

**TOWN OF OCEAN BREEZE  
REGULAR TOWN COUNCIL MEETING  
AGENDA**

August 14, 2023 10:30AM  
Ocean Breeze Resort Clubhouse Pineapple Bay Room  
700 NE Seabreeze Way, Ocean Breeze, FL

***PLEASE TURN OFF CELL PHONES –  
SPEAK DIRECTLY INTO MICROPHONE***

**1. Call to Order, President De Angeles**

- Pledge of Allegiance
- Roll Call

**2. Approval of Minutes –**

- Regular Meeting, Monday, July 10, 2023  
(Motion, second, public comment, all in favor)
- Budget Workshop and Setting of Tentative Millage Rate for Fiscal Year 2023/2024 Meeting,  
Wednesday, July 26, 2023  
(Motion, second, public comment, all in favor)

**3. Proclamation – Declaring “Hunger Action Month” in Ocean Breeze Florida –** Alexandra Lord,  
Director of Community Outreach, and Andreas Evgeniou, Treasure Coast Food Bank  
(Motion to approve, second, public comment, all in favor)

**4. Comments from the public on topics not on the Agenda**

**5. Comments from the Council on topics not on the Agenda**

**6. Comments from Town Management Consultant, Terry O’Neil**

**7. Comments from Mayor Ostrand –**

- Request for Council direction regarding potential Charter amendment to establish district representation

**8. Announcements –** Meetings to be held at Ocean Breeze Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way,  
Ocean Breeze

- Regular Town Council Meeting, Monday, September 11, 2023 at 10:30AM
- Proposed Budget and Tentative Millage Rate Hearing, Wednesday, September 13, 2023 at 6:00PM
- Final Budget and Millage Rate Hearing, Wednesday, September 20, 2023 at 6:00PM

**9. Adjourn** (Motion, second, all in favor)

TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, July 10, 2023, at 6:00 p.m.  
Ocean Breeze Resort Clubhouse, Pineapple Bay Room  
700 NE Seabreeze Way, Ocean Breeze, FL

1. **Call to Order** – President De Angeles called the meeting to order at 6:00 p.m.
  - Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
  - Roll Call – Present Mayor Karen M. Ostrand, President Kenneth De Angeles, Council Members Kevin Docherty, Gina Kent and Elizabeth Reese  
Absent: Vice President Bill Arnold and Sandy Keblbec-Kelley
  - Staff Present –Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary; Town Clerk, Kim Stanton; and Administrative Assistant, Shannon Roger
2. **Approval of Minutes** – Council Member Docherty, seconded by Council Member Reese, made a motion to approve the minutes of the regular meeting of June 12, 2023.

President De Angeles asked for public comments. There were none.

All in Favor: Yes: De Angeles, Kent, Docherty; Reese; No: None; Motion Passed – 5-0

3. **Martin County Fire Rescue Hurricane Preparedness**– Jeffrey Childs, Emergency Management Coordinator, Martin County Fire Rescue, gave a presentation regarding hurricane preparedness, special needs shelters, pets, evacuations and he provided materials.

Council Member Kent asked if the elevation in Seawalk was the same as the Ocean Breeze Resort.

Mr. Childs stated that though there may be a small difference in elevation, the Seawalk community and Ocean Breeze Resort were in the same evacuation zone. He went on to explain that the evacuation zones were based on the predicted storm surge.

Discussion ensued regarding evacuation zones.

Council Member Docherty asked if anything could be done should a resident decide to stay in their home during a mandatory evacuation.

Deputy Joe Angelico, of the Martin County Sheriff’s Department, stated that Emergency Services could not forcibly remove anyone from their home during a mandatory evacuation. He remarked that Emergency Services would respond to all calls regardless of evacuation zone. He then implored everyone to heed all local and state officials regarding evacuations.

Discussion ensued regarding mandatory evacuations and emergency services.

Town Management Consultant Terry O’Neil asked Mr. Childs about the special needs shelter and the shelter that served the Town of Ocean Breeze.

Mr. Childs spoke about a special needs shelter in Martin County located at Anderson Middle School, 7000 SE Atlantic Ridge Drive, Stuart, FL 34997. He added that registration was required and could be done through the Martin County Health Department. He continued that the shelter that serviced the Town was located at Jensen Beach High School, 2875 NW Goldenrod Rd. Jensen Beach, FL 34957.

President De Angeles asked for questions from the public. There were none.

**4. November 7, 2023 Town Council Election Proclamation** – Town Clerk, Kim Stanton, read the Proclamation into record.

Council member Docherty, seconded by Council Member Reese, made a motion to accept the Election Proclamation.

President De Angeles asked for comments from the public. There were none.

All in Favor: Yes: De Angeles, Kent, Docherty; Reese; No: None; Motion Passed – 5-0

**5. Comments from the public not on the agenda** – Ann Kagdis, 111 Bay Drive, thanked the Town and Council Members for contributing to the Art and Music Auction, which raised over \$5,000.00.

Ms. Kagdis commented that she was a member of the Jensen Beach Neighborhood Advisory Council, which met recently to discuss the Riverlight Project, a proposed mixed-use development located on NE Indian River Drive. Ms. Kagdis suggested that the Town invite Marcela Cambor, a representative of the developer of the Riverlight Project, to a Council meeting to discuss the potential development.

Town Management Consultant, Terry O’Neil, commented that he was aware of the Riverlight Project and advised Council that Town staff would need time to plan an agenda and structure the meeting to include public comments.

**6. Comments from the Council on topics not on the agenda** – President De Angeles asked for comments from the Council.

Council Member Kent asked for an update on D. R. Horton and the bond close-out.

Town Management Consultant, Terry O’Neil, responded that the Mayor would provide an update.

Council Member Docherty asked if Town Council meeting times were being posted on Ocean Breeze Resort mailboxes.

Mayor Ostrand stated that as the Town has grown, Budget Meeting Notices are now sent to every resident via mass mailing.

**7. Comments from Town Management Consultant Terry O’Neil** - There were none

**8. Comments from Mayor Ostrand** – Mayor Ostrand referred to the copy of a letter from the office of Crary-Buchanan which was included in the meeting packet. She commented that she and Town staff met with an attorney to clarify the responsibilities of the Town, homeowners, and the Seawalk HOA regarding D. R. Horton and the pending close-out of the bond for the Seawalk Community. Mayor Ostrand then asked Town Management Consultant Terry O’Neil to speak further on the issue.

