

**MINUTES OF
TWSD BOARD OF DIRECTORS
SATURDAY REGULAR MEETING
APRIL 18, 2009 - 10:00AM**

In attendance were Chairman Arden Schug, Vice Chairman Burt Rubinowitz, Pete Bowidowicz, Virgil Beagles, Joe Mainello 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."

Approval of Agenda

Motion: Joe Mainello "Accept the Agenda"

Seconded: Burt Rubinowitz. Passed with unanimous approval.

Discussion: None

Minutes of 16 Oct 2008, 18 Oct 2008, 31 Jan 2009, 21 Mar 2009 and 26 Mar 2009

All minutes were read by Secretary Charlie Ross, amended as indicated and approved by all board members.

Treasurer's Report – Joe Mainello gave the treasurers report highlighting stand by and general fund transfers to cover operating expenses. Chairman Schug requested clarification of the stand by fee transfer. Joe Mainello gave details of the amounts, which accounts were involved and that the transfers were used for operating expenses.

Manager's Report – Dr. Moore said only periodic and short termed outages had been experienced. He wanted everyone to know the details of the funds transfers to help promote transparency. The audit is moving along well and the scope of audit is well understood by the firm doing it. The golf course has reinstated a previously employed individual with grounds keeping experience at \$10 an hour. The water flow at the springs is flowing well after the first clean up and consultation with the state engineers office is going on to get the grants pending on the springs, filtration system and tanks on a fast track to meet the upcoming June 15th deadline. The main street project will soon go out for bid. Virgil Beagles asked about taking advantage of some of the stimulus funds out there. Dr. Moore said we had five requests in and explained their status emphasizing the SCATUS system, a leak detection aid, which could seriously help in finding new leaks quickly. Virgil Beagles requested a written managers and treasurers report for review prior to each meeting. Joe Mainello and Dr. Moore said they would do that.

Old Business:

Submit Permit Application to Combine Groundwater Usage Rights

Motion: Burt Rubinowitz "Direct the Manager to Submit the Permit Application to Combine Groundwater Usage Rights"

Seconded: Joe Mainello.

Vote: Virgil Beagles abstained all other board members voted aye.

Discussion: Dr. Moore explained the application is for combining the individual well limits into an overall amount of 500 acre feet for all four wells and was recommended for approval by our legal counsel.

Authorize General Manager to get Permit for Three New Carissa Springs Diversion Points

Motion: Joe Mainello "Authorize General Manager to get Permit for Three New Carissa Springs Diversion Points"

Seconded: Burt Rubinowitz.

Vote: All board members unanimously approved.

Discussion: Dr. Moore explained that currently three points are available, two known, and one the whose location is not known. Potentially there are as many as five points available for water collection and it would be very judicious to have these additional points if we get into a drought situation. Virgil Beagles asked if this would affect current grant efforts at the springs. Dr. Moore said it would not. Chairman

Schug voiced concern that previous work had been done without permits and that getting a permit would then allow future work to be done legally was only prudent.

Update of Permanent Liners for Surface Lakes with Existing Grants

Motion: None

Seconded:

Vote

Discussion: Chairman Schug expressed concern that the grant money considered for this item was not for use on lakes but for tanks. Pete Bowidowicz said they were hoping to get a change in the wording for that grant. Chairman Schug said he thought there were higher priorities than this item they voted to approve of in his absence last month. He explained there were 2 choices for using the \$200,000 grant money; getting the construction and drinking water bureaus to change the wording on the grant to let us do the lakes or fix the treatment plant and buy a bolt together tank. We know we will need a tank. Virgil Beagles emphasized the need to get this money allocated quickly or lose it and the concern he has with the General Manager not having acted on the motion of the board in February concerning this item. Pete Bowidowicz said getting in touch with the bureaucracy and a subsequent decision is next to impossible. Chairman Schug explained that only last week had the new deadlines been established on the grants whereas previously we had been told the grants were safe. He asked Dr. Moore to definitively get the wording on the grant resolved.

