

# MINUTES

## Key Largo Wastewater Treatment District (KLWTD) Meeting



April 26, 2010  
98880 OVERSEAS HWY, KEY LARGO, FL 33037

The Key Largo Wastewater Treatment District Board of Commissioners met for a regular Meeting at 4:02 PM. Present were Chairman Norman Higgins (arriving at 4:05), Commissioners, Andrew Tobin, Robert Majeska, Charles Brooks, and Susie Hammaker. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon, District Clerk Carol Walker, and other appropriate District Staff. Vice Chairman Majeska started the meeting and continued as Acting Chairman.

Pat Mitchell, Operations Manager led the Pledge of Allegiance.

### APPROVAL OF AGENDA

CFO Martin Waits pulled pending payments off of the Bulk Items. Commissioner Brooks requested that Item 9 (Administrative Services Transition Plan) be changed from action to discussion. Commissioner Hammaker added an item to extend Operations Manager, Pat Mitchell's contract month to month. Commissioner Higgins put the General Manager's contract on the agenda. Commissioner Majeska requested an update of the Wastewater Legislation in Tallahassee.

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

### Vote on Motion

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

**Motion passed 5 to 0**

### PUBLIC COMMENT

The following persons addressed the Commission: Steve Pristas, and William Belz of the Harborage requested that the District put in their collection system, treating them like any other single family resident property. Lee Huenniger, Thumper Thorofare, asked who was looking out

for corruption and conflict of interest in the District. Burke Cannon, Hammer Point suggested that the Board consider more that money when renewing Mr. Fishburn’s contract.

**GENERAL MANAGER’S REPORT**

*WWTP Change Orders*

Mr. Fishburn explained the change orders.

Commission Tobin requested that no written recommendation for value of days be produced by the Staff.

**Motion:** Commissioner Hammaker made a motion to approve Change Order No. One and Change Order Two for Wharton-Smith. Inc for the Wastewater Treatment Facility Expansion and Upgrade. Commissioner Brooks seconded the motion.

**Vote on Motion**

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

**Motion passed 5 to 0**

*Basin G Change Order*

Mr. Fishburn explained the change order.

**Motion:** Commissioner Brooks made a motion to approve the Basin G Change Order, giving Fountain Engineering, Inc. Basins G-2, G-4, and G-5. Commissioner Higgins seconded the motion.

**Vote on Motion**

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

**Motion passed 5 to 0**

*Basin I Change Order*

Mr. Fishburn explained the change order.

**Motion:** Commissioner Higgins made a motion to approve the Basin I Change Order, giving J.A. LaRocco Enterprise, Inc. Basins I-1, and I-5. Commissioner Tobin seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Acting Chairman Majeska</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		

**Motion passed 5 to 0**

*Wastewater Legislation*

Mr. Fishburn gave a report on the Deep Well Wastewater Legislation in Tallahassee.

**COMMISSIONER'S ITEMS**

*Pat Mitchell's Contract*

**Motion: Commissioner Hammaker made a motion to continue Mr. Mitchell's contract the way it is on a month to month basis until a new contract is approved. Commissioner Tobin seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Acting Chairman Majeska</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		

**Motion passed 5 to 0**

*Charles Fishburn's Contract*

The Board decided that they would like to give Mr. Fishburn an evaluation, review his contract, and meet with him individually before they discuss his new contract. Mr. Fishburn is to provide the Board with a Phase Out Proposal by the May 4 Board meeting.

**Motion: Commissioner Brooks make a motion to continue Mr. Fishburn's contract for one month with the base pay of \$12,083.33. Commissioner Hammaker seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Acting Chairman Majeska</b>	<b>X</b>		
<b>Commissioner Higgins</b>		<b>X</b>	
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		

**Motion passed 4 to 1**

**BULK ITEMS**

*Minutes of April 6, 2010  
Assessment Appeal of Holiday RV*

**Motion: Commissioner Brooks made a motion to approve the Bulk Items. Commissioner Hammaker seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Acting Chairman Majeska</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		

**Motion passed 5 to 0**

*April 26, 2010 Pending Payments*

Mr. Waits presented the amended pending payments.

**Motion: Commissioner Brooks made a motion to approve the amended Pending Payments contingent upon the availability of funds. Commissioner Majeska seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Acting Chairman Majeska</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Brooks</b>	<b>X</b>		
<b>Commissioner Hammaker</b>	<b>X</b>		

**Motion passed 5 to 0**

The Board requested that if an item which has to be estimated goes on the Pending Payments that they be presented as a separate item not a part of the Bulk Items.

**ENGINEER’S REPORT**

*Status Report & Maps*

Ed Castle, Weiler Engineering gave a verbal report.

**FINANCIAL REPORT**

*FY2010 Quarterly Consolidated Financial Report*

Martin Waits reviewed the report.

*Financial Analysis of Wastewater Service Operations*

Martin Waits reviewed the report.

*Administrative Services Transition Plan*

Mr. Fishburn, Mr. Waits, and Mr. Mitchell are to meet and discuss the idea of having a Operations Manager, and a Business Manager that each report to the Board and what the duties would be. They are to report the outcome to the Board.

**LEGAL COUNSEL REPORT**

Board Counsel, Thomas Dillon introduced his recommendation Manson Law Group of Tampa as an attorney to handle the Islamorada negotiations. noting the Manson group is the only one he knows of that does not have a conflict of interest. Mr. Dillon recommended we take action at the next meeting (5/4/2010). Mr. Dillon indicated his interest in doing construction consulting for Islamorada, having the Manson group as our inter-local negotiator would relieve him from any conflict while continued counseling for the District board.

Extended discussion ensued; the Board by consensus (Commissioners Hammaker, Majeska, Higgins, and Brooks) indicated they did not want to spend any money on negotiations at this time. The Board requested Mr. Dillon to inquire if Mr. Manson would stand by or be on retainer at no cost.

**COMMISSIONER'S ROUNDTABLE**

**ADJOURNMENT**

The KLWTD Board adjourned the Board Meeting at 7:07 PM.

The KLWTD meeting minutes of April 26, 2010 were approved on May 4, 2010.

  
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Chairman Higgins

  
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Carol Walker, CMC  
District Clerk