Mr. O’Neil spoke about the long, drawn-out time it has taken to move through the various issues related to the close-out. He commented that it was unacceptable, and as a result the Town had consulted with an attorney to understand the authorities of the Town, and what it could do to expedite the process, as well as the Town’s limitations in relation to building codes. He continued that the letter was intended to provide an update for the Council and residents, as well as to gain the attention of the builder and get the process moving. He commented that he spoke with Town Building Official, Steve Nicolosi, regarding the attic access points in some of the homes at Seawalk, and D. R. Horton was in the process of scheduling repairs on the attic access as well as the

roofing vents. Mr. O'Neil stated that the four-million-dollar bond was still in place and had not been refunded, due to unresolved infrastructure issues, such as irrigation and landscaping, that are implicated by the PUD agreement. He added that he and Mayor Ostrand met with the Seawalk HOA President and Treasurer to discuss the close-out issues, as well as the Town's position.

Town Attorney, Rick Crary, stated that the Town had consulted with two attorneys from Crary-Buchanan regarding the Seawalk community and their ongoing issues.

Council member Kelley asked Attorney Crary if Seawalk homeowners should consult with their own attorney regarding their ongoing issues with D. R. Horton or should they first speak to the Seawalk HOA.

Attorney Crary responded that he did not recommend speaking to their HOA rather than consulting their own attorney as every Seawalk homeowner had their own warranty and separate contracts with the builder. He continued that consulting with their own attorney regarding their legal rights was recommended, as there is only so much the Town could do.

Council Member Kent asked about HOA's responsibilities regarding the Seawalk community and their ongoing issues with the builder.

Town Management Consultant, Terry O'Neil, commented that the HOA's involvement was primarily regarding the PUD agreement, and the bond resolution as it pertained to common areas in the Seawalk community. He added that as the homes were individually owned and every homeowner had a separate contract and warranty with the builder, that the HOA was not responsible.

Council Member Kent asked if it was the homeowners' responsibility to retain legal counsel if a problem with their home was found to be a building code violation.

Attorney Crary stated that as he had not seen the individual contracts between Seawalk homeowners and the builder. He added that he could only assume, based on other contracts he had reviewed in the past, that typically the contract stated that the builder performs the work according to state building codes. He added that even if the work was not done according to the Florida Building Code, the Town had no legal ability to wave the State of Florida requirements of the Florida Building Code. He continued that each homeowner should speak to an attorney to review their contract with the builder, and to determine what would fall under a warranty issue and the possibility of an individual making a claim.

Council Member Kent asked if D. R. Horton was responsible for warranties as well as adhering to Florida Building Codes.

Attorney Crary stated that D. R. Horton presumably had both a statutory warranty and other extra warranties provided with each individual contract and should be reviewed by the homeowner's legal counsel to determine the builder's liability to the homeowner.

Discussion ensued regarding Florida Building Codes and warranties.

Attorney Crary then advised Council Members who were also Seawalk homeowners, to ensure there is no conflict of interest, to contact the Florida Ethics attorney prior to voting on any issues which would directly affect them in relation to D. R. Horton and any outstanding issues with their homes. He added that this applied to all Council Members when an issue arose that might present a conflict of interest.

A Seawalk resident asked why the Seawalk HOA was paying for an attorney to deal with the PUD as the

common areas do not belong to the Seawalk HOA until the bond had been closed out.

Town Management Consultant, Terry O'Neil responded that the Town had an obligation to administer the PUD, and that remained in place in perpetuity.

Discussion ensued regarding the PUD and the Seawalk HOA.

Matthew Biondolillo, 2680 NE Breezeway, commented that many homeowners are unaware that their roof may be missing baffles, which could lead to water intrusion.

Mayor Ostrand stated that the Town was seriously and keenly aware of the issues facing Seawalk homeowners. She then stated that as she was the one who would sign off on the bond, she wanted to ensure everything was completed correctly. She added that although the Town was attempting to move at a faster pace, this would take time.

Discussion ensued regarding Florida Building Codes and Seawalk homes.

Council Member Kent asked why a homeowner should obtain legal counsel if the builder did not adhere to Florida Building Codes.

Attorney Crary stated that law was complex, and he urged homeowners to review their individual contract rights.

Council Member Kelley commented that she was surprised to hear Attorney Crary recommend every homeowner seek individual legal counsel as she thought the Town and the Seawalk HOA were working collectively to resolve the outstanding issues.

Attorney Crary stated that the Town was only looking at their responsibilities in relation to Florida Building Code and what remedies are available now after a Certificate of Occupancy was issued. He went on to say that the attorneys hired by the Town do not yet have a recommendation.

Discussion ensued regarding Seawalk Homeowners obtaining individual legal counsel.

**9. Announcements** – President De Angeles announced the upcoming meetings for 2023 to be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

- Budget Workshop and Setting of Tentative Millage Rate, Wednesday, July 26, 2023, at 6:00 p. m.
- Regular Town Council Meeting Monday, August 14, 2023, at 10:30 a. m.
- Regular Town Council Meeting Monday, September 11, 2023, at 10:30 a.m.
- Proposed Budget and Tentative Millage Rate Hearing, Wednesday, September 13, 2023, at 6:00 p. m.
- Final Budget and Millage Rate Hearing, Wednesday, September 20, 2023, at 6:00 p. m.

President De Angeles asked for a motion to adjourn.

Council Member Kent, seconded by Council Member Docherty, made a motion to adjourn.

All in Favor: Yes: De Angeles, Kent, Docherty; Reese; No: None; Motion Passed – 5-0

Meeting adjourned at 7:13 p.m.

Minutes approved: \_\_\_\_\_

TOWN OF OCEAN BREEZE  
MINUTES BUDGET WORKSHOP AND SETTING OF THE TENTATIVE MILLAGE RATE  
Wednesday, July 26, 2023  
Ocean Breeze Resort Clubhouse, Pineapple Bay Room  
700 NE Seabreeze Way, Ocean Breeze, FL

1. **Call to Order** – President De Angeles called the meeting to order at 6:00 p.m.
  - Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
  - Roll Call – Present Mayor Karen M. Ostrand, President Kenneth De Angeles, Council Members Kevin Docherty, Gina Kent, Sandy Keblbeck-Kelley, Elizabeth Reese  
Absent – Vice President Bill Arnold
  - Staff Present –Town Management Consultant, Terry O’Neil; Holly Vath Financial Consultant; Kim Stanton, Town Clerk; Administrative Assistant, Shannon Roger
2. **Budget Workshop – Budget and Tentative Ad Valorem Millage Rate for Fiscal Year 2023/2024 – Holly Vath, Town Financial Consultant** – Ms. Vath explained the Truth in Millage (TRIM) process and reviewed the budget summary for fiscal year 2023/2024.

Council Member Reese questioned the line item for off duty patrols in the Town and said she felt it was not money well spent, as Seawalk and Ocean Breeze Plaza were still experiencing issues with juveniles and trespassers.

Council Member Kelley concurred and commented that she did not believe that the patrols had been effective.

Discussion ensued regarding off duty patrols in Seawalk and Ocean Breeze Plaza.

Council Member Kelley inquired about the Administrative Assistant line item in the budget.

Mayor Ostrand responded that the position was held by Shannon Roger and because her duties had been expanded, she recommended that Mrs. Roger’s title be changed to Deputy Town Clerk.

