

Sewer district discusses steps to replace manager

BY THERESA JAVA

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KEY LARGO — The Feb. 21 Key Largo Wastewater Treatment District board meeting started off with the commissioners prioritizing how to replace former general manager Paul Christian and discussing his severance package.

Commissioner Sue Heim wanted to clarify when Christian's severance package is to begin and officially end. Christian's contract ends March 1.

The board voted during its Feb. 7 meeting to not renew Christian's contract and offer a severance package with salary and benefits

for 90 days in exchange for Christian making himself available to the district for 30 days, or up to 60 days if needed, to help with a peaceful transition.

Commissioner Andy Tobin asked acting general manager Peter Rosasco to meet with employment attorney Dale Morgado and Christian to put Christian's severance package terms in writing.

"We need to tighten this up, and they need to bring us back something, so we know what we are doing legally," Tobin said.

Tobin said the board should have a concise agreement between the former manager and the

district in writing by March 7. He said he'd also like to authorize Rosasco to retain a lawyer with knowledge of intellectual property rights to patent SewerCare, an in-house software program that Christian created.

SewerCare is a program and database used to manage the district's sewer system, customer accounts and assessments. The village of Islamorada, which has an interlocal agreement for the district to treat its sewage, uses the customer management program as well.

In-house district attorney Ray Giglio, who tendered his resignation last month but is still serving until the dis-

trict replaces him, referred the board to his 11-page memo, which says that SewerCare is not eligible for a patent, that it would be owned by Christian and that the district would have to turn it over to the state.

"It's not patentable nor ownable by the district, and any suggestion that it is absurd," he said. "It belongs to the person who created it. What the board is doing here now, I find very upsetting."

Tobin said he wanted a second opinion.

"I know, you've already expressed your anger," he told Giglio. "Can we just

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get some outside expert legal advice on this, do you mind?"

Christian told the Free Press later that he created SewerCare as an employee of the district and that he has no plans to take the program with him.

The board then discussed the process for searching for a new manager.

Heim suggested appointing a search committee and establishing timelines for finding a new manager for the district.

Commissioner Steve Gibbs, however, suggested having Rosasco conduct the search and bring candidates before the board for vetting.

"We just have to tell Peter what qualifications we need," he said.

Rosasco, a CPA and the district's contracted finance director, offered his recommended approach.

"First of all, the position that you are advertising should be designed very

specifically by the board," he said. "The job description is fundamental with salary and benefits."

He said he would expect to net about 100 applicants and about half of them should have the required experience.

The process would then be to whittle the group down to 10 to 15 applicants to be vetted by himself, engineering contractor Ed Castle, a human resources person and a liaison from the board.

From that list, the top three to five candidates would then be invited for an interview by the board. Rosasco said, time-wise, a new general manager could be seated in 90 days.

Commissioner Robbie Majeska said, "I'm in no hurry, we have an excellent staff in place. I'd like to have Peter run it for a month."

He said he'd like Rosasco to get acquainted with the district's operations and to provide his professional opinion on what experience the next manager needs.

Tobin added that he'd be OK if it takes Rosasco six

months or up to a year to find a replacement.

Gibbs said Tobin's point was well taken and that the board is happy with Rosasco acting as manager. He then added, "Maybe we can get him to retire and get him to work for us full-time."

Rosasco is a partner with Bishop Rosasco & Co. in Marathon.

The board agreed that Rosasco will present a concise and comprehensive job description to be advertised at the April 10 meeting for the board to approve.

Construction report

The Vacuum Station F upgrade will cost the district approximately \$35,000. Majeska asked Castle to tabulate the final cost and report it at the end of the project.

Castle guessed at a two-month timeline and that the work will be performed in-house saving the district money. The lowest outside bid was \$77,000. The motion carried unanimously.

Wharton Smith requested that the 5 percent retainage fee to complete the blower upgrade project be reduced to 2 percent upon reaching 50 percent of work completed. This would reduce what the district owes from \$47,000 to \$15,000. The motion carried unanimously to reduce the retainage fee.

Safety update

Ryan Dempsey, maintenance supervisor, demonstrated the six new gas meters for each of the district's trucks. The meters and mobile venting systems have been upgraded in response to a Jan. 16 incident that claimed the lives of three Monroe County contracted workers who died of gas inhalation while working on a stormwater project.

The district also upgraded no entry stickers on "a couple 100" confined space rooms throughout the district and reevaluated safety harness and extrication winches.

Grievance policy

Tobin said the current staff grievance policy is "poorly drafted, ill-conceived and standard-less."

Chairman Dave Asdourian reminded the board that a motion had passed three weeks ago to send the six-page policy to outside counsel Morgado to review.

"This is the same dead horse that we've been beating over and over again," he said.

It was unclear who added the grievance policy discussion to the agenda.

Heim made the motion to deny the grievance policy amendment, which would allow senior staff to file complaints against commissioners.

Instead, the original language was reinstated:

"Under no circumstances can the general manager, the district counsel, or other members of senior staff file a grievance under the provisions of this policy."

The motion carried with a 4-1 vote to deny the amended change. It's unclear whether Morgado will continue an evaluation of the district's now un-amended grievance policy.

Meetings

The board discussed reducing its meetings from three to two per month but then agreed that it has a lot "on its plate" at this time.

The next Key Largo Wastewater District meeting is scheduled for 4 p.m. March 7, at 103355 Overseas Highway. It is open to the public

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