

MINUTES

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



December 1, 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 Susie Hammaker. Also present the General Manager Charles F. Fishburn, Thomas Dillon, District Counsel, Carol Walker, District Clerk, and other appropriate District Staff.

Commissioner Higgins led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Brooks pulled the minutes from the agenda. Commissioner Majeska changed Item 7 from Action to Discussion. Commissioner Hammaker added a discussion on Policy and Procedures to the Round Table. Commissioner Tobin added a discussion on Customer Complaint Procedures to the Round Table.

Motion: Commissioner Hammaker made a motion to approve the agenda as amended. Commissioner Higgins seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Hammaker	X		
Chairman Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 5 to 0

BOARD ELECTIONS

Commissioner Higgins and Commissioner Majeska were nominated for Chairman. Commissioner Higgins was elected Chairman in a 3 to 2 vote. See Exhibit "A" for ballots

PUBLIC COMMENT: The following persons addressed the Board: N/A

MANAGER'S REPORT

CDBG Change Presentation by Liz Wood

N/A

Presentation by FKWAF "The Good Water People"

Ray Rhash, Chairman FKWAF. He gave a presentation on what is needed by the low income property owners and what they plan on doing. Mr. Rhash requested that the District release the \$9,000 previously committed to the Good Water People, put a line item in the budget for support of KWAF and commit an amount of the proceeds from for the sale of the Package Plant.

The KLWTD Board discussed giving a moratorium to low income on the connection date, and offering a loan to be paid back when the property is sold. A combination program of loans and grants was brought up.

Brenda Pierce, Vice Chairman of FKWAF stated that they are trying to help the people of Key Largo.

Motion: Commissioner Majeska made a motion to bring back the FKWAF request for \$9,000 to the January 19, 2010 meeting for discussion and to the February 2, 2010 meeting for action. Commissioner Hammaker seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Hammaker	X		
Chairman Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 5 to 0

FDEP Letter

Mr. Fishburn would like to send a letter to FDEP stating that the FDEP dwellings in the CR 905 area will be served by the District. District Counsel advised that the Board has not yet made a decision to serve CR 905. He will provide advice on the Pennekamp Easement and its relationship to assessment of Pennekamp parcels at the December 15, 2009 meeting.

Package Plant Status

Mr. Fishburn explained the progress that has been made on package plants

Vacuum Stations Changes

Mr. Fishburn explained the need for the change order. The current change order is a deduct order.

Motion: Commissioner Brooks made a motion to approve the Vacuum Station D Change Order. Commissioner Hammaker seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Hammaker	X		
Chairman Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 5 to 0

Laguna Drive Update

Mr. Fishburn stated no one has taken advantage of the procedure yet.

Motion: Commissioner Hammaker made a motion to approve the program to move laterals at \$50 a foot with a \$500 minimum charge for the future construction in the District. Commissioner Brooks seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Hammaker	X		
Chairman Higgins		X	
Commissioner Tobin		X	
Commissioner Majeska	X		
Commissioner Brooks	X		

Motion passed 3 to 2

COMMISSIONER’S REPORT

Islamorada Inter-Local

A discussion was held on having a formal resolution on committing the District to work with Islamorada.

Mr. Dillon expressed reservation.

Commissioner Brooks stated for the record that he is 100% opposed to any inter-local agreement with Islamorada based on their past performance: The potential of inter-governmental litigation that may be strapped to the Key Largo Board for the next twenty five years in an inter-local agreement. He would like a cost estimate for any time spent by the District in relationship with an agreement with Islamorada.

Commissioner Tobin recommended that the vote be memorialized in a resolution.

Commissioner Brooks opposed this.

Commissioner Tobin requested that Mr. Dillon bring back a draft for the Board to review.

BULK ITEMS

Pending Payments of December 1, 2009

Motion: Commissioner Brooks made a motion to approve Bulk Items with Pending Payments and contingent upon the availability of funds. Commissioner Majeska seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Hammaker	X		
Chairman Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 5 to 0

ENGINEER’S REPORT

Monthly Status Report

Ed Castle from Weiler Engineering reviewed his written report.