Council Member Docherty questioned the line items for the Town’s insurance package and workers compensation.

Discussion ensued regarding the Town’s insurance, Florida Municipal Insurance Trust (FMIT).

Discussion ensued regarding charitable contributions made by the Town.

Discussion ensued regarding the location and cost of the Town office.

3. **Resolution #337-2023** – Kim Stanton read the Resolution into record.

Ms. Vath reviewed the budget and stated that the Mayor was proposing a 1.0 Millage rate. She reminded Council Members that once the tentative Millage Rate was set at this meeting it could not be increased, only decreased.

Council Member Kelley asked if the Millage Rate could be changed during the fiscal year.

Ms. Vath explained that once the (final) Millage Rate was voted on in September it could not be changed until the following fiscal year.

Mr. O'Neil recommended that the Council approve a 1.0 millage rate. He continued that in future meetings when the Council reviewed other cost saving measures, such as discontinuing the Sheriff's Department additional patrols, the rate could be brought down below 1.0 mills and that historically the millage rate had continued to decrease over time. He added that perhaps in the future other sources of revenue should be considered, such as a utility tax.

Discussion ensued regarding the Town's reserve.

President De Angeles asked for a motion to approve the proposed millage rate at 1.0 mills.

Council Member Docherty made a motion to set the proposed millage rate at 1.0 mills, with no second.

Council Member Kelley asked if this was a tentative rate.

Mayor Ostrand confirmed that the (final) rate was not set until the final budget hearing in September.

President De Angeles asked if there were any other motions.

Ms. Vath stated that a tentative millage rate must be set before the end of the meeting.

Council Member Reese, seconded by Council member Kelley, made a motion to set the tentative millage rate at .9 mills.

President De Angeles asked for comments from the public.

Michele Gagnon-Dolan, 1434 NE White Pine Terrace, commented that .9 mills was acceptable for the time being and that this could be discussed at the September budget meetings.

Janet Galante suggested setting the millage rate at 2.0 mills and lowering it at the September Budget meetings.

Mayor Ostrand commented that the decision behind the proposed 1.0 millage rate was due to unresolved issues and legal fees related to the close out of Seawalk.

President De Angeles stated that a .9 millage rate would reduce the ad valorem tax by \$9,000.00 for the fiscal year.

President De Angeles asked for additional comments from the Council. There were none.  
Roll call vote: Yes: De Angeles, Kelley, Reese, Kent; No: Docherty; Absent: Arnold; Passed: 4-1

Town Clerk, Kim Stanton, read Resolution 337-2023 into record with the proposed .9 millage rate.

Council Member Reese, seconded by Council Member Kelley, made a motion to adopt Resolution 337-2023.

Roll call vote: Yes: De Angeles, Kelley, Reese, Kent; No: Docherty; Absent: Arnold; Passed: 4-1

**4. Comments from the public on topics not on the agenda** – Janet Galante, 217 NE Coastal Drive, briefed the Council on issues within the Ocean Breeze Resort. She presented the Council with a copy of a letter sent to Ocean Breeze Resort Management, which was entered into the official record. Mrs. Galante then went on to say that she disagreed with cutting the additional patrols, as the Resort and Ocean Breeze Plaza had ongoing issues with juveniles.

Mrs. Galante then asked the Council to review the Town Charter and consider districting the Town.

Council Member Kelley asked Town Management Consultant, Terry O'Neil, about districting the Town.

Mr. O'Neil responded that districting would require an amendment to the Town Charter, and that to establish a district arrangement, the Town Council would have to agree to the ballot language, by way of a majority vote, which would then be decided by the voters. Mr. O'Neil explained that he did not disagree with the notion of districting, but there were always upsides as well as downsides to consider, such as the unwillingness of Town residents to run for office. He recommended further discussion by the Council before a charter amendment was placed on the ballot.

Council Member Kelley addressed Mrs. Galante to clarify that she thought the additional patrols paid for by the Town were not effective, and the regular patrols were sufficient.

Mrs. Galante asked President De Angeles if a resolution regarding districting could be on the agenda for the next Regular Town Council Meeting.

Mr. O'Neil stated that a discussion about districting could be placed on the agenda for the next Regular Town Council meeting. He went on to say that he would need to consult with the Town Attorney regarding the Town Charter and the procedures for any new ordinances regarding districting.

Discussion ensued regarding additional Sheriff's Department patrols and juveniles in the Plaza, Resort, and Seawalk.

Discussion ensued regarding districts.

**5. Comments from the Council on topics not on the Agenda** – There were none.

**6. Comments from Town Management Consultant Terry O'Neil** – Mr. O'Neil referred to a copy of an email given to Council Members from D.R. Horton regarding a program to address the attic access and roof baffles in homes in Seawalk, and he asked that it be a part of the official record. He stated that both issues were being addressed in coordination with the Town Building Official.

**7. Comments from Mayor Ostrand** – Mayor Ostrand thanked the public for attending

**8. Announcements** – President De Angeles announced the following meetings to be held at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze.

- Regular Town Council Meeting Monday, August 14 at 10:30 am
- Regular Town Council Meeting Monday, September 11 at 10:30 am



- Proposed Budget and Tentative Millage Rate Hearing, Wednesday, September 13, 2023 at 6:00 pm
- Final Budget and Millage Rate Hearing, Wednesday September 20, 2023, at 6:00 pm

**9. Adjourn** – President De Angeles asked for a motion to adjourn.

Undecipherable motion to adjourn.

Meeting adjourned at 7:30PM

Minutes approved: \_\_\_\_\_

FYI

**Town Clerk**

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**From:** Gary W Brunk <gwbrunk@drhorton.com>  
**Sent:** Monday, July 24, 2023 12:19 PM  
**To:** steve.buildingofficial@gmail.com; Jamie Adam Ross  
**Cc:** wwbb@absoluteces.com; 'Permits Town Of Oceanbreeze'; 'Terrance O'Neil'; Stacy Ann Janice Gaynor  
**Subject:** RE: Code Issues

Steve, just a follow up on our progress.

1. Attic Access
  - a. We have completed 28 homes and plan to complete the rest before the end of September.
2. Roof Vents
  - a. We have completed a few and plan to do 10-15 a week until we are finished.

