

# MINUTES

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



May 19, 2009  
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting at 4:00 PM. Present were Commissioners Robbie Majeska, Norman Higgins, Andrew Tobin, Charles Brooks, and Chairwoman Susie Hammaker. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon, District Clerk Carol Walker, and other appropriate District Staff.

Commissioner Brooks led the Pledge of Allegiance.

### APPROVAL OF AGENDA

Senior Finance Manager, Synthia Lankford, pulled Pending Payments from the Bulk Items. Chairwoman Hammaker pulled the Islamorada Proposal from the agenda. General Manager Fishburn added an Islamorada Report and a discussion of the next Committee of the Whole Agenda to the Round Table.

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

### Vote on Motion

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

**Motion passed 5 to 0**

### PUBLIC HEARING

*RESOLUTION NUMBER NO. 20-05-09*

*A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING AND RESTATING PRELIMINARY ASSESSMENT RESOLUTION (RESOLUTION 17-04-09) RELATING TO THE CONSTRUCTION AND FUNDING OF WASTEWATER COLLECTION, TRANSMISSION, AND TREATMENT FACILITIES WITHIN THE DISTRICT;*

***ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE FACILITIES AND THE METHOD OF THEIR COLLECTION; ESTABLISHING PROCEDURES FOR CORRECTION OF ERRORS AND OMISSIONS IN ASSESSMENT ROLLS; AND PROVIDING AN EFFECTIVE DATE.***

District Attorney Thomas Dillon explained the assessment resolution.

Public Hearing was opened.

Chairwoman Hammaker asked for public comment: Tim Bricker, Key Largo stated that he thinks that the KLWTD Act should be amended if the District is going to process Islamorada’s wastewater.

Public Hearing was closed.

**Motion: Commissioner Brooks made a motion to approve Resolution No. 20-05-09. 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 Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 5 to 0**

**PUBLIC COMMENT**

**Anyone wishing to make a public comment on anything on or not on the agenda should make it at the current time.**

The following persons addressed the Commission: Barbara Browne, Key Largo requested a response from the District Engineer on signing the DEP application for the Harborage. Tim Bricker Key Largo, asked questions on the vacuum station proposals. Caridad Perez, Key Largo requested that the vacuum vent be moved from the middle of her property. David Asdourian, Key Largo was concerned about the location of a vacuum station. Miguel Cortizo, Miami, concern over a lot being buildable in Harry Harris.

**GENERAL MANAGER’S REPORT**

***Islamorada Report***

Mr. Fishburn stated that he met with Islamorada and presented the District’s proposal. He reported that Islamorada stated that it would take 4 months to do the study and the District’s portion would be \$100,000.

*Basin E & F Addendum*

Mr. Fishburn explained that Eckler Engineering has requested to transfer funds from reimbursable expenses to design development at no cost to the District. Eckler Engineering overran on the design costs due to the addition of commercial properties to the vacuum collection system.

**Motion: Commissioner Brooks made a motion to approve the addendum for Basin E and F. Commissioner Majeska seconded the motion.**

**Vote on Motion**

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

**Motion passed 5 to 0**

*Basin A and D Addendum*

Mr. Fishburn explained that CPH is the engineer of record for Basins A & D. CPH has been tasked with additional design and consultation connected with the construction of these Basins including two vacuum stations.

**Motion: Commissioner Brooks made a motion to approve the Addendum for Basin A and D up to \$10,000. Commissioner Higgins seconded the motion.**

**Vote on Motion**

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

**Motion passed 5 to 0**

*Basin G & H Vacuum Station Purchase*

Mr. Fishburn requested approval for exercising the option to purchase the vacuum station site for the collection Basin's G & H.

Commissioner Majeska stated that he has researched the vacuum stations and that they are not smelly, nor are they noisy, and they do not lower the property value. The vacuum station for Basin's G & H will be in his neighborhood and he is voting for it. Commissioner Majeska stressed to the Board that in the future when someone comes to the Board and says they do not want a vacuum station in their neighborhood because it is smelly, noisy, and will lower property values, it should be taken into consideration that he has researched all of that and he voted for one in his neighborhood.

Commissioner Higgins disagrees. He does not want to approve a site when a homeowner is against it.

Commissioner Tobin stated that the public has the opportunity to be heard. He would like to vote twice on the purchase.

