

# Key Largo Wastewater Treatment District Board of Commissioners Meeting Agenda Item Summary

Meeting Date:  
December 1, 2020

Agenda Item Number: F-2

Agenda Item Type:  
Information / Presentation

Agenda Item Scope:  
Review / Discussion

Recommended Action:  
Action: Approval

Department:  
Legal

Sponsor:  
Nicholas Mulick

Subject:  
**Minutes of November 17, 2020**

Summary of Discussion:

Staff to present the minutes from the previous board meeting for approval.

**Reviewed / Approved**

**Financial Impact**

**Attachments**

Operations: \_\_\_\_\_  
Administration: \_\_\_\_\_  
Finance: \_\_\_\_\_  
District Counsel: \_\_\_\_\_  
District Clerk: \_\_\_\_\_  
Engineering: \_\_\_\_\_

\$ \_\_\_\_\_  
  
Funding Source:  
  
Budgeted:  
N/A

Minutes

Approved By:  Date: 11/25/2020  
General Manager



## MINUTES

### CALL TO ORDER (A)

Chairman Rodriguez called the meeting to order at 4:00 PM.

### PLEDGE OF ALLEGIANCE (B)

Ms. Kay Cullen led the Pledge of Allegiance.

### ROLL CALL (C)

Present were: Chairman Nicolas Rodriguez, Commissioners David Thompson, Kay Cullen, Andrew Tobin and Susan Heim; General Manager, Peter Rosasco; General Counsel, Nicholas Mulick; Clerk, Diane Bockelman; District Engineer, Ed Castle; and HR Coordinator, Laura Weinstock. Appeared virtually: Department Managers, Connie Fazio, Ryan Dempsey, and Jered Primicerio.

### OATH OF OFFICE (D)

Ms. Diane Bockelman administered the Oath of Office during the swearing-in ceremony for Chairman Nicolas Rodriguez and Commissioners Kay Cullen and Susan Heim.

### ELECTION OF BOARD OFFICERS (E)

#### *Chairman*

Commissioner Heim nominated Chairman Rodriguez for the office of Chairman. No other nominations were made. Nicolas Rodriguez was elected Chairman for the Key Largo Wastewater Treatment District.

#### *Vice-Chairman*

Chairman Rodriguez nominated Commissioner Tobin for the office of Vice-Chairman. No other nominations were made. Andrew Tobin was elected Vice-Chairman for the Key Largo Wastewater Treatment District.

#### *Secretary/Treasurer*

Chairman Rodriguez nominated Commissioner Heim for the office of Secretary/Treasurer. No other nominations were made. Susan Heim was elected Secretary/Treasurer for the Key Largo Wastewater Treatment District.

### AGENDA ADDITIONS, CORRECTIONS, OR DELETIONS (F)

#### *Approval of Agenda (D-1)*

- Mr. Rosasco requested deletion of Items H-1 and H-2.

**Motion:** Commissioner Heim made a motion to approve the agenda as amended. Commissioner Cullen seconded the motion. The motion passed without objection.

**PUBLIC COMMENT (G)**

Robert Davis requested that the District explore options to assist homeowners not being serviced by the District’s wastewater treatment system, to bring their properties into compliance.

**GENERAL MANAGER’S REPORT (H)**

*Tropical Storm Eta Update (H-3)*

Mr. Primicerio, Plant Operations Manager, reported that the treatment plant performed well during Tropical Storm Eta. Mr. Ryan Dempsey, Maintenance Manager, reported that some of the vacuum stations experienced a high level lockout due to increased flows in the wastewater system which were corrected and did not negatively affect customers.

*Employee Handbook Adjustment (H-4)*

Commissioner Heim submitted proposed amendments to the Employee Handbook.

**Motion: Commissioner Heim made a motion to adopt the amendments. Commissioner Cullen seconded the motion.**

**Vote on Motion**

- Commissioner Heim - Aye**
- Commissioner Cullen - Aye**
- Commissioner Thompson - Aye**
- Commissioner Tobin - Aye**
- Chairman Rodriguez - Aye**
- Motion Passed: 5 to 0**

**BUDGET AND FINANCE REPORT (I)**

*Health Insurance Renewal for 2021 (I-1)*

Mr. Rosasco presented fiscal year 2021 employee health insurance proposals.

**Motion: Commissioner Heim made a motion to approve the proposal by Florida League of Cities top provide employee health insurance for an annual premium of \$339,417.39. Commissioner Tobin seconded the motion.**

**Vote on Motion**

- Commissioner Heim - Aye**
- Commissioner Tobin - Aye**
- Commissioner Thompson - Aye**
- Commissioner Cullen - Aye**
- Chairman Rodriguez - Aye**
- Motion Passed: 5 to 0**

**ADMIN AND CUSTOMER SERVICE REPORT (J)**

No report.

## **OPERATIONS REPORT (K)**

No report.

## **CONSTRUCTION REPORT (L)**

No report.