Thank You,



**Gary W. Brunk**  
**Operations Manager**

**Southeast Florida**  
6123 Lyons Road, Coconut Creek, Florida 33073  
o: 954.949.3033 M: 904.626.4572

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D.R. Horton is an Equal Housing Opportunity Builder. Unless this email is in response to your previous communications with D.R. Horton, it is an advertisement or solicitation. If you are a resident of the European Economic Area, we are providing this information pursuant to your previous communications with us, and we processed the personal information received in those prior communications to send this email. You may **UNSUBSCRIBE** at any time from commercial advertising emails from D.R. Horton, Inc. and its integrated affiliates. Please do not reply to this email to unsubscribe. For more information about us, to view our privacy policy, or to exercise your privacy choices regarding the processing of your personal information, go to [www.drhorton.com](http://www.drhorton.com). You may contact us at 888-559-2763, [PrivacyManager@drhorton.com](mailto:PrivacyManager@drhorton.com), or D.R. Horton, Inc., Attn: Privacy, 1341 Horton Circle, Arlington, TX 76011. If you write to us, please include your email address

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**From:** steve.buildingofficial@gmail.com <steve.buildingofficial@gmail.com>  
**Sent:** Monday, July 24, 2023 10:41 AM  
**To:** Jamie Adam Ross <JARoss@drhorton.com>  
**Cc:** Gary W Brunk <gwbrunk@drhorton.com>; wwbb@absoluteces.com; 'Permits Town Of Oceanbreeze' <permits@townofocanbreeze.org>; 'Terrance O'Neil' <terrancewoneil@gmail.com>; Stacy Ann Janice Gaynor <SGaynor@drhorton.com>; 'TREASURE COAST ROOFING' <josh.tcr@outlook.com>; 'Brian Maloney' <tcroofingllc@gmail.com>  
**Subject:** RE: Code Issues

[External]

Jamie,

Ms. Gena May  
2777 Franklin Road  
Southfield, Michigan.48034

Dear Ms. May;

We the undersigned residents of Ocean Breeze Resorts in Ocean Breeze, Florida are respectfully requesting an in person meeting with you immediately to discuss the ongoing concerns and issues with the District RV Resort Manager Mr. Anthony Herzog on the above named property.

Continuing problems brought to Mr. Herzog's attention have fallen on deaf ears with no resolution. After five months with Mr. Herzog's employment, we the residents, have had enough of the lawless and unsafe behaviors that continue on the property.

This past week-end the Martin County Sheriff's Office had to be called several times due to RV visitors not following established Policy and Procedures put forth in the Prospectus.

Such behaviors as speeding above the set forth limit of 10 mph, jumping the fence around the locked pool enclosure at night, using the Pickleball Courts after hours and disturbing the adjacent owners, going down the wrong way on one way streets, underage teenagers (and even younger) driving erratically on golf carts, not stopping at stop signs, not cleaning up the feces from dogs throughout the property and cranes and workmen on the property disturbing residents before the permitted 7 a.m. work time are just some of the concerns that are not being resolved.

Mr. Herzog's response has been that he is not the law enforcement. It is reported on Facebook that Mr Herzog has stopped responding to emails.

Please advise as to the plan of resolution of the above problems.

Cc: Mayor and Town Council



Item #3

# PROCLAMATION

## Declaring

### “Hunger Action Month” in Ocean Breeze, Florida

**WHEREAS**, hunger and poverty remain issues of grave concern in the United States, the State of Florida, the Treasure Coast, and the Town of Ocean Breeze, with 30,311 family households in Martin County unable to afford the basic costs of living; and

**WHEREAS**, the Town of Ocean Breeze is committed to taking steps to raise awareness about the need to combat hunger in every part of our Town and to provide additional resources that the citizens of Ocean Breeze need; and

**WHEREAS**, the Town of Ocean Breeze is committed to working with the Treasure Coast Food Bank in mobilizing people about the role and importance of food banks and other hunger relief organizations in addressing hunger and bringing attention to the need to devote more resources and attention to hunger issues; and

**WHEREAS**, food banks and hunger relief organizations across the country, including the Treasure Coast Food Bank, coordinated Hunger Action Day® on September 15, 2023, and will continue to host numerous events throughout the month of September to shed light on this important issue and encourage involvement in efforts to end hunger in their local community.

**NOW, THEREFORE**, I, Karen M. Ostrand, by virtue of the authority vested in me as Mayor of the Town of Ocean Breeze, Florida, and on behalf of the Ocean Breeze Town Council, do hereby proclaim September as “Hunger Action Month” in the Town of Ocean Breeze and call this observance to the attention of our citizens.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the Town of Ocean Breeze to be affixed this 14th day of September, 2023.

Town of Ocean Breeze, Florida

\_\_\_\_\_  
Karen M. Ostrand, Mayor



# **GENERAL INFORMATION ITEMS**

**The attached items (i.e.: correspondence, e-mails, reports, etc.) are provided as general information and are not necessarily subject to discussion during this meeting unless Council Members or the Mayor wish to do so.**

FYI

**townclerk@townofoceanbreeze.org**

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**From:** mayor@townofoceanbreeze.org  
**To:** Matthew Biondolillo  
**Subject:** RE: Seawalk PUD, DR Horton, off-ridge roof vents

Dear Matthew,

Thank you for your email. The Building Official has required Absolute Engineering to provide documents and certification with regard to both the roof vents and attic access panels. Once these documents are received, they are a matter of public record and will be made available to you. I have also asked Pam to forward the recent email thread showing the activity regarding these items.

Sincerely,

Mayor Karen M. Ostrand

**From:** Matthew Biondolillo <matthewbiondolillo3@gmail.com>  
**Sent:** Monday, July 31, 2023 10:09 AM  
**To:** mayor@townofoceanbreeze.org  
**Cc:** Town Clerk <townclerk@townofoceanbreeze.org>  
**Subject:** Seawalk PUD, DR Horton, off-ridge roof vents

Dear Mayor

Good morning. Based on the recent Town Board meeting, it's understood that D.R. Horton submitted a progress update (via email) to the Town of Ocean Breeze during the week of July 24, 2023. In the correspondence, D.R. Horton stated that they had remedied "a few" off-ridge vents in our community. Based on communications within our community, D.R. Horton either did not show or cancelled the remedial work associated with the off-ridge vents.

We would like to understand the truth regarding this matter. We would like to give D.R. Horton an opportunity to provide details regarding their claim. Could you please request the following information from D.R. Horton?

1. Which house(s) and what date(s) were off-ridge vents remedied within the Seawalk Development? Please provide work order records including the physical address and date (month/day/year) the work was completed.
2. At each house, how many off-ridge vents were remedied by installing external off-ridge vents?

This information will be helpful to our community members to ensure that D.R. Horton has in fact initiated the remedial work to correct the FBC violation in connection with the off-ridge vents that are missing external baffles. In addition, it will be helpful for the Town of Ocean Breeze to facilitate scheduling an inspection of the remediated off-ridge vents; thereby, ensuring that the remedial work was conducted in accordance with FBC.

We truly appreciate your help with this very important matter. We respectfully request that you keep this message unanimous because D.R. Horton has already refused to communicate directly with us and neglected to repair/replace numerous construction defects and warranty items at our house, including the construction defects associated with the roofing system. Honestly, we are not sure what way to turn. Have a blessed day and week!

