



Key Largo Wastewater Treatment District  
98880 Overseas Hwy, Key Largo, FL  
Tuesday, September 1, 2015

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## MINUTES

The Key Largo Wastewater Treatment District Board of Commissioners met for their regular scheduled meeting at 4:00 PM on September 1, 2015. Present were acting Chairman Andrew Tobin, Commissioners Stephen Gibbs, and Norman Higgins. Commissioner Majeska arrived at 4:03 PM. Also present were General Manager Paul Christian, Chief Information Officer Rob Bulkiewicz, General Counsel Ray Giglio, Finance Manager Connie Fazio, Ed Castle with Weiler Engineering, Finance Director Peter Rosasco, acting District Clerk Katherine Jackson, and other appropriate District Staff.

Acting Chairman Andrew Tobin led the Pledge of Allegiance.

### AGENDA ADDITIONS, CORRECTIONS OR DELETIONS

- Commissioner Gibbs requested a report regarding the Request for Proposals for the Administration Building Remodel project to be added to the Administration Building Progression Timeline.
- Acting Chairman Tobin requested item O-1 – Complaint Procedure for Board of Commissioners Against General Manager (Commissioner Tobin) to be removed from the agenda.
- Acting Chairman Tobin requested the Proposed Budget FY 2016 be moved to after item G-1 – Minutes of August 18, 2015.

### APPROVAL OF AGENDA

**Motion:** Commissioner Majeska made a motion to approve the agenda as amended, and Commissioner Higgins seconded the motion. The motion passed without objection.

### RECOGNIZE DISTRICT STAFF

Jered Primicerio, Wastewater Treatment Plant Supervisor, and Mike Dempsey, Collections Supervisor were recognized as Employees of the Month for August 2015.

**PUBLIC COMMENT**

*Name and Address*

*Subject*

Sue Heim  
Key Largo

General comments on KLWTD

Sue Heim  
Key Largo

Proposed Budget FY 2016

Geoffrey Bailey  
98801 Overseas HWY

Geoffrey Bailey Customer Appeal – AK#1640646

Sue Heim  
Requests  
Key Largo

Resolution to Establish Fees and Charges for Records  
Ratification

Ms. Sue Heim expressed her opinion regarding the conduct of business in the District.

**APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

*Minutes of August 18, 2015*

**Motion: Commissioner Gibbs made a motion to approve the Minutes of August 18, 2015, and Commissioner Majeska seconded the motion. The motion passed without objection.**

**BUDGET AND FINANCE REPORT**

*Proposed Budget FY 2016*

Public Comment: Ms. Sue Heim made comments regarding the Proposed Budget FY 2016.

Mr. Paul Christian and Mr. Peter Rosasco presented the Proposed Budget for FY 2016 to the Board. Mr. Christian brought to the attention of the Board the apparent increase of approximately \$3M from the Draft Budget for FY 2016—which had been presented on August 18, 2015—to the Proposed Budget. Mr. Christian and Mr. Rosasco explained that this apparent increase was actually part of a plan to use approximately \$3.3 million of the District’s reserve to pay down debt. They further detailed how using this reserve to pay down debt would virtually eliminates the future gap between revenues and debt service and would put the future finances of the District into balance. Commissioner Majeska raised concerns over Proposed Budget for FY 2016 being increased by 20% over the FY 2015 estimated actuals. Staff addressed those concerns by explaining the need to plan for funding all reasonable projected expenditures, including proposed capital projects.

Acting Chairman Tobin expressed his opinion that the District should look into the legality of giving the low income budget item to an organization to help offset the costs of low income sewer hookups. Commissioners Gibbs, Tobin, and Majeska asked questions regarding specific line items of the budget, which were answered by staff.

Commissioner Majeska stated that he recognized the hard work of staff in preparing the budget and commended them.

**Motion:** Commissioner Gibbs made a motion to approve the Proposed Budget 2016 as presented by Staff. Commissioner Higgins seconded the motion.