**Motion: Commissioner Brooks made a motion to exercise the option to purchase the vacuum station site for Basin's G & H. Commissioner Majeska 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 Higgins</b>		<b>X</b>	
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 4 to 1**

*Deep Well Options*

Mr. Fishburn told the Board that Youngquist will be removing their drilling rig equipment from the WWTP site this month. The legislation to permit the District to use shallow wells as a backup did not pass this legislative session. Our lobbyist, State Representative, and Staff believe that with an early and well planned and executed bill, in the House and Senate next legislative session, will be successful. The other options are to contract with Youngquist now for and additional well for \$3 million. Wait until the plant goes over 1 MGD and then drill the second deep well for \$4 million.

The Board took no action.

*Vacuum Station Site*

Mr. Fishburn told the Board that staff in pursuing the site where the White Rhino is and Ocean Resorts.

*Record Retention and New Phone Service*

Mr. Fishburn told the Board that the District needs to upgrade the service used for record retention and tie in the office with the current and future plant. The District has the opportunity to replace the current phone system with a new state of the art phone system and reduce the monthly phone charges by \$100 per month.

Pat Mitchell, Operations Manager, presented the proposal the District received from a local vendor. Commissioner Higgins wants to use a local company.

Staff was directed to look at other sources.

**COMMISSIONER’S ITEMS**

*Tier 1 Properties*

Commissioner Tobin removed his item from the agenda.

*Goals for General Manager for Next Year*

Chairwoman Hammaker stated one of the goals for next year should be that all employee reviews should be done on time. Commissioner Higgins state one of the goals should be that the District has everything in by 2011. Chairwoman Hammaker will work on more goals.

**BULK ITEMS**

*Minutes of May 5, 2009*

*Resolution No. 19-05-09*

Chairwoman Hammaker would like Mr. Fishburn’s remarks corrected which were made under Lobbyist Compensation. She explained that the funding from the ACOE, which Mr. Fishburn stated was for all of Monroe County, should have been that the funding is for “the ACOE authorized four (4) local sponsors (Key Largo Wastewater Treatment District, Islamorada, Marathon, Key West, of the FQUIP, not all of Monroe County”.

**Motion: Commissioner Brooks made a motion to approve the Bulk Items. 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 Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 5 to 0**

*Pending Payments of May 9, 2009*

Synthia Lankford, introduced the amended pending payments list.

**Motion: Commissioner Brooks made a motion to approve the Pending Payments of May 19, 2009 contingent upon the 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 Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 5 to 0**

**ENGINEER'S REPORT**

*Monthly Status Report*

Ed Castle of Weiler Engineering reported that there was a design review on Basin C Phases 1,3, and 4. Basin E Phase 1 & 2 and Basin F Phase 1 have been advertised for bids. The survey for Basins I, J, & K should be completed in a week.

Commissioner Brooks asked how far along the project is. Mr. Castle said the completion date is still May of 2010. The plant project is about 30% complete.

One vacuum station has been started and within a month the second one will be started. Construction on the South Transmission Line should be started in August of 2009.

**FINANCIAL REPORT**

N/A

**LEGAL COUNSEL REPORT**

*MSTU Back Charges*

District Counsel Thomas Dillon reported that he has requested documentation of the charges without much success, and asked the Board for direction.

Commissioner Brooks would like Martin Waits to handle the issue with the County Clerk of the Court instead of the District Counsel.

Commissioner Tobin would like to see the District at a point where the County has charged everything that they are going to under the MSTU.

Mr. Dillon suggested that the District gets the methodology that the County used to arrive at the amount the charged.

**Motion: Commissioner Brooks made a motion to table the MSTU Back Charges issue. Commissioner Majeska 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 Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 5 to 0**

*RESOLUTION NO. 21-05-09*

*RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT AMENDING RESOLUTION 19-11-05 FOR THE TO PROVIDE FOR INCREASED AUTHORITY OF THE*

**GENERAL MANAGER TO APPROVE CHANGES IN CONTRACT PRICE UNDER THE CONSTRUCTION CONTRACT WITH WHARTON-SMITH, INC., AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Tobin pointed out that the resolution was suppose to require that the District Engineer, Ed Castle, was to agree with the Manager on the change order in writing and that the Board would be notified at the next Board meeting.

**Motion: Commissioner Brooks made a motion to table Resolution No. 21-05-09. 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 Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 5 to 0**

*Package Plant Letter*

Mr. Dillon explained that the letter to the Package Plant owners for the FDEP says that the KLWTD District will have the package plants on the Island of Key Largo hooked up by July of 2014.

