

MINUTES OF TWSD BOARD OF DIRECTORS REGULAR SATURDAY SESSION AUGUST 21, 2010 10:00AM

Present were Chairman Burt Rubinowitz, Vice Chairman Joe Mainello and Virgil Beagles. Absent were Treasurer Arden Schug, Pete Bowidowicz and General Manager Dr. Martin Moore.

Pledge of Allegiance

Salute to New Mexico Flag

"I salute the flag of the state of New Mexico, the Zia symbol of perfect friendship among united cultures."

Chairman Burt Rubinowitz read an email from the receiver, Dennis Karnes, officially requesting that this morning's meeting be delayed until 2:00pm.

Motion: Virgil Beagles. "Recess until 2:00pm".

Second: Joe Mainello.

Discussion: Joe Mainello asked if there was any other communication about why he requested the delay.

Chairman Rubinowitz said there was not and Virgil Beagles said the judge had ordered we try we try to accommodate the receiver. Joe Mainello said he felt the receiver was not accommodating to the district.

Vote: Virgil Beagles and Chairman Rubinowitz voted aye and Joe Mainello abstained.

The meeting went into recess at 10:10am.

The meeting came out of recess at 2:00pm. Present were Chairman Burt Rubinowitz, Vice Chairman Joe Mainello, Virgil Beagles and General Manager Dr. Martin Moore. Present telephonically was Receiver Dennis Karnes. Absent were Treasurer Arden Schug and Pete Bowidowicz.

Approval of Agenda

Motion: Joe Mainello. " Approve the agenda".

Second: Virgil Beagles.

Discussion: None.

Vote: Unanimously approved.

Chairman Rubinowitz announced a 10 minute recess while telephonic communication was setup for Receiver Dennis Karnes who had called and said he would like to attend telephonically. There was a technical delay in setting up the telephonic communications and the meeting proceeded with the:

Minutes of 7-17-10 and 8-17-10.

Motion: Virgil Beagles. "Read the minutes".

Second: Joe Mainello.

Discussion: Secretary Ross did not have the minutes from 8-17-10 and proceeded to read 7-17-10.

Vote: Unanimously approved.

3:06pm Motion: Virgil Beagles. "Take a 5 minute recess".

Second: Joe Mainello.

Discussion: The technical problems with telephonic communications had been fixed.

3:13pm Motion: Virgil Beagles. "Dispense with the reading of the remainder of the minutes".

Second: Joe Mainello.

Discussion: Virgil Beagles questioned Dr. Moore about a letter to the insurance company and eventually said he would address the matter during his director's remarks.

Vote: Chairman Rubinowitz and Joe Mainello voted aye. Virgil Beagles voted nay.

Treasurer's Report: Dr. Moore said he would address financial matters during the manager's report.

Manager's Report: Dr. Moore discussed accounts payable, revenues and that all accounts had been changed to the receiver's signature authority. Dr. Moore said he had initially opened a checking account before the receiver came on board in order to make payroll with his signature only since the board had been ordered not to sign any checks by the judge. The collection points on the springs have been cleaned up and flow is back to 350 gallons per minute and rising and the state has been here looking at them. Road maintenance is still on hold except for water related problems or school bus navigation. The community has been instrumental in keeping the swimming pool going and the golf course has some problems we hope to address soon. Grants and back standby fees have been collected in the amount of about \$546,000.

Old Business:

1. Consider Revised MOU from Southeast New Mexico Economic Development District.

Intro: None.

Motion: None.

2. Renewal or Extension of General Manager's Contract.

Intro: None.

Motion: Joe Mainello. "Renew the general manager's contract".

Second: Chairman Rubinowitz.

Discussion: Chairman Rubinowitz said the receiver had recommended the contract be renewed on a month to month basis. Virgil Beagles questioned the \$30 per hour rate and suggested Dr. Moore was charging his hourly rate for his driving time to and from work. Dr. Moore said he had no problem with the current \$25 rate and he was not claiming his driving time.

Amendment to the motion: Chairman Rubinowitz. "Without objection add "on a month to month basis" to the motion". There was no objection.

Vote: Joe Mainello and Chairman Rubinowitz voted aye. Virgil Beagles voted nay.

3. Swimming Pool Committees Rate Recommendations.

Intro: Joan Schug said they wanted to see how this season worked out first and then make recommendations for next year.

Motion: Chairman Rubinowitz. "Without objection move to item #8". There was no objection.

8. Raise the limit on donations to the swimming pool.

Intro: None.

Motion: Joe Mainello. "Raise the limit on donations to the swimming pool to \$6000".

Second: Virgil Beagles.

Discussion: None.

Vote: Unanimously approved.

4. Reconsideration/Appeal of CV2005-329.

Intro: Chairman Rubinowitz said this item had been brought to the board previously and made the following:

Motion: Chairman Rubinowitz. "Without objection, Change Item #4 to Consideration of Appeal of CV2005-329". There was no objection.

Motion: Joe Mainello. "Appeal CV2005-329".

Motion: Chairman Rubinowitz. "Without objection, Modify the motion to include "subject to review by the receiver". There was no objection.

Second: Chairman Rubinowitz.

Discussion: Receiver Dennis Karnes asked the nature of the case. Dr. Moore read a summary of the judgments and awards in CV2005-329. Chairman Rubinowitz verified the final date for appeal as 25 August.

Amendment to Motion: Chairman Rubinowitz. "Without objection, add to appeal the decision regarding the defendants". There was no objection.

Vote: Joe Mainello and Chairman Rubinowitz voted aye. Virgil Beagles abstained.

5. Contract to Wauson and McCall.

Intro:

Motion: Virgil Beagles. "Furnish all the documents to the receiver on the Wauson and McCall contract so he can be made aware of what's going on there".

Second: None.

Motion: Virgil Beagles. "Adjourn this meeting and reconvene within the next two weeks".

Second: Joe Mainello.

Vote: Unanimously approved.

Minutes submitted by Secretary Charlie Ross _____ Date _____

Approved by Chairman Burt Rubinowitz _____ Date _____