

MINUTES

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



February 17, 2009
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular meeting at 5:00 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 Majeska led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Brooks moved his Item 8 (Dream Team Process) to 5b and asked to move the Minutes of Feb. 11, 2009 to March 3rd. He also moved items 2 (Truck Purchase) and 3 (Website Proposal) to discussion items. Commissioner Tobin added an Item 8 (Coordinated Road Paving) and Commissioner Higgins placed two items on the agenda; Boat Waste Transfer and Sensitivity Training. Martin Waits removed the Pending Payments from Bulk.

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

PUBLIC COMMENT

The following person addressed the Commission: Burke Cannon, Tavernier spoke to what Mayor Neugent understands about the rates of the Key Largo Wastewater Treatment District.

GENERAL MANAGER’S REPORT

Dove Creek Vacuum Station Update

George Wilson, Tavernier, said that he is favor of the Ocean View Drive side for a vacuum station. It is larger than the average lot. Mr. Wilson is the agent for the owner of the lot.

Commissioner Brooks requested that staff submit written data on the vacuum sites along with maps of the area.

Staff was directed to send out letters to the surrounding properties owners of the sites that the Board chooses to put vacuum stations on. The Board will then consider the public reaction before they commit to a site.

Truck Purchase

Charles Fishburn, General Manager explained the need for a truck.

Commissioner Brooks stated that the District seems to be on a spending spree that has been going on for some time. He would like the District to hold back on expenses if possible.

Commissioner Higgins agreed with Commissioner Brooks to a point but stated the District is expanding rapidly to a degree and the money is going to have to be spent if there is a need.

Mark Weis, Purchasing, explained how the crews are working in teams. They are doing the GIS, putting in valves, working on repairs in the collection systems, and working on repairs at the treatment plant. When there is no transportation they sit around waiting to do their work.

Mr. Fishburn explained that the funds for the truck would come out of the construction budget not the maintenance budget.

Motion: Commissioner Brooks made a motion to move the Truck Purchase to an action item and to approve authorizing the General Manager to purchase a new or used compact truck (whichever is the best deal) using the construction budget funds up to \$15,000.00 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

Website Proposal

Charles Fishburn told the Board of the need to upgrade the website. Margaret Blank, District Engineer, explained that the upgrade would allow access by the Building Department, Health Department and residents to information on where properties are in the connection process.

Staff was directed to come back to the March 3 meeting with information about warranty, hourly rates, and examples.

COMMISSIONER’S ITEMS

FKCC Letter

Chairwoman Hammaker explained that the Florida Keys Community College is trying to start up a program at FKCC thru the Employ Florida Banner Center for Water Recourses to train people in wastewater.

Pat Mitchell, Operations Manager explained that the District would save money by not having to send employees to Indiana for vacuum pit training. Continuing Education hours will be able to be done in the Keys saving time and money.

Commissioner Tobin suggested that the Manager be authorized to sign a letter that has been approved by the District Counsel.

Motion: Commissioner Tobin made a motion to authorize the General Manager to sign a letter of non-binding support for the program in whatever terms he finds appropriate with the consent of the District Counsel. 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

Drafting District Policy

Chairwoman Hammaker requested that Commissioners participate in ongoing policy. She requested that they each take on area of concern and do research on it and do a work up of a draft of the item.

Commissioner Tobin suggested that the Commissioners bring back their ideas to the March 17, 2009 meeting.

Keys Wide Lobbying Efforts / Dream Team Process

Commissioner Tobin stated that he does not want to participate in the “Dream Team”.

Commissioner Higgins stated that he agreed with Commissioner Tobin and does not know why the District's name is on the County documents.

Chairwoman Hammaker stated that she went to the Dream Team meeting to listen and observe and the five Inter-local Agreements are on the BOCC meeting's Bulk Items for the February 18, 2009 meeting.

Commissioner Brooks explained that the County Manager, Roman Gastesi, called the meeting for the County entities management and the item has not gone to the elected officials of the County. The subject of "if an entity did not commit and funds are received should they be given any of the funds received" was discussed. The idea that the non participating entities would not get as much as the participating entities was discussed. The five Inter-local Agreements have not been voted on by the elected officials.

Motion: Commissioner Tobin made a motion to hold a Special Meeting on Wednesday February 11 at 5 PM and invite the County Manager, Roman Gastesi to explain to him that the District is not clear with what is going on and would like a face to face meeting with him.

Commissioner Tobin withdrew his motion.

Commissioner Tobin stated that he would like the District Manager to go to the BOCC meeting instead of sending the Board Chairman.

Commissioner Brooks stated that, on the point of process, the statement to the BOCC should come from an elected official.

Chairwoman Hammaker told the Board that the District was invited to the Key West Commission meeting on Wednesday evening.

Commissioner Majeska recommended a short and to the point statement from the District to the BOCC.

Commissioner Majeska asked if the BOCC where to come back with an inter-local that had everything in it that the District wanted would the Board agree to it.

Commissioner Brooks stated that it was too late for that.