## **ENGINEER'S REPORT (M)**

No report.

## **LEGAL REPORT (N)**

*Update on DOH Final Notice Requiring Installation of Compliant On-Site Wastewater System (N-1)*

Mr. Mulick submitted a chronology of the Board's actions regarding assistance to homeowners not being serviced by the District's wastewater treatment system. Mr. Mulick reported that the District had not agreed to assist homeowners bring their property into compliance. Mr. Rosasco reported that there may be grants or financing options available for wastewater projects.

## **EXTENSION 6:00 PM**

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

**Motion:** Commissioner Tobin made a motion to direct staff to continue looking into possible solutions and to report back to the Board in two meetings. Commissioner Thompson seconded the motion. Motion withdrawn.

**Motion:** Commissioner Tobin made a motion to direct staff to continue looking into possible solutions, to authorize engineering fees not to exceed \$10,000, to request feedback from property owners to determine intent and representation, and to report back to the board in two meetings. Commissioner Thompson seconded the motion.

## **Vote on Motion**

Commissioner Tobin - Aye  
Commissioner Thompson - Aye  
Commissioner Cullen - Aye  
Commissioner Heim - Nay  
Chairman Rodriguez - Aye  
Motion Passed: 4 to 1

## **COMMISSIONERS' ITEMS (O)**

*Leadership Monroe (O-1)*

Chairman Rodriguez requested approval to enroll in the Leadership Monroe County program at a cost of \$1,500.00.

**Motion:** Commissioner Heim made a motion to approve the request. Commissioner Thompson seconded the motion.

**Vote on Motion**

**Commissioner Heim - Aye**  
**Commissioner Thompson - Aye**  
**Commissioner Cullen - Aye**  
**Chairman Rodriguez - Aye**  
**Commissioner Tobin - Absent**  
**Motion Passed: 4 to 0**

**ROUNDTABLE DISCUSSION (P)**

*Unfinished Business (P-1)*

**ADJOURNMENT (Q)**

The Meeting was adjourned at 6:13 PM.

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Nicolas Rodriguez, Chairman

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Diane Bockelman, Clerk

Seal

MEMORANDUM

TO: KLWTD Board of Commissioners

FROM: Nicholas W. Mulick, General Counsel

DATE: November 16, 2020

SUBJECT: Department of Health Final Notice Requiring  
Installation of Compliant On-site Wastewater Systems

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As the Board is aware, the District decided several years ago that it would not extend collection services to the properties located on C905. The owners of those properties received notice from the Monroe County Department of Health Notice demanding that they apply for a permit to construct an OSDS compliant with applicable treatment standards or face the imposition of fines at the rate of up to \$500.00 per day. The Board has asked staff to provide information regarding assistance to recipients of the DOH notice.

At the Board's August 21, 2008 meeting, the District's General Manager, Charles Fishburn, submitted a document analyzing the cost of District-installed and operated onsite wastewater treatment systems for cold spots along C905, including the subject properties. According to the meeting minutes, Mr. Fishburn reported that staff, along with Weiler Engineering, met with DOH to discuss proposals for bringing noncompliant parcels not being served by the District into compliance with DOH treatment standards. No action was taken at that meeting.

At the Board's October 7, 2008 meeting, Ed Castle submitted a written report proposing options for installation of onsite wastewater treatment systems on noncompliant parcels, including the subject properties. The Board took no action.

At the Board's November 18, 2008 meeting, Ed Castle submitted an updated report describing wastewater treatment compliance options for properties on C905. The options included: 1) subsidized owner-installed systems 2) District-installed systems. The Board took no action.

At its January 20, 2009 meeting, the Board voted to convene a special meeting on February 11, 2009 to discuss options for bringing the C905 properties into compliance. According to the minutes of that meeting, Charles Fishburn introduced three options to address the C905 compliance issue:

1. Waive wastewater assessment for owner-installed compliant systems
2. Compliant onsite systems installed and maintained by the District
3. Extend the District's collection system to include the C905 properties

The consensus of the Board was to defer consideration of the proposed options until more detailed costs estimates were provided by staff. No other action was taken.

At its March 3, 2009 meeting, Weiler Engineering presented a written report addressing the cost and feasibility of extending its collection system to the C905 properties. The Board approved a motion directing staff to discuss with DOH an extension of the December 31, 2010 compliance deadline.

On July 28, 2014, the District notified C905 property owners that it was considering an onsite wastewater treatment program whereby the District would install and maintain onsite treatment systems at its expense for which each property owner would be assessed \$9,170.00.

At the Board's August 5, 2014 meeting, District General Manager, Margaret Blank, explained that if the program was implemented, the \$9,170.00 assessment for installation of onsite systems could be waived by a property owner who decided to opt out of the District's onsite system installation program. It is important to note that the District had not developed or approved a program to install onsite systems for the properties located on C905.

