

MINUTES  
Key Largo Wastewater Treatment District (KLWTD)  
Board of Commissioners Meeting



November 18, 2008  
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting at 4:05 PM. Present were Commissioners Susan Hammaker, Norman Higgins, Robby Majeska, Andrew Tobin, and Charles Brooks. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon, Acting District Clerk Syndi Lankford and all other appropriate District Staff.

The Pledge of Allegiance was said.

**PRESENTATIONS**

Commissioner Tobin presented a plaque to Gary Bauman, an Inaugural Board Member. Commissioner Tobin then presented a plaque to outgoing Commissioner Claude Bullock.

**ELECTIONS**

Vice Chairman Tobin asked for nominations for Chairman.

Commissioner Brooks nominated Commissioner Hammaker for Chairman, Vice Chairman Tobin nominated Commissioner Higgins for Chairman.

Commissioners' Hammaker, Majeska and Brooks voted for Commissioner Hammaker as Chairman.

Vice Chairman Tobin then turned over the gavel to Chairwoman Hammaker.

Chairwoman Hammaker asked for nominations for Vice Chairman.

Commissioner Brooks nominated Commissioner Higgins for Vice Chairman. Commissioner Higgins was elected unanimously.

Chairwoman Hammaker asked for nominations for Secretary/Treasurer.

Commissioner Majeska nominated Commissioner Brooks for Secretary/Treasurer.

Commissioner Brooks was elected unanimously.

## APPROVAL OF AGENDA

Commissioner Brooks requested that in the future that the intent of an item under Commissioner's Item be listed.

**Motion: Commissioner Tobin made a motion to approve the agenda. Commissioner Majeska seconded the motion.**

### Vote on Motion

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Brooks	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Majeska	X		

**Motion passed 5 to 0**

## PUBLIC COMMENT

The following persons addressed the Commission: John Hammerstron, Coral Coast requested that the public be notified when the private road matters comes up on the agenda. D.A. Aldridge, Tavernier, came to remind the Board of the July, 2010 deadline. She also thanked the outgoing Board members and congratulated the new Board members. Burke Cannon, Tavernier, agreed with D.A. Aldridge about connecting by July 2010. Pauline Klein, Key Largo, see Exhibit "A". Kay Thacker, Key Largo asked about Legal Notice requirements. Kay Thacker, Key Largo addressed the Board concerning work done by C & W in Sexton Cove.

## COMMISSIONER'S ITEMS

*Commissioner's ability to add items to the agenda for discussion.  
Adopting certain District policies by Resolution*

Commissioner Tobin stated that he believes that it was policy that any Commissioner can have the ability to make a statement at anytime.

Commissioner Majeska would like to have an item brought up for discussion then brought back for action at a later date and Commissioner Higgins agrees.

All Board members agreed that all Board members have the right to put something on the agenda and the Chairman does not have the right to remove a Commissioner's Item.

Commissioner Brooks stated that the job of a Commissioner is to bring items to the Board for the public. Commissioner Brooks would like discussion at one meeting and then action at another meeting.

**Motion:** Commissioner Tobin made a motion to bring “A Commissioner may place any item on the Agenda” and “Adopting certain District Policies by Resolution” as a formal policy to the next meeting. Commissioner Brooks seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Brooks	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Majeska	X		

**Motion passed 5 to 0**

*Return of Bid Bond to Marlin Holdings*

Commissioner Higgins explained that that the District should not keep Marlin Holdings bid bond because they were not able to get bond.

Commissioner Tobin asked that the item be placed on the next agenda for action and that an estimate for Legal and Staff time be presented.

District Counsel Thomas Dillon suggested that Marlin come to the Board and ask for a return and make their case.

**Motion:** Commissioner Tobin made a motion to bring back the Marlin Bid Security request for action with a presentation from Marlin at the next meeting. Commissioner Higgins seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Brooks	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Majeska	X		

**Motion passed 5 to 0**

**BULK ITEMS**

*Pending Payments*

**Motion:** Commissioner Brooks made a motion to approve the Bulk Items with Pending Payments contingent upon availability of funds. Commissioner Higgins seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairwoman Hammaker</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 5 to 0**

**ENGINEER'S REPORT**

Dan Saus gave a verbal report. The following collection systems are nearly complete: Basin A-1, A-2, A-3, A-4, A-5, D-2 and D-3 is 50% complete. The Deep Well is at 220 feet. The process tanks are proceeding.

