



## MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:00 PM on October 6, 2015. Present were Chairman David Asdourian, Commissioner Andrew Tobin, Commissioner Robert Majeska, Commissioner Stephen Gibbs, and Commissioner Norman Higgins. Also present were General Manager Paul Christian, Chief Information Officer Rob Bulkiewicz, General Counsel Ray Giglio, Finance Manager Connie Fazio, Operations Manager Chuck Adams, Ed Castle with Weiler Engineering, acting District Clerk Katherine Jackson, and other appropriate District Staff.

Mr. Tom Gould led the Pledge of Allegiance.

### AGENDA ADDITIONS, CORRECTIONS OR DELETIONS

- Commissioner Majeska added an item to Commissioner's Items to discuss on-site systems and health department rules.
- Commissioner Tobin added to Commissioner's Items: 1) less costly alternatives for delivering service and 2) request for an independent legal opinion.
- Commissioner Gibbs added an item to Operations Report to discuss Islamorada's Salinity.
- Chairman Asdourian requested the discussion of on-site systems and health department rules be moved after Public Comment.
- Mr. Paul Christian added an item to General Manager's Report to discuss a trip to Tallahassee.

### APPROVAL OF AGENDA

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

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Tobin</b>	X		
<b>Commissioner Gibbs</b>	X		
<b>Commissioner Higgins</b>	X		
<b>Commissioner Majeska</b>	X		
<b>Chairman Asdourian</b>	X		

**Motion passed 5 to 0**

**RECOGNIZE DISTRICT EMPLOYEE**

*Danny Watson: Successful Completion of "C" License*

Plant Operator Trainee, Danny Watson, was recognized for his successful completion of his Class "C" Operator's License.

*Employee of the Month*

Construction Inspector Tom Gould was recognized as Employee of the Month for September 2015.

**PUBLIC COMMENT**

*Name and Address*                      *Subject*

Sue Heim                                      General comments on KLWTD  
Key Largo

Howard Gelbman                      On-site Systems and Health Department Rules  
799 Hazel Street

Ms. Sue Heim expressed her opinion regarding the public's perception of the District.

**COMMISSIONER'S ITEMS**

*On-site Systems and Health Department Rules*

Public Comment: Mr. Howard Gelbman appeared before the Board to request that the District write a letter to the Monroe County Health Department regarding the future of District cold spots.

Commissioner Majeska stated his concerns over the need for the Monroe County Health Department to make a decision on which on-site systems they are willing to accept as compliant. Commissioner Tobin suggested the residents of cold spot areas

file for a variance for 1-5 years until the requirements for on-site systems are agreed upon.

Commissioner Majeska suggested that staff provide the information for residents to apply for a variance with the Monroe County Health Department. Commissioner Tobin stated that he would like information on what the District can do to help sponsor a rule change with the state to mend this problem.

The Board requested that Mr. Ray Giglio contact the Monroe County Health Department to gather information and to revisit Resolution Draft No. 19-07-15 regarding wastewater services to Monroe Park and Manatee Bay Club.

### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

*Minutes of September 15, 2015*

**Motion:** Commissioner Gibbs made a motion to approve the Minutes of September 15, 2015 as amended, and Commissioner Higgins seconded the motion.

#### **Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Tobin</b>	X		
<b>Commissioner Gibbs</b>	X		
<b>Commissioner Higgins</b>	X		
<b>Commissioner Majeska</b>	X		
<b>Chairman Asdourian</b>	X		

**Motion passed 5 to 0**

### **CONSTRUCTION REPORT**

*Monthly Construction Update*

Mr. Chuck Adams presented the Monthly Construction Update. Mr. Adams informed the Board that this information will be supplemented in the Monthly Report for September 2015, and answered questions from the Board.

*Changes to SCADA Upgrade Work Order*

Mr. Paul Christian gave a history of the original Supervisory Control And Data Acquisition (SCADA) system, and a background of the original SCADA Upgrade work order. Mr. Christian informed the Board that the changes to the SCADA work order will

allow the plant to be properly integrated into the SCADA system. Mr. Christian also stated that the new system will be usable by the Collections Department.

Mr. Jered Primicerio, Wastewater Treatment Plant Supervisor addressed the Board regarding the current problems at the plant, and explained how a new SCADA system could impact productivity.

Staff answered questions from the Board.