On August 8, 2014, the District notified C905 owners by letter that the proposed \$9,170.00 assessment would be suspended, presumably, to allow owners to consider whether to participate in or opt out of the nonexistent onsite system program.

At its October 7, 2014 meeting, Ed Castle reported to the Board that the cost to the District to install compliant onsite systems ranged between \$30,000.00 and 40,000.00. The Board took no action.

At the Board's December 11, 2015 meeting, Ray Giglio reported that he, Paul Christian, and David Asdourian met with DOH to address noncompliant parcels along C905. Commissioner Tobin suggested that the Board explore the feasibility and cost to the District of installing onsite treatment systems. The Board took no action.

Based on the foregoing, it is my opinion that the District has not developed, approved or implemented a plan to install onsite wastewater treatment systems for the parcels that are the subject of DOH's final notice. If the Board chooses to provide assistance to the owners of noncompliant parcels, I recommend that it do so by adopting a resolution approving a specific plan and identifying a funding source.



## Leadership Monroe County Class XXIX Application

### Instructions for Application

Application Deadline: November 16, 2020. Incomplete or late applications will not be considered.

Application should consist of:

1. Cover Letter
2. Fully completed and signed application (including employer signature and waiver form)
3. Resumé
4. Letters of recommendation (suggested minimum of three)
5. Tuition payment check for \$1500 made payable to Leadership Monroe County (check is held until program acceptance; it is returned to participants who are not accepted)

If you are applying for the Leadership Monroe non-profit applicant scholarship, please send in these additional items with your application:

1. Scholarship application
2. 501c(3) form

Submit application and support materials (items 1-4) to [apply@leadershipmonroecounty.org](mailto:apply@leadershipmonroecounty.org)

Mail tuition payment (item 5) to: Leadership Monroe County, PO Box 1364, Key West FL 33041

Contact the Program Coordinator Michael Shields at 305-394-3804 with questions.

### Selection Criteria

- Full-time Monroe County resident for at least one year
- Registered to vote in Monroe County
- Significant commitment to remain in Monroe County with no anticipated relocation
- Achievement of top leadership position(s) in a company, organization, and/or in the community
- A demonstrated history of commitment to volunteer service in community organizations outside of your job description
- A demonstrated interest in seeking key volunteer positions, public office, or other leadership roles in Monroe County
- The ability to make the time commitment to the program—attending and actively participating in all sessions



## FAQs:

1. What are the 2021 session dates?
  - 1) *Leadership Dynamics/Economy (Key West): January 8 – 9*
  - 2) *Environment (Upper Keys/Everglades): January 29 – 31*
  - 3) *Emergency Management (Marathon): March 5*
  - 4) *Education/Government (Key Largo): April 9*
  - 5) *Arts, Culture, Media (Key West): May 7*
  - 6) *Law/Military (Key West): June 4*
  - 7) *Health Care (Key Largo): July 9*
  - 8) *Human Services/Graduation (Key West): August 6-7*
2. Do I have to attend all sessions? *Yes. Attendance is mandatory, and absence will indicate a withdrawal from the program. Extenuating circumstances may be considered and should be discussed with the Program Coordinator.*
3. If I am unable to make a session due to an extenuating circumstance, or if I have to withdrawal from the program, can I receive a refund? *No. Refunds will not be considered after the participant has confirmed acceptance into the program*
4. What does tuition payment cover? *Tuition covers meals, snacks, lodging, transportation during most sessions, session materials, entrance fees to session events, and graduation.*
5. Are there additional expenses not covered by tuition? *Tuition does not cover participant transportation to/from each session, alcoholic beverages, or souvenirs.*
6. Can dietary restrictions be accommodated? *Generally yes. Vegetarian and gluten-free options are usually available.*
7. Who is eligible for the Leadership Monroe non-profit scholarship? *Applicants from IRS-classified nonprofits are eligible. Up to one \$1500 scholarship may be offered to a qualified participant. The individual should still send in the tuition check for \$1500; this will be returned if the applicant receives the scholarship. If a scholarship recipient moves out of Monroe County within three years of graduation, the recipient agrees to refund the cost of tuition (\$1500) to Leadership Monroe County. Eligible applicants may fill out the Scholarship Application form.*
8. Who should I ask for letters of recommendation? *Recommenders should be individuals that know you well and can speak to your contributions within the community. They should represent the range of your involvement and activities (for example: your employment, your volunteer interests, your fundraising, your character). Leadership Monroe County alumni can be recommenders, but members of the Board of Directors cannot.*
9. Can my application be reviewed before I submit it? *We recommend having former Leadership Monroe County participants review your application to identify strengths and areas for improvement that will highlight your qualifications. Applications submitted at least a week before the deadline can be reviewed by the Program Coordinator for completeness.*
10. If I am not selected, can I apply again in the future? *Yes! Re-application is strongly encouraged as your experience and position in the community continues to evolve. Many Leadership Monroe County alums were not accepted on their first try.*