*Basin A-2 and A-3 Update*

Mr. Saus reported that Weiler Engineering stated that the work that Globe Tec has been doing is acceptable.

Juan Perez, Globe Tec, thanked the District for the opportunity for working for them.

Commissioner Brooks reported that there are major things that are substandard in his opinion. He would like a full review to be brought back on the December 16, 2008 meeting.

*CR 905 Report*

Dan Saus presented a written report on CR 905.

Commissioner Tobin would like to separate the areas (CR 905 and Stretch) and hold workshops for each area after the first of the year.

**LEGAL COUNSEL REPORT**

*Employee Handbook Revisions*

Mr. Dillon explained the proposed amended employee handbook revision concerning vacation accrued in a calendar year.

**Motion: Commissioner Majeska made a motion to put the Employee Handbook Revision on the agenda for action. Commissioner Brooks seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairwoman Hammaker</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 5 to 0**

**GENERAL MANAGER’S REPORT**

*Contract for Vacuum Station “D”*

Craig Overholt introduced himself to the Board. He told the Board that his company is building the FKEC building and they are on scheduled and in budget. Mr. Overholt said that they will be using Marlin as a sub but they will be running the job.

**Motion: Commissioner Tobin made a motion to award the Vacuum Station D contract to Overholt Construction. Commissioner Higgins seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairwoman Hammaker</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>CommissionerMajeska</b>	<b>X</b>		

**Motion passed 5 to 0**

*Change Order Basin B-2*

Mr. Fishburn reported that Staff is in uniform agreement that Ric-Man International has preformed good work on Basin B-1. Ric-Man has declined to accept a change order at the bid prices.

Staff is not in full agreement with whether to award B-2 to Ric-Man, however Mr. Fishburn believes it is in the best interest of the District to award this change order at the latest proposed price which includes \$45,000 in mobilization.

Commissioner Tobin does not approve of the way the change order is being awarded, avoiding competitive bid procurement policy.

Chairman Hammaker pointed out the Commissioner Tobin had previously said that he would vote for the change order if it included the addition of new equipment or methodology.

Commissioner Tobin stated that these are policy decisions.

Commissioner Brooks stated that the issue is whether or not to give Ric-Man a change order, it is a matter of procedure and comprehensive bidding.

Remo, from Ric-Man pointed out that they have finished the project three month ahead of schedule and saved the District \$250,000.

**Motion:** Commissioner Brooks made a motion to award the Change Order for Basin B-2 to Ric-Man International. Commissioner Higgins seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Brooks	X		
Commissioner Higgins	X		
Commissioner Tobin		X	
Commissioner Majeska	X		

**Motion passed 4 to 1**

*State Funding*

Charles Fishburn stated that it would be best to keep a low profile and go along with the group and concentrate on getting the fifty million dollars bonded.

**Motion:** Commissioner Brooks made a motion to set a policy on State Funding as low key and develop inter-action with the local entities in Monroe County to bring forth the fifty million dollars this year.

Commissioner Higgins asked if the District really needs a policy.

Commissioner Brooks stated that the Staff needs direction from the Board.

**Amended Motion:** Commissioner Brooks amended his motion to “The District will work with representatives of other jurisdictions to request that Florida Legislature issue a fifty million dollar bond at its earliest opportunity”. Commissioner Tobin seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Chairwoman Hammaker	X		
Commissioner Brooks	X		
Commissioner Higgins	X		
Commissioner Tobin	X		
Commissioner Majeska	X		

**Motion passed 5 to 0**

*WWTD Bid Results*

Mr. Fishburn reported that there were nine bidders for the treatment plant. Meadors was the low bidder but they wish to retract their bid.

District Counsel Thomas Dillon has requested information from the three lowest bidders and staff has no recommendation at the current time.

**ADJOURNMENT**

The KLWTD Board adjourned the Board Meeting at 7:05 PM.

The KLWTD meeting minutes of November 18, 2008 were approved on January 6, 2009



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Chairwoman Susan Hammaker



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Carol Walker, CMC  
District Clerk

