding them and requested that the CDD install No Trespassing signs, as kids were riding their bicycles on the lake banks. The HOA was planning to do the Top Choice red ant application, as there were hills. Ms. Wharton recalled discussion on this matter. Mr. Johnson confirmed that it was discussed but did not recall whether or not the Board approved an application. Ms. Wharton recalled that the Board approved it, it was applied and was included in last year's budget. Mr. Johnson would check to see if there was an application. Ms. Ferry reported that the HOA just spent \$2,000 for 21 No Trespassing signs, as there were issues with people driving on the top of pond banks that were accessed by the road, in order to fish. Ms. Wharton did not want to put out too many signs, as people ignored them. Mr. Johnson questioned whether the HOA wanted the signs anywhere on

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the property. Ms. Wharton wanted to have No Trespassing signs at two access points and two by the parking lot. One sign should be placed coming towards CDD property, the other facing in the other direction and a couple of signs facing the parking lot. However, she did not want them on the trail heads, because this lot was purchased in order for people to use it. Ms. Ferry was more concerned with kids using e-bikes. *There was Board consensus to purchase No Trespassing signs.*

## **EIGHTH ORDER OF BUSINESS**

### **Supervisors Requests**

Mr. Ferry spoke to Mr. Johnson about street lights that did not turn off. Mr. Johnson indicated that this was part of the conversation with Florida, Power & Light (FPL), when trying to address the light on Hefferon Drive. FPL had a program that they were introducing in April, to deal with day burners, lights that were on during the day. These lights should be called into FPL. When they reminded residents about the ducks in the newsletter, Ms. Wharton wanted to remind residents to clear vegetation off of street lights on their property, so that sidewalks were illuminated and the sensors worked. Ms. Ferry indicated that when she meets with Vertigo on Tuesday, she would ask them about the street lights that the HOA were responsible for. Mr. Ferry reported that he received an email yesterday from GOV, offering a 15-minute Zoom. He would hear what they had to say and provide a report at the next meeting. Mr. Biagetti recommended sharing the email with his office, as many emails were marketing for different products.

## **NINTH ORDER OF BUSINESS**

### **Financial Reports**

#### **A. Balance Sheet and Statement of Revenues & Expenditures**

Mr. Biagetti presented the Unaudited Financial Statements through February 28, 2026, which were included in the agenda package. The District was currently in good financial health, as there was a positive variance of approximately \$18,000. The \$40,000 that was budgeted for in the capital reserve has not yet been transferred and the current balance was \$156,000. It should be transferred in shortly. The pond banks would be paid for out of the operating account. Mr. Johnson confirmed that it would be paid for from the pond bank erosion line item. Mr. Ferry asked if the budget was presented in May and adopted in July. Mr. Biagetti replied affirmatively.

Mr. Johnson asked if the Board was interested in pressure washing the fence on the wood line at the main entrance, as it needed a good pressure washing. RMS had an in-house specialist

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that does pressure washing. Ms. Wharton recalled that it was pressure washed last year and preferred to have it pressure washed every other year, due to the cost. Mr. Biagetti requested that Mr. Johnson provide a proposal at the May meeting. Ms. Wharton requested that Mr. Johnson provide the quote from last year. Ms. Ferry reported that lumps were fixed on the sidewalk and trees were cut back. Ms. Wharton noticed several shaved sidewalks.

**B. Assessment Receipt Schedule**

Mr. Biagetti presented the Assessment Receipt Schedule, which was included in the agenda package. 96.73% of assessments were collected, according to the last distribution in mid-March.

**C. Approval of Check Register**

Mr. Biagetti presented the Check Register for January 1, 2026 to February 28, 2026, in the amount of \$38,688.37, which was included in the agenda package. Ms. Wharton requested a copy of the actual Check Register in future agenda packages, as there were automated FPL items that were not shown. Mr. Biagetti questioned whether Ms. Wharton was referring to the autopay from FPL. Ms. Wharton wanted to see everything. Mr. Biagetti pointed out that everything that was on the actual Check Register was on one page and would show the invoices behind it. The only item that was not included were the autopayments. Ms. Wharton recalled that every month they have not seen that page and wanted to know every penny that was being paid out of the account.

Mr. Ferry noticed that Governmental Management Services was paid twice in February; one on February 1<sup>st</sup> and the other on February 13<sup>th</sup> and questioned whether this was normal. Mr. Biagetti explained that on one invoice 60 cents was left off and another check was issued. One invoice was for facility maintenance. Ms. Wharton pointed out that one invoice was \$1,095 for contract administration and the other was \$5,802 for the management fee. Mr. Ferry noted that \$922 was for supplies. Mr. Biagetti indicated that one invoice had \$194 for maintenance supplies and then there was facility maintenance for the period of January 1 through January 31<sup>st</sup>. The second invoice was for contract administration and District management fees, which included postage, copies and website. Ms. Wharton pointed out that this was the third meeting in a row where she was asking about lowering the management fee and GMS absorbing the cost for copies and requested it again. She requested an answer by the next meeting. Mr. Biagetti would

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be happy to address it at the next meeting but noted that some expenses were the true cost of operating the CDD. However, there were ways that they could potentially save on the supplies or the shipping of agenda packages, such as sending all of the agenda packages to the Amenity Center. Ms. Wharton requested that agenda packages be sent a week in advance, as they were currently receiving them one or two days in advance of the meeting. Mr. Biagetti asked if the Board wanted to view their agenda packages on iPads rather than receiving hard copies. Ms. Wharton preferred hard copies.

On MOTION by Ms. Wharton seconded by Mr. Ferry with all in favor the Check Register for January 1, 2026 to February 28, 2026 in the amount of \$38,688.37 was approved.

**TENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – May 28, 2026 @ 1:00 p.m.**

Mr. Biagetti reported that the next meeting was scheduled for May 28, 2026 at 1:00 p.m. at this location.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Curran seconded by Mr. Pingotti with all in favor the meeting was adjourned.

Signed by:  
*Matt Biagetti*  
EB6E00213668403  
Secretary/Assistant Secretary

Signed by:  
*Thomas Ferry*  
7128C417FA784A9...  
Chairman/Vice Chairman