



Key Largo Wastewater Treatment District  
103355 Overseas Hwy, Key Largo, FL  
Tuesday, June 17, 2025

## MINUTES

### CALL TO ORDER (A)

Chairman Nicolas Rodriguez called the meeting to order at 4:00 p.m.

### PLEDGE OF ALLEGIANCE (B)

Mr. Tim Maloney led the Pledge of Allegiance.

### ROLL CALL (C)

Present were: Chairman Nicolas Rodriguez; Commissioners Sue Heim, Timothy Maloney, and Robert Majeska

Present Virtually (non-voting): Commissioner Philip Schwartz

Also present: General Manager Peter Rosasco; General Counsel Nicholas Mulick; District Clerk Shannon McCully; Finance Manager Connie Fazio; Plant/Facilities Manager Ryan Dempsey; Weiler Engineering Steve Suggs and Lexi Connor; IT Support Manny Santana

Appeared Virtually: Project Administration and HR Coordinator Laura Weinstock

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

*Approval of Agenda (E-1)*

Mr. Rosasco requested the addition of item *G-2 EOC/Hurricane Drill*

Commissioner Majeska requested the addition of item *G-3 ILA Update*

Commissioner Maloney requested the addition of item *P-3 Safety Update*

**Motion:** Commissioner Maloney made a motion to approve the agenda as amended. Commissioner Majeska seconded the motion. Motion passed without objection.

### PUBLIC COMMENT (E)

No speakers.

### APPROVAL OF MINUTES (F)

*Minutes of June 3, 2025 (F-1)*

**Motion:** Commissioner Majeska made a motion to approve the Minutes of June 3, 2025. Commissioner Heim seconded the motion. Motion passed without objection.

### GENERAL MANAGER (G)

*Contractor Agreement (G-1)*

Mr. Rosasco presented an agreement for Facility Cleaning Services with Caridad Pinon for approval.

**Motion:**        **Commissioner Heim made a motion to approve item G-1.**  
                     **Commissioner Maloney seconded the motion.**

**Vote on Motion:**

**Commissioner Heim - Aye**  
**Commissioner Maloney - Aye**  
**Commissioner Majeska - Nay**  
**Chairman Rodriguez - Aye**

*EOC/Hurricane Drill (G-3)*

Mr. Rosasco discussed the 6/13/2025 Hurricane Drill in Marathon EOC.

*ILA Update (G-3)*

Mr. Rosasco gave an update on the ILA funding.

**CUSTOMER SERVICE (H)**

*Customer Service Report – May 2025 (H-1)*

Ms. Fazio presented the Customer Service monthly report.

**IT (I)**

*IT Report – May 2025 (I-1)*

Mr. Santana presented the IT monthly report

**BUDGET AND FINANCE (J)**

*Budget and Finance Report – May 2024 (J-1)*

Ms. Fazio presented the Budget and Finance monthly report.

**FIELD (K)**

No report in agenda.

**PLANT/FACILITIES (L)**

No report in agenda.

**CAPITAL PROJECTS (M)**

*Capital Projects Report – May 2025 (M-1)*

Ms. Connor presented the Capital Projects monthly report.

**ENGINEERING (N)**

No report in agenda.

**LEGAL REPORT (O)**

No report in agenda.

**COMMISSIONER ITEMS (P)**

*General Rules and Regulations Draft (P-1-A Draft Pages 28 & 29 P-1-B Draft Pages 50, 51, & 52 (P-1) (Laydown)*

Commissioner Heim requested Board direction on General Rules and Regulations Draft for P-1-A Leak Abatement Rules and P-1-B District Fee Schedule.

*General Rules and Regulations Draft (P-2)*

Commissioner Heim requested Board direction on General Rules and Regulations Draft for System Impact Charges (SIC) Rule.

*Safety Update (P-3)*

Commissioner Maloney gave an update on KLWTD's Safety Committee.

**ROUNDTABLE DISCUSSION (Q)**

Commissioner Heim discussed the Stillwright Point project.

**ADJOURNMENT (R)**

The meeting was adjourned at 6:06 p.m.



Nicolas Rodriguez, Chairman



Shannon McCully, Clerk



## MEMORANDUM

DATE: June 17, 2025

TO: Board of Commissioners and General Manager, Peter Rosasco

FROM: Nicholas W. Mulick, Esq.

RE: Proposed Amendment of General Rules and Regulations,  
Rule 9.07(a) ii) 2) – Volumetric Charge Credit for Leaks

At the last meeting, the Board discussed amending Key Largo Wastewater Treatment District General Rules and Regulations, Rule 9.07(a) ii) 2), which sets forth the procedure for obtaining a monthly volumetric charge credit for a leak in a customer's potable water system. Rule 9.07(a) ii) 2) specifies that, as a prerequisite to qualifying for an adjustment to the volumetric charge, the customer must have properly filed for, and successfully obtained, a credit from FKAA under the FKAA Leak Abatement Program.