**Motion:** Commissioner Gibbs made a motion to approve the changes to the SCADA upgrade work order on condition that staff negotiates a price not to exceed \$108,000.00, and Commissioner Tobin seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Commissioner Tobin	X		
Commissioner Gibbs	X		
Commissioner Higgins	X		
Commissioner Majeska	X		
Chairman Asdourian	X		

**Motion passed 5 to 0**

*Recommendation of Intent to Award for Blower Upgrade Project*

Mr. Chuck Adams presented Wharton-Smith as the lowest responsive, responsible Proposer for the Blower Upgrade Project. Mr. Ed Castle explained to the Board that the current blowers the plant uses are not sufficient for the increased flow from Islamorada. Mr. Castle explained that the proposals returned were higher than the estimate, but that there is the possibility that a lower price can be negotiated through the application of value engineering.

Staff answered questions from the Board.

**Motion:** Commissioner Tobin made a motion to issue an Intent to Award to Wharton-Smith for the Blower Upgrade Project on the condition that staff negotiate and bring the final dollar amount before the Board and the Board has the right to reject the contract amount, and Commissioner Higgins seconded the motion

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Tobin</b>	X		
<b>Commissioner Gibbs</b>	X		
<b>Commissioner Higgins</b>	X		
<b>Commissioner Majeska</b>	X		
<b>Chairman Asdourian</b>	X		

**Motion passed 5 to 0**

**OPERATIONS REPORT**

*Contract with Nationwide Plumbing, Inc. for Job # 2015-09 & 2015-10 (Installation of Two Vacuum Pits)*

Mr. Chuck Adams introduced two contracts for Nationwide Plumbing, Inc. to install two new vacuum pits in the Key Largo Park area. Mr. Adams stated that seven contractors were contacted and Nationwide Plumbing, Inc. was the only responsive company, and answered questions from the Board.

**Motion:** Commissioner Higgins made a motion to award the contract to Nationwide Plumbing, Inc. for the installation of two new vacuum pits, and Commissioner Majeska seconded the motion

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Tobin</b>	X		
<b>Commissioner Gibbs</b>	X		
<b>Commissioner Higgins</b>	X		
<b>Commissioner Majeska</b>	X		
<b>Chairman Asdourian</b>	X		

**Motion passed 5 to 0**

**5 MIN BREAK: 5:50 PM**

**EXTENSION: 6:00PM**

**Motion:** Commissioner Gibbs made a motion to extend the meeting 30 minutes. The motion passed without objection.

*Islamorada Salinity*

Commissioner Gibbs asked Mr. Chuck Adams to provide an update regarding salinity readings for Islamorada over the weekend. Mr. Adams informed the Board that the salinity readings were as high as 9, but have since been lower. Mr. Adams attributed this spike to the unusually high tides.

Staff answered questions from the Board.

**ADMIN/CUSTOMER SERVICE REPORT**

*Administration Building Progression Timeline*

Mr. Rob Bulkiewicz reported that phase II will be completed soon. As of meeting time, the concrete footers for the new columns have approximately 4 more days to cure before the existing column can be removed.

Mr. Bulkiewicz stated that the selection committee for the Administration Building Remodel is calling references, and answered questions from the Board.

*MCLA Conservation Waiver of Assessment – AK#8667400*

Mr. Rob Bulkiewicz introduced the MCLA Conservation Waiver of Assessment, and answered questions from the Board.

**Motion: Commissioner Gibbs made a motion to approve the MCLA Waiver of Assessment – AK#8667400, and Commissioner Higgins seconded the motion**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Gibbs</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		
<b>Chairman Asdourian</b>	<b>X</b>		

**Motion passed 5 to 0**

**COMMISSIONER’S ITEMS**

*General Counsel’s Expenditures (Commissioner Tobin)*

Commissioner Tobin led a discussion regarding an expense account for Mr. Ray Giglio. Mr. Giglio stated that he was authorized to make expenditures on outside counsel if necessary, but he did not have an expense account.

**Motion:** Commissioner Tobin made a motion to approve an expense account for the General Counsel to spend up to \$1,500 per year without authorization, and Commissioner Higgins seconded the motion

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Gibbs</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		
<b>Chairman Asdourian</b>	<b>X</b>		

**Motion passed 5 to 0**

*Less Costly Alternative for Delivering Service (Commissioner Tobin)*

Commissioner Tobin stated his opinion that the District has the responsibility to residents to look into lower cost alternatives for providing wastewater services. Commissioner Tobin suggested getting a proposal from Severn Trent Services for the provision of District wastewater management services. Commissioner Higgins stated his opinion that the District should be run without contract services, referencing past presentations to the Board. Commissioner Majeska suggested that the District can request a presentation, and possibly use the suggested ideas to look into areas that have the potential to save money. Chairman Asdourian shared his opinion that as the District is serving the residents well and is still finishing construction projects, he did not feel any consideration of this topic is necessary.

