

# MINUTES

## Key Largo Wastewater Treatment District (KLWTD) Meeting



Sept. 7, 2010  
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 Chairman Norman Higgins, Commissioners Robert Majeska, Andrew Tobin, Charles Brooks, and Susie Hammaker. Also present the General Manager Charles F. Fishburn, District Counsel Thomas Dillon (by phone), District Clerk Carol Walker, and other appropriate District Staff.

Chairman Higgins led Pledge of Allegiance.

### APPROVAL OF AGENDA

Commissioner Hammaker requested that the three minute time limit be enforced on Public Comment and that Public Comment not be Public Discussion. Commissioner Majeska added an item on Resident Information. Finance pulled Pending Payments from Bulk and moved FY 11 Insurance Program to the front of the agenda.

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

### Vote on Motion

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

**Motion passed 4 to 1**

### PUBLIC COMMENT

The following persons addressed the Commission:

Subject: Who's Doing The Work David Asdourion, 156 S. Bay Harbor Drive, Key Largo, FL See Exhibit "A".

Subject: CFO Contract David Asdourion, 156 S. Bay Harbor Drive, Key Largo, FL See Exhibit "B".

Subject: Collection System Contracts Lauren Hoefert Dunn, 509 Beach Road, Tavernier, FL

Subject: Collection System Contracts Steve Gibbs, representing the Free Press

Subject: Collection System Restoration Update Harry Sutherland, 466 Lime Drive, Key Largo, FL

Subject: Master Pipe & Plumbing Chris Burtis, 311 Janet Place, Key Largo, FL

Subject: Collection System Restoration Update Burke Cannon, Hammer Point, FL

Subject: Collection System Restoration Update Kay Thacker, 9 Snipe Rd, Key Largo, FL

Subject: Master Pipe & Plumbing Lu Foley, 29 Coral Dr, Key Largo, FK

Subject: Residential Extension of Billing Lu Foley, 29 Coral Dr, Key Largo, FK

**GENERAL MANAGER’S REPORT**

*Collection System Restoration Update*

The Board discussed the different size of stones that are used in the right of way. The Board decided to offer either 89 rock or 57 rock.

*Collection System Contracts*

**Motion:** Commissioner Tobin made a motion to approve the Staff recommendation (working with District Counsel Thomas Dillon) to work with the Contractors to insure that the low bid unit prices are met and to include safeguards in the Contracts to encourage minimal disruption to the neighborhoods in regards to the time trenches are open; to establishing more perimeters, milestones, and schedules, and to bring back the contracts for Board approval before they are signed. Commissioner Majeska seconded the motion.

**Vote on Motion**

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

**Motion passed 5 to 0**

**FINANCIAL REPORT**

*FY11 Insurance Program*

CFO Martin Waits reviewed the options the District has on their Insurance Programs.

**Motion:** Commissioner Brooks made a motion to accept Option No. 3 of the Insurance Options for FY2011.. Commissioner Hammaker seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Chairman Higgins	X		

<b>Commissioner Majeska</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**

*Low Income Assistance*

**Motion: Commissioner Hammaker made a motion to commit \$100,000 in the FY11 Budget for Low Income Assistance. Commissioner Tobin seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</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 3 to 2**

Commissioner Tobin left the meeting at 8:07 PM.

The Board gave the Staff a head nod to leave the Lobbyist projected expense at \$85,000 for next year.

**COMMISSIONER’S ITEMS**

*CFO Contract*

Chairman Higgins stated that he would like to terminate Mr. Waits’ contract. He feels that his emails were insulting to the Board.

Commissioner Brooks presented an attachment showing emails from Mr. Waits over the last few years. He requested Mr. Waits’ resignation. Commissioner Brooks does not expect Mr. Waits’ attitude to change but at some point he needs to go. The Board is due respect.

Commissioner Majeska feels that Mr. Waits should not be terminated.

Commissioner Tobin stated that Mr. Waits is responsible for a cultural of disrespect and has influence on other people and that is what the problem is

Commissioner Hammaker feels that it is not prudent to terminate Mr. Waits. She feels that the District needs a plan for transition.