Motion: Commissioner Higgins made a motion to send Commissioner Brooks and Chairwoman Hammaker to the BOCC meeting to represent the District in addressing the Inter-local Agreements and the Lobbyist's contracts.

Commissioner Higgins modified his motion to say "send a Commissioner to the BOCC" instead of Commissioner Brooks and Chairwoman Hammaker. 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 3 to 2

Chairwoman Hammaker stated that she is planning on reading the statement that District Counsel Thomas Dillon wrote.

Commissioner Tobin stated that reading the letter to the BOCC is the wrong way to do business and he does not want to participate in the process at all. Commissioner Tobin left the meeting at 7:21 PM.

Commissioner Brooks stated that the fear of losing what the District has with the ACOE is justification to not participate in the Dream Team.

Motion: Commissioner Brooks made a motion to send Chairwoman Hammaker, Commissioner Brooks, and any other Commissioner that would like to go and make a statement, to the BOCC meeting representing the KLWTD District to inform the BOCC that the District has no indication to continue the Dream Team process. Chairman Hammaker seconded the motion.

Vote on Motion

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

Motion passed 4 to 0

Commissioner Tobin returned to the meeting at 7:25 PM.

Summary and Intentions of Meeting on CR 905
Moved to the March 3, 2009 meeting.

Coordinating Road Paving with Monroe County

Commissioner Tobin told the Board that he talked to County Manager Roman Gastesi about working together on paving the roads. Mr. Gastesi said that he would be the contact person on the coordination of road paving. Staff was directed to bring back the issue at the March 17, 2009 meeting.

BULK ITEMS

*Minutes of Jan 20, 2009
Jan 20, 2009 continuation
Jan 22, 2009
Feb 3, 2009
Resolution No. 06-02-09*

Motion: Commissioner Tobin made a motion to approve the Bulk Items of March 3, 2009. Motion seconded by Commissioner Brooks.

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

Pending Payments

Martin Waits noted that of the receipts that have come in from the County draw number 11 has been paid. Two SRF draws have been paid and a FDEP grant draw has come in.

Commissioner Brooks asked if any funds of GlobeTec are being held. Ed Castle told him that there is \$165,000 in retainage being held.

Commissioner Brooks expressed concern over a contractors change order being added to the original contract. Martin Waits and Ed Castle explained that the backup materials for the contract consist of different scopes of work and the invoices show separate line items for each project.

Motion: Commissioner Higgins made a motion to approve pending payments contingent upon the availability of funds. 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

ENGINEER’S REPORT

Status Report

Ed Castle, Weiler Engineering, told the Board that there were some small cracks reported on the tanks but the contractor expected the cracks in a pre-stressed tank process. Mr. Castle said that he will be talking to a coating representative about the cracks.

Mr. Castle also reported that Weiler Engineering is looking at an assessment management program at no cost.

FINANCIAL REPORT

General Status Report

Martin Waits reported that an IRS representative will be in on February 4 to approve the retirement fund switch from the 401k to the 457b.

Mr. Waits reported that the audit is in good shape and the draft should be done by the end of February.

Mr. Waits informed that Board that in 2007 the County started back charging the District for administrative cost to process MSTU Funds. Last year the County charged the District \$43,128.00 to review six MSTU request.

Motion: Commissioner Tobin made a motion to direct Martin Waits to go to the County and ask for a detailed justification of the \$43,128 in back charges. 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

LEGAL COUNSEL REPORT

Deep Well Legislation

District Counsel Thomas Dillon reported that the Bill that would allow the District to be exempt from a second deep well has been reviewed and determined to be a Local Bill which would require a local public hearing and it is too late for the public hearing. He has written justification as to why it is General Law and does not require a public hearing.

Buccaneer Point Paving

Mr. Dillon reported that the residents in Buccaneer Point are forming a Neighborhood Improvement District to improve their roads. They are planning on working with the District to pave the roads after the sewer system is put in. He does not see a conflict of interest between his

work for the District and the effort to form a neighborhood improvement district at this time. If a conflict arises, he will notify the District and work to resolve it.

COMMISSIONER'S ROUNDTABLE

Commissioner Higgins would like the District to have a sensitivity training program. Commissioner Brooks stated that it could be done internally.

Commissioner Brooks asked the Board to think about true management of the District through Policy including necessary discipline to protect the interest of citizens

Commissioner Majeska would like to see the public educated as to what the District is doing and how.

Commission Tobin stated that the District is a construction company currently but it is developing into a utility and the Board should start thinking about doing things differently. He suggested having a monthly lunch workshop.

Commissioner Higgins asked if the District was planning on offering "boat waste transfer".

Chairwoman Hammaker explained that the quality of the effluent from the boats is anaerobic and causes complications at the treatment plant

Commissioner Brooks would like the Board to look at freezing salaries and implementing a hiring freeze until the Board can decide how they are going to develop a plan to become a utility.

Commissioner Higgins would like to make sure that the District gets some of the Stimulus Package monies.

ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 8:41 PM.

The KLWTD meeting minutes of February 17, 2009 were approved on March 3, 2009.



Chairwoman Hammaker



Carol Walker, CMC
District Clerk