**Motion: Commissioner Tobin made a motion approve the letter to the package plant owners. 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 Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		

**Motion passed 5 to 0**

**COMMISSIONER'S ROUNDTABLE**

The Board agreed that the agenda for the June 12 Committee of the Whole meeting will have a presentation on serving Gated Communities, Deep Lots, and CR 905 on it. The July meeting will be a financial update.

**ADJOURNMENT**

The KLWTD Board adjourned the Board Meeting at 7:17 PM.

The KLWTD meeting minutes of May 19, 2009 were approved on June 2, 2009.



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Chairwoman Hammaker



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Carol Walker, CMC  
District Clerk



April 17, 2009

Susan Hammaker, Chair  
Board of Commissioners  
Key Largo Wastewater Treatment District  
98880 Overseas Highway  
Key Largo, Florida 33037

**RE: Proposed Sewage Pump Station – Overseas Highway / Sunset Road**

Dear Chairwoman Hammaker:

On April 7, 2009, I attended a Key Largo Wastewater Treatment District (“KLWTD” or “District”) meeting that provided residents the opportunity to publicly comment on a proposed sewage pump station to be located at the intersection of Overseas Highway and Sunset Road. As you are aware, many of my neighbors joined me in expressing their opposition to the selection of this site. Following is a summary of the objections raised by my family, as well as the objections of our neighbors:

- 1) The proposed site is located at one of the main entries to an upscale Key Largo neighborhood. The proposed placement of the sewage pump station will have a significant impact on property values within the neighborhood.
- 2) The proposed sewage pump station will emit odors. We learned from a presentation by the engineer that the site actually will “vent” air into the neighborhood – this is not a self-contained system. The engineer and KLWTD’s General Manager attempted to assure us that charcoal filters would virtually eliminate any odors.
- 3) The proposed sewage pump station will generate noise.
- 4) The proposed sewage pump station will be located in a fairly high density area (by Key Largo standards). Further, the sewage pump station is within close proximity to existing single-family and multi-family residences (within 50 feet). The commission displayed photos of similar pump stations in an effort to “educate” us on sewage pump stations. One neighbor pointed out that single family residences were not visible adjacent to the pump station photos provided by the Commission.

The response by the KLWTD Commissioners was mixed. Several Commissioners downplayed our concerns by drawing comparisons to other communities (including Weston in Broward County). Many Commissioners stated that they have not driven by the proposed site or through the neighborhood in question. As such, the Commissioners were not really in a position to judge the site. Commissioner Majeska compared the proposed sewage pump station structure to any other single family home that could be built on the site.

My greatest concern came as a result of the statements made by Mr. Charles Fishburn, the District's General Manager. Mr. Fishburn informed the residents that three sites were being considered by the District and each site was under an option to purchase. During Mr. Fishburn's statements, it appeared that the driving force in site selection process was simply price and the need for a sewage pump station within a certain geographic range.

The apparent limited scope of the site selection process concerned me. I am aware that the design and installation of a sewage system is a very complex process and requires extremely qualified individuals, including various engineers. As such, I would expect that the Commission had a detail list of requirements for their site selection process. If this is the case, it certainly was not presented in this manner.

As a result of my concern, I did my own research using the simple tools available to me - Google and the internet.

What I found was alarming - sewage pump stations can be very dangerous.

The Virginia Department of Environmental Quality lists the following potential dangers in their "Sewage Pump Station Operations and Maintenance Manual Review Checklist":

- 1) Electricity
- 2) **Mechanical Equipment**
- 3) Poisonous Gases
- 4) **Explosions/Fires**
- 5) **Bacterial Infections**
- 6) **Oxygen Deficiency/Noxious Gases in Enclosed Spaces**

Further, the Commonwealth of Virginia states the following in Section 9-VAC-25-790 Sewage Collection and Treatment Regulations:

"Sewage pump stations should be located as far as practicable from present or proposed built-up residential areas, and an all-weather road shall be provided. Stations should have a proper zone of controlled or limited use surrounding them. Within such zones, residential uses or high density human activities or activities involving food preparation should be prevented. Provisions for noise control and odor control, and station architectural design should conform to site requirements. Sites for stations shall be of sufficient size for future expansion or addition, if applicable."

As I performed additional research, it was readily apparent why the Commonwealth of Virginia required that sewage pump stations "be located as far as practicable from present or proposed built-up residential areas".

Sewage pump stations can accumulate poisonous gases, including methane and hydrogen sulfide. These gases are highly toxic and flammable. Hydrogen sulfide is heavier than air and tends to accumulate at ground level. Although very pungent at first, it quickly deadens the sense of smell, so potential victims may be unaware of its presence until it is too late. Potential explosion hazards are also present due to the operation of machinery and the accumulation of these flammable gases.