**Vote on Motion**

Member	Yes	No	Other
Commissioner Tobin	X		
Commissioner Gibbs	X		
Commissioner Higgins	X		
Commissioner Majeska	X		
Chairman Asdourian			Absent

**Motion passed 4 to 0**

**2 MIN BREAK: 5:26 PM**

**CONSTRUCTION REPORT**

*Construction Progress Report*

Mr. Ed Castle presented the status of construction projects within the District, and answered questions of the Board.

**ADMIN / CUSTOMER SERVICE REPORT**

*Administration Building Progression Timeline*

Mr. Rob Bulkiewicz gave a report on the Administration Building Project Timeline and also gave an update on the Request for Proposals for Phase III of the Administration Building Remodel project, noting that 6 local contractors and 8 other contracts have either downloaded or picked up a copy of the documents. Mr. Bulkiewicz stated there is a mandatory pre-bid meeting for contractors on Thursday, September 3, 2015 at 1:30 PM at 103355 Overseas Highway.

Mr. Bulkiewicz and staff answered questions from the Board.

*Geoffrey Bailey Customer Appeal – AK#1640646*

Public Comment: Dr. Geoffrey Bailey appeared before the Board to request that his property be considered for the Unique Property Program.

Mr. Rob Bulkiewicz presented to the Board Dr. Bailey's Case History leading up to his appeal. Mr. Bulkiewicz advised the Board that Staff had concluded that Dr. Bailey was ineligible for the Unique Property Program because his property had been provided with a gravity connection.

Acting Chairman Tobin had questions about how the appeal proceeding should be conducted. Mr. Ray Giglio informed the Board that the proceeding should be conducted as a formal hearing and gave a summary and analysis of applicable law.

Commissioner Gibbs noted that the parcels surrounding Dr. Bailey's parcel appear to be similarly situated, and appear to have already connected to the central sewer system.

Commissioner Majeska indicated that he had talked to Dr. Bailey in the past, and that he thought Dr. Bailey would qualify for the Unique Property Program; but that he had urged him to speak with staff to verify his eligibility. Commissioner Majeska asked Mr. Giglio if the Board or Staff has the authority to get Dr. Bailey out of Code Enforcement. Mr. Giglio advised the Board that the District did not have that authority.

Mr. Ed Castle spoke briefly on the types of technologies that are available and that might help lower costs for Dr. Bailey. Mr. Paul Christian advised Dr. Bailey to consult with his own engineer for further guidance.

**Motion:** Commissioner Gibbs moved that the **Geoffrey Bailey Customer Appeal – AK#1640646** be denied. Commissioner Tobin seconded the motion.

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Tobin</b>	X		
<b>Commissioner Gibbs</b>	X		
<b>Commissioner Higgins</b>		X	
<b>Commissioner Majeska</b>		X	
<b>Chairman Asdourian</b>			<b>Absent</b>

**Motion tied 2 to 2**

Acting Chairman Tobin ruled that as the **Geoffrey Bailey Customer Appeal** had not received the affirmative vote of a majority of the governing board members present that the appeal had failed and that staff's determination that Dr. Bailey was ineligible for the Unique Property Program would prevail.

Acting Chairman Tobin requested a formal resolution of the final decision denying Mr. Bailey his Customer Service Appeal.

**EXTENSION: 6:00PM**

**Motion: Commissioner Gibbs made a motion to extend the meeting 30 minutes. The motion passed without objection.**

## **LEGAL REPORT**

### *Failed Gate Footer at Lake Surprise II/Paradise Point*

Commissioner Tobin recommended the staff prepare a Formal Appeal Procedure Policy and present this case under those procedures.

### *Resolution to Establish Fees and Charges for Records Requests*

Public Comment: Ms. Sue Heim stated her concerns regarding the wording of the Resolution to Establish Fees and Charges for Records Requests.

Mr. Ray Giglio presented Resolution # 18-08-15 to Establish Fees and Charges for Records Requests with approved changes to the Board for ratification.