Statement Regarding 8 Apr 2009 Closed Meeting

Motion: Burt Rubinowitz "During the closed meeting held April 8th at 10:30am only pertinent items on the agenda were discussed and no action was taken".

Seconded: Pete Bowidowicz .Virgil Beagles abstained all other board members voted aye.

Discussion: Joe Mainello stated directions were given but no decisions made. Virgil Beagles said that directions are the same as decision. Chairman Schug said we received recommendations from our attorney but told him we were unable to make a decision at that time. Dr. Moore said the lawyer since the meeting had been preceding on previous instructions from the board to prepare and defend this lawsuit.

Grant Authority for General Manager to Expend up to \$50,000 for Four Authorized Engineering Projects

Motion: Joe Mainello "Grant Authority for General Manager to Expend up to \$50,000 for Four Authorized Engineering Projects"

Seconded: Pete Bowidowicz.

Motion withdrawn by Joe Mainello.

New Motion: Virgil Beagles "Grant Authority for General Manager to Expend up to \$50,000 for the Springs and the treatment plant on the condition that the engineering firm have all the proper documents ready for the bid process within 15 days or the contract is void".

Seconded: Joe Mainello.

Vote: Unanimously approved by all.

Discussion: Dr. Moore explained this would cover preliminary engineering reports for previously approved projects, especially two very high priority projects dealing with Carissa Springs diversion points and the treatment plant had to be completed within a week and plans drawn up so they could be put out to bid. He also explained how Souder/Miller had not been responsive on providing direction and so he had contacted Livingston and Associates and had engaged them to perform the needed reports to meet new deadlines. He apologized for the perceived delays but it has been difficult to get people to come here and do the work and we feel we have someone in Livingston and Associates willing to do it. A discussion was had concerning having the engineering done within 15 days so the grant money can be used prior to the cutoff date.

Amend the Budget Calendar

Motion: Virgil Beagles "Amend the Budget Calendar to have the regular meeting on 18 April and a Budget Committee meeting on 9 May".

Seconded: Joe Mainello.

Vote: Unanimously approved.

Discussion: Dr Moore explained that the calendar had moved back the date of the regular meeting of 18 Apr to 25 Apr and a meeting of the budget committee should be scheduled for 9 May to make final adjustments to the budget prior to presenting it at the 16 May regular meeting.

New Business:

Award Bid for Water System Master Plan

Motion: Virgil Beagles "Award the Bid for water system master plan".

Seconded: Pete Bowidowicz.

Vote: Everyone voted nay.

Discussion: Chairman Schug said only one bid was received and that was from CB&E and it lacked some details and we should call them for more information and speak with their references. Dr Moore said he had called one of their references and their view of them was not favorable and his opinion was their bid was nonresponsive to the RFP. Grant monies are involved and this item should be locked and loaded down by mid June.

Amend Election Proclamation to Incur Indebtedness

Motion: Pete Bowidowicz "Accept amended election proclamation to incur indebtedness".

Seconded: Burt Rubinowitz.

Vote: Unanimously disapproved by all members.

Discussion: Chairman Schug said HB 337 was passed and does not require us to have an election to incur indebtedness. Dr. Moore recommended the amended election proclamation be further amended or dropped. He also advised that we were looking at the need of additional funds for the district in around October, but also he wanted to talk to the auditors for their input. A discussion of the ability to repay and source of funds for repaying the loan was had and the need for additional research to determine this was needed.

Establish Golf Course Committee

Motion: Virgil Beagles "Establish the Golf Course Committee with Pete Bowidowicz as representative of the Board".

Seconded: Joe Mainello.

Vote: Pete Bowidowicz abstained and all others voted aye.

Discussion: Chairman Schug thanked Pete Bowidowicz for the work he has done already.

Approval of RFP for Fairway Mower

Motion: Virgil Beagles "Approve RFB for Fairway Mower".