Commissioner Tobin requested this item be brought back at a future meeting.

**EXTENSION: 6:30PM**

**Motion:** Commissioner Tobin made a motion to extend the meeting 30 minutes. The motion passed without objection.

### *Independent Legal Opinion*

Commissioner Tobin requested an independent legal opinion on the extent of the Board's power regarding its ability to use discretion to amend documents compiled by staff. Mr. Ray Giglio referenced the purposes set forth in the District's Charter and applicable law pertaining to the need for the Board to maintain uniform decisions.

Commissioner Tobin requested this item be brought back at a future meeting.

### **GENERAL MANAGER'S REPORT**

#### *Joint Participation in Service Agreement with Bascom Communications and Consulting, LLC for Preparation of Communications Campaign for FKESB*

Mr. Paul Christian informed the Board that Monroe County contacted all entities that are participating in the Florida Keys Environmental Stewardship Bill to request that they equally fund a public relations project. Mr. Christian stated that the District's share will be \$6,000, and that this project will produce a video, handouts, and other informative materials to enhance lobbying efforts. Commissioner Tobin stated his concerns regarding the General Manager's \$10,000 spending cap, and would like to discuss this item at a future meeting.

Mr. Christian answered questions from the Board.

#### **EXTENSION: 7:00PM**

**Motion: Commissioner Gibbs made a motion to extend the meeting 30 minutes. The motion passed without objection.**

#### *Trip to Tallahassee*

Mr. Paul Christian informed the Board that lobbying for the Florida Keys Environmental Stewardship Bill will begin with a preliminary meeting on Thursday, October 8, 2015 in Tallahassee. Mr. Christian stated that the preliminary meeting will be followed by meetings with influential legislators in early November.

Mr. Christian answered questions from the Board.

### **COMMISSIONER'S ITEMS/ROUNDTABLE**

#### *Roundtable Discussion*

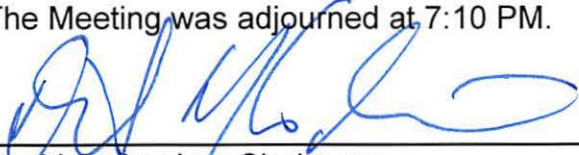
Commissioner Tobin handed out "Commissioner's Duties" for discussion at a future meeting.



Chairman Asdourian read a letter he composed regarding e-mails that Commissioner Tobin sent prior to this meeting. Chairman Asdourian requested that a copy of his letter be attached to these minutes and are so attached as "Attachment A."


**ADJOURNMENT**

The Meeting was adjourned at 7:10 PM.



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David Asdourian, Chairman



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Katherine Jackson, Clerk

# Attachment A

“For the past several years, I have been thinking about and working on a notebook which I have named “A Handbook of Duties, Procedures, and Protocol” that will cover the duties of the Commissioners, the Manager, Senior Staff, independent consultants, the attorney and various other matters”.

1. You show us one section which is Commissioners Duties with 17 subsections that have titles but no information.
2. Then you state that, “it is a work in progress” for which you want the Board’s comments, amendments, and adoption. You at least want to “give everyone time to think about their preferences”, but do not expect that we will be ready for a vote for at least a month. This, once again, reminds me of that famous quote by Clara Peller-you all know her-she’s the one who said “where’s the beef”. So Commissioner Tobin once again another email with not enough information to do any good and you copy the District’s employees. Since when do Commissioners copy the employees?

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“Ray’s lack of knowledge and experience in Florida Administrative Law is a serious drawback to his ability to give us competent legal advice.

Well, it looks like we need to replace Ray because if the Board follows Ray’s view, we’ll be on a “slippery slope” of losing our independence and authority to manage the District to which Commissioner Tobin wrote “finally, I am concerned that some may delight in that thought”.

1. Well, I don’t know about anyone else, but I did not understand what the last statement was until I received the next email from Commissioner Tobin on Sunday, October 4<sup>th</sup> at 9:55am asking Katherine to add an item for discussion to the agenda dealing with dissolving the KLWTD. Once again, I question who was copied and why? Roman Gastesi? As a Commissioner of the KLWTD, I expect the common courtesy of being able to discuss items in an open meeting as a Board before any one individual Commissioner decides to take a unilateral stance of notifying others.

So now I guess my question for comm. Tobin is “what do you want”??? work on the notebook or dissolve the KLWTD?