Commissioner Tobin expressed his concern about the District charging for multiple requests in a one month period of time. Mr. Giglio informed the Board this wording had been included in an effort to strike a balance between Staff's need to conduct the business of the District and the public's right to inspect and copy public records.

Commissioner Tobin stated that he would like the time limit for a single records request, before a special service charge is imposed, to be changed from 15 minutes to 20 minutes; and would like the wording imposing a special service charge for multiple records request taking over 1 hour per calendar month to be removed from the resolution. He also requested that the chart in Section 2 A be amended to reflect those changes and the fact that the fees are not just for copying. The Board discussed proposed changes to the resolution.

**Motion: Commissioner Higgins made a motion to ratify Resolution # 18-08-15 to Establish Fees and Charges for Records Requests with the proviso that the time limit for a single records request be changed from 15 minutes to 20 minutes, before a special service charge is imposed; and that the time limit for multiple requests by the same person per calendar month be changed from one (1) hour to two (2) hours,, before a special service charge is imposed. Commissioner Majeska seconded the motion.**

**Vote on Motion**

<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Gibbs</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		
<b>Chairman Asdourian</b>			<b>Absent</b>

**Motion passed 4 to 0**

**EXTENSION: 6:41 PM**

**Motion: Commissioner Gibbs made a motion to extend the meeting 30 minutes. The motion passed without objection.**

**GENERAL MANAGER'S REPORT**

*Operations Manager Selection*

Mr. Paul Christian introduced Charles B. Adams, as the newly appointed Operations Manager and requested ratification of his appointment. Mr. Adams introduced himself to the Board and answered questions.

**Motion: Commissioner Gibbs made a motion to ratify the contract of Operations Manager Charles B. Adams. Commissioner Higgins seconded the motion.**

**Vote on Motion**


<b>Member</b>	<b>Yes</b>	<b>No</b>	<b>Other</b>
<b>Commissioner Tobin</b>	<b>X</b>		
<b>Commissioner Gibbs</b>	<b>X</b>		
<b>Commissioner Higgins</b>	<b>X</b>		
<b>Commissioner Majeska</b>	<b>X</b>		
<b>Chairman Asdourian</b>			<b>Absent</b>

**Motion passed 4 to 0**

**ADJOURNMENT**

The Meeting was adjourned at 6:56 PM.

  
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David Asdourian, Chairman

  
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Katherine Jackson, Clerk

# Attachment A

9/1/15  
KLD+D  
L-2  
Sue Klein

This resolution has flaws in substance and intent.

The 5<sup>th</sup> Whereas refers to "multiple". Is that requests for different information, or the same request repeated because staff did not answer the request the first sufficiently or correctly or at all the first time? What is multiple exactly ?

Section 2: A is copying fees, but also includes non-copying charges, which actually apply to B,C,D & E. So perhaps that chart should be amended either the header is wrong or the boxes. B C D & E "special charges" need more definition, especially the word "extensive". If extensive is 15 minutes, does that include the time from desk to file cabinet or source of information, such as upstairs? And does that exclude distracted time (phone calls, conversations) not related to the actual search?

C – tell the customer an estimate before the search.

D – customer prepays estimate

E – customer required to make full prepayment – which could be different than the estimate. When is the customer told there is a diff between estimate and full total? If customer prepays estimate, and then is told to pay more, does customer have option to say never mind it's too much and get his estimated payment money back ?

Section 4 – "Effective immediately" does that apply to new requests, or include previous – but not yet closed – requests?

And the money – into which budget line will this money go? And if cash, how is it going to be reconciled? Or is this money just going to go in to a dipping jar in a desk somewhere.

This resolution as currently written does not address all the details of this proposed fee charging. It addresses some, but not all. Therefore it is not a well written resolution. Either have it exclude all details, or include all details. But ½ doesn't work.

As to intent, really? When do the rates go down? How many more fees are going to be imposed on your customers by staff ? What's next – charging customers to review their complaints ? Most important at what point does charging discourage or prevent the customer from getting documents ? (Is that the secret end game?)