Kind regards,  
Matthew

**From:** Matthew Biondolillo <matthewbiondolillo3@gmail.com>  
**Sent:** Wednesday, August 2, 2023 11:30 AM  
**To:** permits@townofoceanbreeze.org; Steve Nicolosi  
**Cc:** Karen M Ostrand; Terry O'Neil; townclerk@townofoceanbreeze.org; Gina Kent; Julie Biondolillo  
**Subject:** Re: FW: Code Issues  
**Attachments:** photos (1).zip

All

We, the Biondolillo family, would like to inform the Town of Ocean Breeze that D.R Horton has neglected to permanently remedy (repair/replace) our roof in the vicinity of the dormer feature. We have been waiting patiently since the visual inspection conducted by DR Horton on the 25th of April 2023, for which Steve N. and I were present. Prior to and during the inspection, it was confirmed that deconstructive testing was necessary to truly understand the nature and extent of the water intrusion. Soon afterwards, Steve informed us of a separate issue based on his observance of off-ridge vents that're missing external baffles as part of the roofing system. The external baffle is an integral part of an off-ridge vent. Based on Steve's recommendation, we expeditiously notified D.R. Horton of the off-ridge vents that're missing external baffles in connection with our home.

We would like to speak the truth regarding DR Horton's statement "Unfortunately, the Biondolillo roof has not been completed yet due to an ongoing legal situation (email dated 20th of July 2023 by Jamie Ross to Steve Nicolosi)." The truth is that we (referred to as Biondolillo) have neither filed a legal action against D.R. Horton nor acquired legal counsel. Rather, we've repeatedly asked them to do what's right and requested that DR Horton remedy the construction defect(s) in accordance with Florida Statutes, including Florida Building Code. As you're aware, Florida Building Code establishes minimum requirements to protect the health, safety, and welfare of the public. Its provisions apply to, among other things, construction, alteration, modification and repairs of buildings and structures. The only activity that has occurred since the visual inspection conducted on the 25th of April 2023 is exposure of the defective off-ridge vents in connection with our home and throughout the Seawalk development. As a result, unfortunately, it appears that D.R. has decided to act unjust or prejudicial treatment toward our family.

At this point, we're uncertain what to do. Shall we continue to wait patiently for D.R. to remedy the construction defects and warranty items, for which they are accountable? Shall we seek professional services from a licensed building inspector and/or construction professionals to inspect and/or remedy a variety of construction defects and/or warranty items that D.R. Horton has neglected to remedy at our home? For example, in addition to the unresolved construction defects associated with the roofing system, D.R Horton has neglected to remedy defective windows with broken seals, defective sliding glass and screen doors, unfinished ceiling with hole adjoining the HVAC plenum, spalling stucco on exterior of house, damaged kitchen cabinet, and shoddy workmanship and cracking within the master bedroom shower, to name a few. Several of the aforementioned items were identified during the initial construction walkthrough of the residential building/lot (Lot 24) and documented as part of the construction "punch list." We've attached a few photographs for your reference. In addition, we recently experienced a loud popping and cracking noise within the house and, as a result, structural cracks have become evident within the interior and exterior of our home. We're monitoring this situation closely.

Obviously, this effort will present a significant burden to our family and perhaps similarly to other community members, especially if DR. Horton's conduct is similar to them. If D.R. Horton truly meant "the Biondolillo roof has not been completed yet due to an ongoing legal situation", then why have they neglected to remedy any of the remaining construction punch-list and warranty items? In fact, it shall be noted, D.R. Horton intentionally



cancelled the scheduled repair work of our shower walls which had been effectively scheduled and initiated by Heritage Flooring (Chris Daly, Manager, 754-368-3959). We have never witnessed such unjust behavior.

Sincerely,  
Matthew Biondolillo

On Tue, 1 Aug 2023 at 15:19, Matthew Biondolillo <[matthewbiondolillo3@gmail.com](mailto:matthewbiondolillo3@gmail.com)> wrote:

Pam

Thanks for the email thread. I will respond later.

Steve

We would like to request that you conduct an audit to check for code compliance associated with the off-ridge vents in the Seawalk community. Unfortunately, despite our recommendation, our HOA BOD has neglected to procure a vendor to inspect the off-ridge vents to determine the nature and extent of the construction defect and resulting damages associated with the off-ridge vents that're missing external baffles.

Sincerely,  
Matthew Biondolillo

On Tue, 1 Aug 2023 at 13:00, <[permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org)> wrote:

Hi Matthew:

For your information, all emails received by the Town Council and the Mayor are routed through the Town Clerk and are a matter of public record.

At the request of the Mayor, I am forwarding the ongoing email thread (below) between the Town Building Official and D. R. Horton regarding the roof vents and attic access. They are working together to resolve the issue.

Have a great day!

---

Pam Orr

Permit Processor



Town of Ocean Breeze

P. O. Box 1025

Jensen Beach, FL 34957

772-334-6826 office

772-807-2557 cell

[townofoceanbreeze.org](http://townofoceanbreeze.org)

Please make note of my new email address: [Permits@townofoceanbreeze.org](mailto:Permits@townofoceanbreeze.org)

---

**From:** Steve Nicolosi <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>

**Sent:** Saturday, July 29, 2023 6:41 AM

**To:** Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>

**Cc:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>; [webb@absoluteces.com](mailto:webb@absoluteces.com); 'Permits Town Of Oceanbreeze' <[permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org)>; 'Terrance O'Neil' <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>; Stacy Ann Janice Gaynor <[SGaynor@drhorton.com](mailto:SGaynor@drhorton.com)>; 'TREASURE COAST ROOFING' <[josh.tcr@outlook.com](mailto:josh.tcr@outlook.com)>; 'Brian Maloney' <[tcroofingllc@gmail.com](mailto:tcroofingllc@gmail.com)>

**Subject:** Re: Code Issues

Thanks for the update

Steve Nicolosi

Building Official

Town of Ocean Breeze

---

**From:** Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>

**Sent:** Thursday, July 27, 2023 3:24 PM

**To:** [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com) <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>

**Cc:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>; [webb@absoluteces.com](mailto:webb@absoluteces.com) <[webb@absoluteces.com](mailto:webb@absoluteces.com)>; 'Permits Town Of Oceanbreeze' <[permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org)>; 'Terrance O'Neil' <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>; Stacy Ann Janice Gaynor <[SGaynor@drhorton.com](mailto:SGaynor@drhorton.com)>; 'TREASURE COAST ROOFING' <[josh.tcr@outlook.com](mailto:josh.tcr@outlook.com)>; 'Brian Maloney' <[tcroofingllc@gmail.com](mailto:tcroofingllc@gmail.com)>

**Subject:** RE: Code Issues

Hi Steve,

We have more baffles on order with Treasure Coast Roofing to hopefully continue completing homes next week. Wayne from Absolute will inspect the two completed homes sometime next week as well.

