

MINUTES

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



August 4, 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 Norman Higgins, Andrew Tobin, Charles Brooks, Robert Majeska, 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

Commissioner Brooks suggested since the General Manager, Charles Fishburn had placed a large amount of items on the agenda without back up that those items be moved to the end of the agenda or tabled. Those items were the following: 1. CPH Change Order, 2. Basin C-4 Change Order, 3. Basin F-2 Change Order, 4. Work Authorization for Coral Coast, 5. Work Authorization for Sunset, 6. Work Authorization for Unique Properties In Basins I, J, & K, 7. Work Authorization for Seven Acres, 8. Work Authorization for Basin F (Airport), 9. Basin A, Gravity System into Buffer Tank, 10. Design Build Operate RFQ for Grinder Pump Installations He would like Resolution No. 26-08-09 moved to the Bulk Items and he would like the following moved to the front of the agenda: 16. Policy Changes In Neighborhoods for Pits & Laterals, 11. Policy Item: Conduct inside and outside District Office, 12. Letter from Mayor Achenberg, 13. Deep Well Legislation, 14. Low Income Subsidy, 15. Legislation on Five Cent Tax, 17. Discussion on Fishburn / Achenberg / email / letter, and 19. Pending Payments.

Commissioner Tobin would like some discussion on the work authorizations (4, 5, 6, 7, & 8). He agrees to table items, 1, 2, & 3.

Commissioner Higgins would like the Change Order F-2 voted on.

Commissioner Majeska does not agree with any changes. He feels that the agenda should be presented in the order it was advertised so that the people planning on coming for an item will be able to be present when the item is presented. He also pointed out that while there is no back up for Mr. Fishburn's items there is also no back up for the Commissioner's items.

Chairwoman Hammaker stated that she had back up for her agenda item and she agrees with Commissioner Majeska.

Charles Fishburn, General Manager, added an item, 10A White Rhino Property for action. He would like to pull items 1, 4, 5, 6, 8, & 10. He would also like items 2 and 3 to be action items and item 7 possible action.

Motion: Commissioner Tobin made a motion to approve the agenda as amended (Deletion of items 1, 4, 5, 6, 8, 10. Add 10A White Rhino for action, moving Resolution No. 26-08-09 to Bulk and remove Pending Payments from Bulk.) 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

PUBLIC COMMENT: The following persons addressed the Board: David Hann, 413 Mahogany Circle, spoke about not being able to pull a homeowner permit for rental properties. Burke Cannon, Hammer Point suggested that a letter be written to the editor explaining homeowner permits. J.R. Silvestri, Key Largo, presented a repair bill to the Board. John Hammerstrom, Tavernier, noted that it has been a month since he asked the Board to do take action on Coral Coast. Howard Gelbman, Key Largo, spoke against going to Islamorada. Ron Miller, Key Largo, spoke about the meeting with Islamorada. Gunar Miesnieks, Key Largo, spoke about moving his pit to the East.

Motion: Commissioner Tobin made a motion to amend the approved agenda to move item 16, Policy Changes in Neighborhoods for Pits & Laterals to the front of the agenda. Commissioner Brooks 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

COMMISSIONER'S ITEMS

Policy Changes in Neighborhoods for pits and laterals.

Commissioner Higgins would like the District to look into the policy of moving pits and laterals.

Commissioner Majeska explained that he and Ms. Blank drove a neighborhood and sometimes there has to be a connection in the middle of the property. People should come into the office and talk about what their problem is.

Danny Gonzalez, Metro Equipment, said that if a pit is in a driveway then they should move it because it has to have a breather. He explained that his company delivers flyers to the neighborhoods before they start work in the neighborhood.

Commissioner Tobin pointed out that there are costs for engineering, inspectors, and contractors involved when a lateral or pit is moved. The District does not want to take on a major expense like Marathon has. Staff is trying to fine tune the plans and give the public advance notice of where the pits and laterals are going to go.

Chairwoman Hammaker stated that the property owners should come to the Town Hall meetings to get the information on their property.

GENERAL MANAGER’S REPORT

Basin C-4 Change Order

Mr. Fishburn recommends a change order for Basin C-4 to Metro Equipment.

Commissioner Majeska asked how many EDU’s are in the area. Mr. Fishburn said 469 EDU’s.

Commissioner Tobin has a problem with the change order because it is 40% higher than the latest bid with Redland. The District may not be getting the best price. He would like to see the item tabled. Commissioner Majeska said he would second Commissioner Tobin’s motion.

Mr. Fishburn explained that Metro is a very aggressive company and they have already gone through four basins and their equipment is now sitting. Metro as well as LaRocco have been very responsive to resident complaints.

Commissioner Majeska withdrew his second to Commissioner Tobin’s motion to table. He stated that there is only a 10% difference in giving the contract to Metro and any other contractor except Redland.

Motion: Commissioner Higgins made a motion to approve Basin C-4 Change Order to Metro Equipment. Commissioner Brooks 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 4 to 1

Basin F-2 Change Order

Charles Fishburn recommended that LaRocco be given a change order for Basin F-2. It is very competitive with the other contractors.