**Motion: Commissioner Brooks made a motion to terminate Mr. Waits. Chairman Higgins seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</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 failed 2 to 3**

**Motion:** Commissioner Tobin made a motion to have Mr. Waits head up a search for a new CFO whether it is someone internal, external, or part time. Commissioner Brooks seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</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**

*Residential Extension of Billing*

**Motion:** Commissioner Tobin made a motion to give the residents that have been taken advantage of and contact the District an extra 30 days before their bill starts. Chairman Higgins seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</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 3 to 2**

*Residential Information*

Staff was tasked with reviewing the information that the Contractors provide for the neighborhoods.

**BULK ITEMS**

*Pending Payments for September 7, 2010*

**Motion:** Commissioner Hammaker made a motion to approve Pending Payments of September 7, 2010 contingent upon the availability of funds. Commissioner Tobin seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</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**

**Motion:** Commissioner Hammaker made a motion to move item #19, the TIB Assessment, to Bulk Items and take off the Grau Contract. Commissioner Brooks seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</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**

*Resolution No. 12-09-10*

*Resolution No. 13-09-10*

*Resolution No. 14-09-10*

*TIB Assessment Appeal*

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

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</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**

*Grau Contract Extension for FY 2010 Audit*

Commissioner Tobin discussed having a detailed audit done. He would like to have a work order generated and brought to the Board.

**Motion:** Commissioner Hammaker made a motion to approve the Grau Audit Contract. Commissioner Brooks seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Chairman Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</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**

**STATUS REPORTS**

*Package Plant Status Report*

Greg Mathews presented his report.

*IT Status Report*

Paul Christian, IT Manager, presented his report.

*Customer Service Status Report*

Synthia Lankford presented her report.

*Tie In Status Report*

Carol Walker presented her report.

*Operations Status Report*

Margaret Blank presented her report.

**ENGINEER'S REPORT**

Ed Castle presented his status report.

**FINANCIAL REPORT**

*FY 11 Operating Budget & Capital Budget*

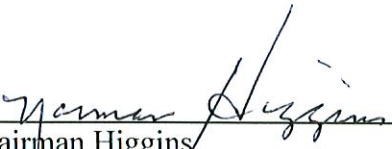
Mr. Waits reviewed the FY11 Operating Budget & Capital Budget.

**COMMISSIONER'S ROUNDTABLE**

**ADJOURNMENT**

The KLWTD Board adjourned the Board Meeting at 8:10 PM.

The KLWTD meeting minutes of September 7, 2010 were approved on September 21, 2010.

  
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Chairman Higgins

  
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Carol Walker, CMC  
District Clerk

Exhibit "A"

David Asdourian  
156 S. Bay Harbor Dr.  
Key Largo, FL

As a rate payer, my curiosity was raised on Thursday, August 26<sup>th</sup>, when I observed KLWTD personnel with a truck and vacutron on Ocean Shore Drive and again on Ocean Bay Drive.

They were pumping out the vacuum main in a section that was still being built by the contractor. So I guess my question is...are the KLWTD employees being paid by the KLTWTD or by the contractor?

The contractor in question was Redland. This is not normal practice to my understanding because I have spoke to 2 of the other contractors and advised they do not get such assistance from KLWTD employees. This raises another question,...could this be why Redland comes in with lower bids??

Thank you.



Exhibit "B"

David Asdourian  
156 S. Bay Harbor Dr.  
Key Largo

This is in relation to agenda item No. 3. I do not understand why any time is being given to the consideration of directly paying the homeowner, for a less than satisfactory job of restoration to their property by the contractor.

I know the policy of KLWTD is to have all properties returned to equal or better condition once the contractor is done placing the infrastructure.

Mr. Fishburn likes to state how he holds control over the contractors because the district has more phases to award them. If the contractors are doing a less than satisfactory job, what does that say about the district's inspectors and enforcing the district's restoration policy?

Thank you.