Thanks,

Jamie

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)

Date: 7/24/23 10:41 AM (GMT-05:00)

To: Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>

Cc: Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>, [webb@absoluteces.com](mailto:webb@absoluteces.com), 'Permits Town Of Oceanbreeze' <[permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org)>, 'Terrance O'Neil' <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>, Stacy Ann Janice Gaynor <[SGaynor@drhorton.com](mailto:SGaynor@drhorton.com)>, 'TREASURE COAST ROOFING' <[josh.tcr@outlook.com](mailto:josh.tcr@outlook.com)>, 'Brian Maloney' <[tcroofingllc@gmail.com](mailto:tcroofingllc@gmail.com)>

Subject: RE: Code Issues

[External]

Jamie,

I believe Absolute Engineering should be out there inspecting the installation as I will need them to provide an inspection report on the baffles as well as the attic access repairs.

Thanks,

*Steve Nicolosi*

*Building Official*

*Town of Ocean Breeze*

*P. O. Box 1025*

*Jensen Beach, FL 34958*

*772-334-6826 office*

---

**From:** Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>

**Sent:** Monday, July 24, 2023 10:27 AM

**To:** Steve Nicolosi <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>

**Cc:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>; [wwebb@absoluteces.com](mailto:wwebb@absoluteces.com); Permits Town Of Oceanbreeze <[permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org)>; Terrance O'Neil <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>; Stacy Ann Janice Gaynor <[SGaynor@drhorton.com](mailto:SGaynor@drhorton.com)>; TREASURE COAST ROOFING <[josh.tcr@outlook.com](mailto:josh.tcr@outlook.com)>; Brian Maloney <[tcroofingllc@gmail.com](mailto:tcroofingllc@gmail.com)>

**Subject:** RE: Code Issues

**Importance:** High

Hi Steve,

Good morning. It looks like per Mike at Treasure Coast Roofing last Friday's samples went very well when the roofers were out there with you overseeing. While it took a little more time than expected per home they were able to get 2 homes completed.

The roofers have committed to a weekly capacity of at least 10 homes completed per week of the 143 homes. We will continue to request access to the customer's roofs before we do any repair work.

I am also looking into with the roof company potentially doubling (or at least increasing) the capacity so that we may complete this project even quicker.

If you have any questions please let me know.

Thanks,

Jamie



**JAMIE ROSS**

Customer Care Manager - Southeast Florida

**D.R. HORTON**

6123 Lyons Road, Coconut Creek, FL 33073

o: 954.949.3092 m: 954.504.8973

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---

**From:** Steve Nicolosi <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>

**Sent:** Thursday, July 20, 2023 5:14 PM

**To:** Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>

**Cc:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>; [webb@absoluteces.com](mailto:webb@absoluteces.com); Permits Town Of Oceanbreeze <[permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org)>; Terrance O'Neil <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>; Stacy Ann Janice Gaynor <[SGaynor@drhorton.com](mailto:SGaynor@drhorton.com)>; TREASURE COAST ROOFING <[josh.tcr@outlook.com](mailto:josh.tcr@outlook.com)>; Brian Maloney <[tcroofingllc@gmail.com](mailto:tcroofingllc@gmail.com)>

**Subject:** Re: Code Issues

[External]

Thanks for the update



Steve Nicolosi  
Building Official  
Town of Ocean Breeze

On Thu, Jul 20, 2023, 4:56 PM Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)> wrote:

Good afternoon Steve,

Please see product literature attached for the external baffle additions as provided by the roofers. Mike from Treasure Coast Roofing would like to discuss with you asap please call him on his cell at 772-579-8865.

They will start a sample batch tomorrow morning between 8am-12pm so you can be present starting with lot 114 who is the HOA president. If they don't run out of sample baffles (they ordered 20) we can get all these lots 28, 58, 32, 41 done tomorrow morning too. The customers are all aware and are okay with us being on their roofs.

If all goes well they will then order the rest to complete the entire project. Please call me on my cell if you need any further details 954-504-8973.

Unfortunately, the Biondolillo roof has not been completed yet due to an ongoing legal situation.

Thanks,

Jamie

**JAMIE ROSS**

Customer Care Manager - Southeast Florida

**D.R. HORTON**

6123 Lyons Road, Coconut Creek, FL 33073

**o:** 954.949.3092 **m:** 954.504.8973

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---

**From:** Steve Nicolosi <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>

**Sent:** Thursday, July 20, 2023 3:34 PM

**To:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>

**Cc:** [wwebb@absoluteces.com](mailto:wwebb@absoluteces.com); Permits Town Of Oceanbreeze <[permits@townofoceانبreeze.org](mailto:permits@townofoceانبreeze.org)>; Terrance O'Neil <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>; Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>

**Subject:** Re: Code Issues

[External]

Gary

We had a meeting this afternoon and I was asked what the status is for the attic access and roof vents. Please send me a schedule of when you expect them to be completed. I would like to see the vent repair when they start. Have you fixed Matthew Biodillio roof yet?

Thanks.

Steve Nicolosi  
Building Official  
Town of Ocean Breeze

On Fri, Jul 7, 2023, 6:54 PM Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)> wrote:

Good afternoon everyone. I just got an update from my construction team. We will start installing drywall in the attic access on July 11th. We will work to make contact with all homeowners as quickly as possible. We currently have 15 homes on the schedule for the 11th.

Thank you and I hope you all have a great weekend.

Thank you,

Gary W. Brunk

DR Horton Inc.

----- Original message -----

From: Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>

Date: 6/28/23 4:12 PM (GMT-05:00)

To: Steve Nicolosi <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>

Cc: [wwebb@absoluteces.com](mailto:wwebb@absoluteces.com), [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org), Terrance O'Neil <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>, Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>

Subject: RE: Code Issues

Good afternoon Steve. My construction team is currently working on a plan to address the attic access issue. We will be contacting the residents soon.

I will be calling you about the roof vents.

Thank you,

Gary W. Brunk

DR Horton Inc.



----- Original message -----

From: Steve Nicolosi <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>

Date: 6/28/23 3:43 PM (GMT-05:00)

To: Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>

Cc: [wwebb@absoluteces.com](mailto:wwebb@absoluteces.com), [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org), Terrance O'Neil <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>, Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>

Subject: Re: Code Issues

[External]

Gary

I am continuing to get complaints that the attic access have not been addressed nor the roof vents. I need a date when the repairs or contact will be made with the home owners. The Mayor and counsel want me to get with the Town attorney. I've been trying to not go down this road but I'm running out of patience. This is an easy fix please get this done ASAP

Thanks

Steve Nicolosi  
Building Official  
Town of Ocean Breeze

On Wed, Jun 14, 2023, 12:15 PM Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)> wrote:

We are.