FKAA's rule limits applications for a leak abatement to one every two years. FKAA's rule also imposes certain conditions to qualifying for a credit under its Leak Abatement Program including: submitting proof that the leak was underground, within a foundation, or inside a wall, and not caused by the customer's negligence. If FKAA determines that the leak satisfies those conditions, it will calculate the credit by deducting an amount equal to twice the monthly consumption for the same month of the prior year. I have attached a copy of FKAA's Leak Abatement Rule.

If the Board decides to amend Rule 9.07(a) ii) 2) to eliminate FKAA's two-year limit on entitlement to a credit, there will be no way of knowing whether the leak satisfies FKAA's criteria for entitlement to a credit. Instead, KLWTD staff will be required to do their own evaluation of the source and cause of the leak to determine whether or not it was due to the owner's negligence.

Before deciding whether to amend Rule 9.07(a) ii) 2) to waive FKAA's two-year limit, the Board might wish to consider whether staff should be burdened with the responsibility for determining whether a leak qualifies for a credit pursuant to FKAA's rule. In short, allowing a customer to apply for a leak abatement more than once within a two-year period entails more than an adjustment to the frequency of applications; it requires staff to assume FKAA's responsibility for ascertaining the source and cause of the leaks and calculating the amount of the credit.

If the Board is inclined to amend the rule to allow more than one request in a two-year period, it could consider the following:

9.07(a) ii) 2) The customer submits proof that:

- a. it has properly filed for and successfully obtained a credit from FKAA under the FKAA Leak Abatement Program, or
- b. it qualifies for a credit from FKAA under the FKAA Leak Abatement Program, but is not entitled to receive a credit due to limitations imposed by FKAA on the frequency of applications the customer is permitted to file during any specified time period.

The adjustment of wastewater charges shall be calculated based upon the volumetric rate applicable at the time of the leak, multiplied by the number of gallons credited to the customer, and divided by 1,000. The customer is limited to one abatement within a one-year period.



designated for payment shall result in an Agency Decision causing disconnection of Potable Water Service until all amounts due, including delinquent fees and accrued interest, have been paid in full. Should the Customer request a hearing, pursuant to Section 48-101.008, that hearing shall not result in an Agency Decision but shall be solely for the purpose of giving the Customer an opportunity to provide the Authority with relevant information to assist the Authority in making its subsequent Agency Decision, which Agency Decision shall be based upon all information available to the Authority, including but not limited to information provided by the Customer.

- (4) The Customer may request a hearing on billing disputes.

#### **48-105.009 ABATEMENT OF WATER AND WASTEWATER BILLS**

- (1) The Authority shall abate a portion of a bill for Water and Wastewater Service, under the following conditions:

(a) **Courtesy Credit Adjustment Due to Leak in the Customer's Potable Water System**

1. The leak must be underground, within a foundation, or inside a wall and not caused by the negligence of the Customer or any other person, such as but not limited to: bulldozing, digging, lack of maintenance or vehicle running over the line, except when the outside action is on the public right-of-way beyond the customer's control for which there is no indication that the customer was negligent.
2. The Customer must present a plumber's report verifying that the leak satisfied the criteria in (1)(a)(1) and the leak has been repaired.
3. The Customer must request in writing that the Authority abate the charges and include the above information in the request within ninety (90) days after discovering the leak. Failure to make a timely request shall be a waiver of the Customer's right to seek abatement.
4. If abatement is granted, the Customer will be required to pay an amount equal to twice the monthly water consumption based upon the Active Account for the corresponding month during the previous year. When previous consumption history is unavailable, the Authority will use 5,300 gallons as a monthly average for a Residential User. For all other Users, the Authority will use an average derived from historical consumption from the prior calendar year. When previous consumption history is unavailable for Non-Residential Users, the Authority will use an average derived from similar Users in its service area.
5. When the Authority determines that unexplained consumption is occurring at a premises, it will make a reasonable attempt to notify the Customer of such increased consumption as soon as practicable and will inform the Customer of its abatement procedure at the time of such notification. Under no circumstances shall failure to provide such notice constitute a basis for imputing liability to the Authority for any such increased water consumption.
6. Customer is limited to one (1) abatement in excess of \$75.00 within a two (2) year period.

#### **48-105.010 TAMPERING WITH FACILITIES**

- (1) Tampering with the Authority's Water, Wastewater, or Reclaimed Water system components or facilities, including but not limited to, Water and Transmission Mains, distribution