**The Commonwealth of Virginia also requires sewage pump stations to “have a proper zone of controlled or limited use surrounding them. Within such zones, residential uses or high density human activities or activities involving food preparation should be prevented.” The reason for this requirement is the presence of biological/bacterial hazards. Sewage pump stations externally vent the fumes that accumulate within the structure into surrounding air. In addition, should a pump fail, a backup in the system may occur, leading to the discharge of raw sewage into the environment. Finally, in our hurricane-prone region, there is a higher likelihood that a discharge could occur due to flooding.**

**Again, this is precisely the reason sewage pump stations are as far removed from residential structures as possible. This proposed site is immediately adjacent to both single-family and multi-family residences.**

**Much of the above is limited to the Commonwealth of Virginia because that is simply what I came across first in doing my research on the internet. I’m certain with the additional investment of time I will find many municipalities have similar restrictions.**

**I also found many complaints from residents regarding the odors emitted by sewage pump stations. These complaints were lodged against utility departments and related municipalities as well as community associations. While a filter may be effective for a certain period of time, their effectiveness does diminish with use.**

**Further, if methane and hydrogen sulfide accumulate in the structure, the sewage pump station externally vents air and a neighboring property owner is sleeping with their windows open, wouldn’t the resident potentially be in harms way? It would seem to be a possibility based on the research I have done. Moving these structures some distance from an existing residential dwelling would allow these poisonous fumes to dissipate.**

**Finally, it is common sense that having a sewage pump station located near your residence would diminish the value of the homes. I believe most would agree that a sewage pump station located prominently at the entry to a community could diminish the value of all residences within that community. Obviously, those located closest to the pump station would have the largest decline in value.**

**The concerns noted above are precisely why sewage pump stations are not located adjacent to residential structures. Sewage pump stations are generally placed in areas adjacent to commercial parcels, parks and other areas that are generally considered to be open space. When located in this manner, the risk to life and safety of neighboring residents is minimized. Further, should the facility emit a foul odor or present a concern for biohazard, residents can simply move away from the sewage pump station. Not so with an existing single-family home. The residents of neighboring homes have limited options other than to vacate their premises.**

**I assume that engineers employed by KLWTD will downplay my concerns. They may argue that their technology is better, their filtration systems are better, they have better ways to vent the hydrogen sulfide and methane and they have safety standards in place to prevent explosions and sewage backups including redundancy in the system.**

**No matter what the assurances, sewage emits poisonous gases and contains biohazards. Locating a sewage pump station within 50 feet of an existing residence is placing our neighbors at risk, irrespective of any assurance to the contrary. This is a simple fact. Technology may mitigate the risk, it cannot eliminate the risk.**

I respectfully make the following request of KLWTD and the Board of Commissions:

- 1) Inspect the site in question and note the close proximity to a number of existing single-family and multi-family residences.
- 2) Research the potential life and safety issues regarding the accumulation of poisonous gases and the release of biohazards into the environment.
- 3) Incorporate your findings into KLWTD Sewage Pump Station Site Specifications. Based on my research, I would recommend the exclusion of sites with existing residences located within a certain range. This range should be determined by an environmental engineer.
- 4) Ensure that the primary driver in site selection is not simply the price of the parcel. Ultimately, Key Largo residents pay for this system. My neighbors want to ensure that the system installed is safe for all residents and minimizes the impact on neighboring properties while being located in the geographic range necessary to operate effectively. I am certain KLWTD and the Board of Commissioners desires the same.

Due to the fact that the proposed placement of this sewage pump station may result in a life or safety issue, I respectfully request a formal written response from the District to address concerns raised in this letter.

In closing, I would like to thank the Board of Commissioners for providing the residents of my neighborhood the opportunity to publicly comment on the proposed site. The purpose behind this process is to ensure that residents have an opportunity to be heard. Hopefully, I have raised some questions you find equally alarming that will impact your current and future site selection process.

I would also like to take this opportunity to thank District management, staff and the Board of Commissioners for their collective efforts in constructing our sewage system. It may often appear to be a thankless job. However, your efforts are encouraged and appreciated by the residents of Key Largo.

Sincerely,



Richard Phillips  
58 Sunset Road  
Key Largo, Florida

cc: Commissioner Higgins  
Commissioner Brooks  
Commissioner Tobin  
Commissioner Majeska  
Mr. Charles Fishburn, District General Manager  
Mr. Thomas Dillon, District Counsel