Thank You,

Gary W. Brunk

## Operations Manager

### Southeast Florida

6123 Lyons Road, Coconut Creek, Florida 33073

**O:** 954.949.3033 **M:** 904.626.4572

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---

**From:** [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com) <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>

**Sent:** Wednesday, June 14, 2023 11:30 AM

**To:** Gary W Brunk <[gwbbrunk@drhorton.com](mailto:gwbbrunk@drhorton.com)>

**Cc:** [wwebb@absoluteces.com](mailto:wwebb@absoluteces.com); [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org); 'Terrance O'Neil' <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>;

Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>

**Subject:** RE: Code Issues

[External]

Gary,

Based on the information you provided and by contacting the manufacture it appears that the external baffles were part of the product approval process since the 2017 FBC. They additionally have an internal baffle. Please get this issue resolved ASAP as I'm getting contacted repeatedly about this.

*Steve Nicolosi*

*Building Official*

*Town of Ocean Breeze*

*P. O. Box 1025*

*Jensen Beach, FL 34958*

**From:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>  
**Sent:** Friday, June 9, 2023 1:42 PM  
**To:** [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)  
**Cc:** [wwebb@absoluteces.com](mailto:wwebb@absoluteces.com); [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org); 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>;  
Jamie Adam Ross <[JARoss@drhorton.com](mailto:JARoss@drhorton.com)>  
**Subject:** RE: Code Issues

Please see attached product approvals and photos of the interior baffles.

Please let me know if this closes out this concern.

Thank You,

**Gary W. Brunk**

**Operations Manager**

**Southeast Florida**

6123 Lyons Road, Coconut Creek, Florida 33073

**O:** 954.949.3033 **M:** 904.626.4572

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---

**From:** [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com) <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>

**Sent:** Friday, June 9, 2023 1:40 PM

**To:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>

**Cc:** [webb@absolutec.com](mailto:webb@absolutec.com); [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org); 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>

**Subject:** RE: Code Issues

[External]

I spoke with Mike from TC Roofing and he said he sent you the product approval for the vents. Please forward this to me

Thanks

*Steve Nicolosi*

*Building Official*

*Town of Ocean Breeze*

*P. O. Box 1025*

*Jensen Beach, FL 34958*

*772-334-6826 office*

---

**From:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>

**Sent:** Wednesday, June 7, 2023 4:35 PM

**To:** [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)

**Cc:** [webb@absolutec.com](mailto:webb@absolutec.com); [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org); 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>

**Subject:** RE: Code Issues

That was not part of the plan.

I asked the roofer to speak directly with you about the roof vents. After that conversation happens we can decide what should be done if anything.

The roofer is telling me all off ridge vents have baffles. Some exterior and some interior.

Thank you,

Gary W. Brunk

DR Horton Inc.

----- Original message -----

From: [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)

Date: 6/7/23 4:33 PM (GMT-05:00)

To: Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>

Cc: [webb@absoluteces.com](mailto:webb@absoluteces.com), [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org), 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>

Subject: RE: Code Issues

[External]

Will he be checking the roof vent issue as well?

*Steve Nicolosi*

*Building Official*

*Town of Ocean Breeze*

*P. O. Box 1025*

*Jensen Beach, FL 34958*

*772-334-6826 office*

---

**From:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>

**Sent:** Tuesday, June 6, 2023 4:21 PM

**To:** [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)

**Cc:** [webb@absoluteces.com](mailto:webb@absoluteces.com); [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org); 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>

**Subject:** RE: Code Issues

Thank you sir.

After doing a little more digging we found out our superintendent that was building phase 2 decided the drywall was not needed in the single story homes and only installed 3/4" plywood. I am putting a plan together now for him to go back out there and fix the issue.

We will start knocking on doors in phase 2 next week.

Thank You,

Gary W. Brunk

Operations Manager



**Southeast Florida**

5123 Lyons Road, Coconut Creek, Florida 33073

**o:** 954.949.3033 **M:** 904.626.4572

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---

**From:** [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com) <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>

**Sent:** Tuesday, June 6, 2023 4:05 PM

**To:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>

**Cc:** [webb@absoluteces.com](mailto:webb@absoluteces.com); [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org); 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>

**Subject:** RE: Code Issues

[External]

Next week will be fine

Thanks

*Steve Nicolosi*

*Building Official*

*Town of Ocean Breeze*

*P. O. Box 1025*

*Jensen Beach, FL 34958*

*772-334-6826 office*

---

**From:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>

**Sent:** Tuesday, June 6, 2023 1:09 PM

**To:** [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)

**Cc:** [webb@absoluteces.com](mailto:webb@absoluteces.com); [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org); 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>

**Subject:** RE: Code Issues

Ok, we should have some active warranty tickets going and we can take a look at those attic accesses while we are there. Will you please give us until early next week to provide the information?

Thank You,

**Gary W. Brunk**

**Operations Manager**

**Southeast Florida**

6123 Lyons Road, Coconut Creek, Florida 33073

**o:** 954.949.3033 **M:** 904.626.4572

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**From:** [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com) <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>

**Sent:** Tuesday, June 6, 2023 11:39 AM



To: Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>

Cc: [webb@absoluteces.com](mailto:webb@absoluteces.com); [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org); 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>

Subject: RE: Code Issues

[External]

Start with Biondolillo and some others and see if this problem exists through out or is it isolated and the issue is getting blown out of control. I don't know of another way to resolve this issue. I want to be able to go before the Town Council and say it's being addressed and repaired.

Thanks

*Steve Nicolosi*

*Building Official*

*Town of Ocean Breeze*

*P. O. Box 1025*

*Jensen Beach, FL 34958*

*772-334-6826 office*

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From: Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>

Sent: Tuesday, June 6, 2023 7:39 AM

To: Steve Nicolosi <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>

Cc: [webb@absoluteces.com](mailto:webb@absoluteces.com); [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org); Terrance O'Neil <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>

Subject: RE: Code Issues

You want us to contact every homeowner in the entire community?

Thank You,

**Gary W. Brunk**

**Operations Manager**

**Southeast Florida**

6123 Lyons Road, Coconut Creek, Florida 33073

**O:** 954.949.3033 **M:** 904.626.4572

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---

**From:** Steve Nicolosi <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>

**Sent:** Tuesday, June 6, 2023 7:31 AM

**To:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>

**Cc:** [webb@absoluteces.com](mailto:webb@absoluteces.com); [permits@townofoceanbreeze.org](mailto:permits@townofoceanbreeze.org); Terrance O'Neil <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>

**Subject:** Re: Code Issues

[External]

Please contact the homeowners and ask to check the hatch. Send the Town a list of the repaired or compliant ones and a list of homes that would not allow access. This should resolve this issue.

Thanks

Steve Nicolosi  
Building Official  
Town of Ocean Breeze

On Mon, Jun 5, 2023, 4:31 PM Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)> wrote:

Ok, let me know how you want us to proceed. If it's not there we can install it if they give us access.