Commissioner Tobin feels that the District is sending the wrong message to the Contractors.

Motion: Commissioner Higgins made a motion to approve Basin F-2 Change Order to LaRocco. Commissioner Brooks 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

Work Authorization for Seven Acres

Mr. Fishburn explained that he proposes that the District have the Engineer that has the Basin the Unique Property is in do the engineering for the Unique Property. Weiler Engineering has a rough estimate of \$250,000 for 20 homes in Seven Acres which would be \$12,500 a home.

District Counsel, Thomas Dillon reminded the Board that Mr. Nick Mulick had told the Board that there were no easements in Seven Acres but the Homeowners Association had the authority to give the District authority.

Basin A Gravity System into Buffer Tank

Paradise Point would be the first condo that the Board would be considering building the collection system for. They would be run into a buffer tank by a gravity system.

White Rhino Property

Mr. Fishburn stated that the owner would only sell the small half of the property. He asked for direction to go forward with the purchase of the entire property.

The Board directed him to go forward with the purchase of the entire property.

COMMISSIONER'S ITEMS

Policy Item: Conduct inside and outside District Office

Motion: Commissioner Higgins made a motion to accept the presented conduct policy (see Exhibit "A"). 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 4 to 1

Letter from Mayor Achenberg

Chairwoman Hammaker reviewed Mayor Achenberg's request to have a five on five public meeting.

Commissioner Tobin would like to see an agenda of the meeting before he agrees to the meeting.

Commissioner Higgins is not in favor of the meeting at all.

Commissioner Majeska feels that working with Islamorada would be good for the environment. The form for the meeting needs to be established first. He is willing to go to a meeting and talk but he does not want to go to an angry meeting. He has had people of Islamorada telling him they want to work with KLWTD. He thinks that the fewer sewer plants in the Keys the better for everyone.

Commissioner Brooks said that there are about 5,000 people being represented by elected officials who do not want anything to do with Islamorada and the District elected officials should take them into consideration. Commissioner Brooks stated he is definitely against working with Islamorada.

Motion: Commissioner Brooks made a motion to write a letter to Islamorada telling them that the time is not prudent for a five on five meeting until Islamorada has an idea of what they are going to do, at least on the collection system, and the District has finished sewerage the Island of Key Largo. Commissioner Higgins seconded the motion.

Motion: Commissioner Tobin made a motion to table the item until after Islamorada's meeting on Thursday. Commissioner Brooks 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 4 to 1 Item Tabled.

Deep Well Legislation

Commissioner Higgins reminded the Board that the District needs to get started on the Deep Well Legislation in a timely manner and do it as a local Bill.

Low Income Subsidy

Chairwoman Hammaker said that the County is willing to sponsor a CDBG application on behalf of the District, with the District putting up the match.

Legislation on Five Cent Tax

Commissioner Higgins said that the County is going to have one cent of the gas tax going to sewers. He suggested that the District contact the County to see what the District will be getting out of it.

Discussion on Fishburn/Achenberg/email/letter

Commissioner Brooks withdrew his item.

Policy Changes in Neighborhoods for Pits and Laterals

Commission Higgins requested that a bill be paid for an emergency repair for a property owner when a contractor damaged electrical service. The bill was presented to the Board.

BULK ITEMS

Minutes of June 16, 2009, July 7, 2009 & July 21, 2009

Assessment Appeal Jeff Gautier

Assessment Appeal Burton Memorial Methodist Church

RESOLUTION NO. 24-08-09

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING DESIGNATION OF ONE TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2008 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

RESOLUTION NO. 25-08-09

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING DESIGNATION OF ONE TAX PARCEL AS A PARCEL EXCLUDED FROM THE 2007 NON-AD VALOREM ASSESSMENT; AND PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

RESOLUTION 26-08-09

A RESOLUTION OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT REGARDING FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION EFFORTS TO EXTEND PERMITS FOR PACKAGE PLANTS PENDING AVAILABILITY OF DISTRICT FACILITIES; AND PROVIDING FOR AN EFFECTIVE DATE

Motion: Commissioner Brooks made a motion to approve Bulk Items. 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		
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Motion passed 5 to 0

Pending Payments

Commissioner Majeska asked how the computer upgrade was going. It was reported that the computers are now being backed up. A new email program is currently being worked on.

Chairwoman Hammaker asked what the regulations are on Commissioners getting jobs from the District. Mr. Dillon said he would look into it.

Motion: Commissioner Brooks made a motion to approve the Pending Payments of August 4, 2009 contingent upon the availability of funds. 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

FINANCIAL REPORT

N/A.

LEGAL REPORT

N/A

ENGINEER'S REPORT

Monthly Status Report

Ed Castle of Weiler Engineering reviewed his written report.

COMMISSIONER'S ROUNDTABLE

N/A

ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 7:15 PM.

The KLWTD meeting minutes of August 4, 2009 were approved on August 18, 2009.



Chairwoman Hammaker



Carol Walker, CMC
District Clerk