Sunset Acres Change Order

Motion: Commissioner Brooks made a motion to approve the Sunset Acres Change Order not to exceed \$20,000. Commissioner Majeska seconded the motion.

Vote on Motion

Member	Yes	No	Other
Commissioner Hammaker	X		
Chairman Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks	X		
Commissioner Majeska	X		

Motion passed 5 to 0

FINANCIAL REPORT

Martin Waits reported that the offers from the banks for a loan should come in a few weeks.

LEGAL COUNSEL REPORT

Legislative Update

Mr. Dillon reported that the outstanding issues with the State Legislative Proposal appeared to be resolved. The State will be submitting a revised proposal in a few weeks.

Mr. Dillon advised that the deep well legislation is properly a general bill and not a local bill and that he will not take part in the efforts to introduce it as a local bill.

COMMISSIONER’S ROUNDTABLE

Commissioner Hammaker discussed that now having a house that the District should have a policy. Commissioner Hammaker and Tom Dillon were directed to write something up.

Commissioner Tobin talked about customer complaints and giving out written denials saying that the decision can be appealed to the Manager.

Commissioner Tobin would like the Board to be advised of the Manager's decisions on making personnel appointments.

Commissioner Tobin talked about matching verses patching. He reported that he has been talking to the Chamber and the Real-estate Board about it. He asked for help with getting it on the BOCC agenda.

Commissioner Brooks brought up Mitchell Septic bringing sewerage to the plant. Mr. Castle said that it would be bad for the plant. Staff was directed to let the contractors know about it.

Commissioner Brooks asked for the report on the number of lateral connections.

Commissioner Brooks asked about a list of unique properties.

Commissioner Brooks said that Paradise Point wants vacuum pits and removal of the package plants, (Lake Surprise Two).

Mr. Fishburn stated that staff will bring back reports in two weeks.

Commissioner Brooks talked about the debate with the County Attorney on the use of monies. He does not like being in a County debate and paying for it with District monies.

Motion: Commissioner Brooks made a motion for Mr. Dillon not to spend any time on the legal debate with Monroe County on the use of monies coming from the impact fees. Died for lack of second.

Commissioner Hammaker made a motion to allow Mr. Dillon to spend \$1,500 for outside Counsel on the issue of the use of monies coming from the impact fees. Motion was seconded by Commissioner Majeska.

Vote on Motion

Member	Yes	No	Other
Commissioner Hammaker	X		
Chairman Higgins	X		
Commissioner Tobin	X		
Commissioner Brooks		X	
Commissioner Majeska	X		

Motion passed 4 to 1

ADJOURNMENT

The KLWTD Board adjourned the Board Meeting at 7:50 PM.

The KLWTD meeting minutes of Dec. 1, 2009 were approved on Dec. 15, 2009.



Chairman Higgins

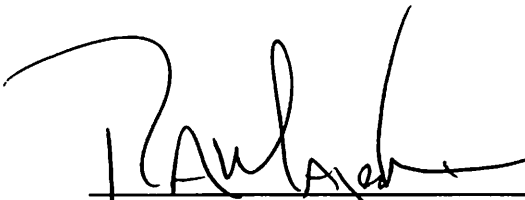


Carol Walker, CMC
District Clerk

ELECTION OF CHAIRMAN

Commissioner

MAJESKA



Signature of Voter

ELECTION OF CHAIRMAN

Commissioner *Majeska*

 *Hammaker.*

Signature of Voter

ELECTION OF CHAIRMAN

Commissioner *Higgins*

[Signature]

Signature of Voter

ELECTION OF CHAIRMAN

Commissioner

Norm Higgins

Signature of Voter

Norman Higgins

ELECTION OF CHAIRMAN

Commissioner *Higgins*

[Handwritten Signature]

Signature of Voter