Thank You,

**Gary W. Brunk**

**Operations Manager**

**Southeast Florida**

6123 Lyons Road, Coconut Creek, Florida 33073

**O:** 954.949.3033 **M:** 904.626.4572

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**From:** [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com) <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>  
**Sent:** Monday, June 5, 2023 4:20 PM  
**To:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>; [wwebb@absoluteces.com](mailto:wwebb@absoluteces.com)  
**Cc:** [permits@townofcoceanbreeze.org](mailto:permits@townofcoceanbreeze.org); 'Terrance O'Neil' <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>  
**Subject:** RE: Code Issues

[External]

The access covers do not have the drywall. They can also have a metal covering or be fire treated plywood. It appears to only be plywood. Please confirm the method of code compliance.

Thanks,

*Steve Nicolosi*

*Building Official*

*Town of Ocean Breeze*

*P. O. Box 1025*

*Jensen Beach, FL 34958*

*772-334-6826 office*

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**From:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>  
**Sent:** Monday, June 5, 2023 1:53 PM  
**To:** [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com); [wwebb@absoluteces.com](mailto:wwebb@absoluteces.com)  
**Cc:** [permits@townofocceanbreeze.org](mailto:permits@townofocceanbreeze.org); 'Terrance O'Neil' <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>  
**Subject:** RE: Code Issues

I apologize. I just found it.

R302.6 is specifically talking about walls which we have done properly. It sends you to table R302.6 which mentions attics once and only requires ½" gypsum board which is installed as well.

Thank You,

**Gary W. Brunk**  
  
**Operations Manager**  
  
**Southeast Florida**



6123 Lyons Road, Coconut Creek, Florida 33073

O: 954.949.3033 M: 904.626.4572

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**From:** [steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com) <[steve.buildingofficial@gmail.com](mailto:steve.buildingofficial@gmail.com)>  
**Sent:** Monday, June 5, 2023 11:09 AM  
**To:** Gary W Brunk <[gwbrunk@drhorton.com](mailto:gwbrunk@drhorton.com)>; [wwebb@absoluteces.com](mailto:wwebb@absoluteces.com)  
**Cc:** [permits@townofcoceanbreeze.org](mailto:permits@townofcoceanbreeze.org); 'Terrance O'Neil' <[terrancewoneil@gmail.com](mailto:terrancewoneil@gmail.com)>  
**Subject:** Code Issues

[External]

Gentlemen:

I'm getting continual complaints from residents of Seawalk of issues with their homes. Most are warranty issues but there are some code violations that should have been caught at the final inspection. Two that need to be addressed ASAP are the missing baffles on the off-ridge vents and the attic access hatch covers not being fire rated. I can understand missing an item during an inspection, but these two issues are on a substantial number of houses. I should not be in this position years after the houses were given a certificate of occupancy. It causes me concerns that other issues were missed.

**R302.6 Dwelling-garage fire separation.** It doesn't appear this has been met. If it complies, please provide documentation for me to forward to the residents.

The off-ridge vents are obvious as some have the baffle and some don't. I don't see where the product approval was submitted for the vents but I'm unaware of a vent with product approval that doesn't have the baffle. Again, if you have documentation, please provide this to the Town so we may put this issue to rest. The longer these issues go unresolved the more homeowners are getting involved. The last thing you want to happen is for them to request me to do an audit to check for code compliance. I will not put my license in jeopardy. Please resolve these two issues ASAP and notify the Town.

*Steve Nicolosi*

*Building Official*

*Town of Ocean Breeze*

*P. O. Box 1025*

*Jensen Beach, FL 34958*

*772-334-6826 office*

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Reminder!

**TOWN OF OCEAN BREEZE, FLORIDA  
PROCLAMATION – 2023 TOWN ELECTION**

**ELIGIBILITY:**

Persons eligible to run for Council Member must be a full-time resident of the Town of Ocean Breeze and a registered voter in Martin County.

**CANDIDATES:**

Candidates for office shall file for qualifying with the Town of Ocean Breeze Town Clerk between qualifying period of Tuesday, August 1, 2023 through Monday, August 21, 2023. All qualifying documents are provided by the Town Clerk and can also be accessed on the Town's web-site at: [www.townofoceanbreeze.org](http://www.townofoceanbreeze.org)

**VACANCIES:**

The positions of three (3) Council Members are open. Term is for two (2) years. The Council Members currently holding these positions are: Council Members Bill Arnold, Ken De Angeles and Kevin Docherty.

**REGULAR ELECTION:**

The Regular Town Election will be held Tuesday, November 7, 2023.

**VOTE BY MAIL BALLOTS:**

**Please Contact** – Vicki, Davis, Supervisor of Elections  
135 SE Martin Luther King Jr. Blvd.  
Stuart, FL 34994  
Phone: (772) 288-5637 Fax: (772) 288-5765  
[www.MartinVotes.com](http://www.MartinVotes.com)

**VOTING PLACE & TIME:** Langford Park, 2369 NE Dixie Highway, Jensen Beach, FL 34957. Polls are open from 7:00 a.m. to 7:00 p.m.

**ELECTION RETURNS:**

Election returns shall be furnished the morning after the Election at the Canvassing Board Meeting on Wednesday, November 8, 2023 at 10:00 am at: Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida.

**DATE TO TAKE OFFICE:** Monday, December 11, 2023

**VOTER REGISTRATION:**

The deadline for registering to vote in the November 7, 2023 Election, is Monday, October 9, 2023. Registration takes place at the Supervisor of Elections' office.

Town Office is located at: 1508 NE Jensen Beach Blvd., Jensen Beach, FL 34957

Office hours of operation: Monday – Friday, 9:00 a.m. – 2:00 p.m.

Revised 6-22-23

Proclamation to be approved by the Town Council at the July 10<sup>th</sup>, 2023 meeting to be held at 6:00 p.m.



## Town Clerk

---

**From:** Nicole M. Laliberte <Nicole@crarybuchanan.com>  
**Sent:** Wednesday, August 9, 2023 1:20 PM  
**To:** terrancewoneil@gmail.com  
**Cc:** Town Clerk  
**Subject:** Seawalk

Hi, Terry,

The purpose of this email is to confirm our communication last week regarding a status update. On July 20, Attorney Michael Cristoforo and I had a productive telephone conference with HOA counsel, Deborah Ross, Esq. Pursuant to our conversation with Attorney Ross, a report of issues from the HOA is forthcoming. At this time, the Town's investigation into the closeout list and permit issues remains ongoing. We plan to schedule a meeting with the Town to discuss how to proceed once we have received and reviewed the HOA's report.

Thanks,  
Nicole



**Nicole M. Laliberte, Esq.**  
Associate  
[Nicole@CraryBuchanan.com](mailto:Nicole@CraryBuchanan.com)  
[www.crarybuchanan.com](http://www.crarybuchanan.com)

759 SW Federal Highway, Suite 106  
Stuart, FL 34994  
Telephone: (772) 233-4596  
Fax: (772) 223-4372

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