Seconded: Joe Mainello.

Vote: All members voted nay.

Discussion: Chairman Schug noted this should be an RFB (Request for Bid). Pete Bowidowicz said he has found additional equipment that could be repaired and he recommended we do not spend the money to get the fairway mower.

Renewal of Golf Cart Contract

Motion: Pete Bowidowicz "Renew the Golf Cart Contract".

Seconded: Joe Mainello.

Vote: Unanimously approved.

Discussion: Burt Rubinowitz requested the amount of the contract. Pete replied \$297.50 a month. He also felt there were 5 to 8 more carts that could be fixed up from those at the maintenance cemetery.

Golf Course (Pro Shop) Services Contract

Motion: Virgil Beagles "Accept the Golf Course Services Contract with Barbara Bowidowicz".

Seconded: Joe Mainello.

Vote: Pete Bowidowicz abstained and all others voted aye.

Discussion: Dr Moore said at the last meeting Barbara Bowidowicz had offered to run the pro shop at a rock bottom price and a contract had been done based on the one for the secretary of the board.

Approve Hiring of Swimming Pool Personnel

Motion: Pete Bowidowicz "Advertise for two lifeguards for the season of the swimming pool".

Seconded: Joe Mainello.

Amended Motion: "Advertise for two lifeguard personnel for the period from Memorial Day to Labor Day".

Seconded: Virgil Beagles.

Vote: Unanimously approved.

Discussion: Dr. Moore said we are in need of two lifeguards at minimum. Pete Bowidowicz stated the need for an eight hour HAZMAT Awareness course because of the chlorine involved. B.F. Adams inquired if the district will pay for the training. Dr. Moore stated that it was customary that the district pay but will state in the posting that already trained and certified individuals are preferred. Virgil Beagles stated he felt the contract should state the lifeguards will stay for the season or reimburse the district for the training. Chairman Schug agreed.

Select Mediation Representative for Gambel et al vs TWSD CD-2005-329 on 23 April

The board skipped this item because the court order precipitating this action could not be located. A recess of the Saturday regular meeting was declared after Unscheduled Citizens Communications until Tuesday 21 April at 1:00pm.

Committees:

Swimming Pool Committee – Chairman Schug said he thought the pool was progressing quite well and should be opened this year and be up to snuff.

Budget Committee – Joe Mainello handed out a sheet of expenditures as requested earlier by Vigil Beagles. The committee had a special meeting last Friday to get a head start on the 2009/2010 budget.

By-Laws Committee – Burt Rubinowitz said Judy Underwood had been elected as Chair of the committee but she isn't here. The remaining 60% of the by-laws have been gone through and should be ready for presentation to the board and the public at next month's meeting.

Water Rate Committee – Dick Dysart said he had submitted four different scenarios of flat rate and flow rate numbers to the New Mexico Bureau of Finance using nine months of actual use data. We have on average 580 users and 290 rate users. We are waiting for comments from the state. Chairman Schug stated HB 337 also contained provisions for the district to get out from under the PRC, were we to do that, after public hearings on any new rate increase proposal, if objected to, would go to District Court instead of the PRC to decide whether the new rates are acceptable. It also states you shall cover all your expenses for your water from water rates. An individual from the audience asked if these expenses also meant covering lawsuits. Chairman Schug said the District Court would have to decide that. He thought it probably would. B.F. Adams asked if going before the District Court would incur more lawyer fees. Chairman Schug said about the same as doing business with the PRC.

Golf Course Committee – Pete Bowidowicz explained the committee would remain ad-hoc until the current golf course contract expired May 1st. Until then they would still be active performing clean up projects and some maintenance around the course.

Directors Remarks:

Virgil Beagles said it had been a good meeting.

Pete Bowidowicz said collaboration of the board and community, orchestrating into a cohesive body instead of a buckhorn situation, will lead to a lot of good things getting done.

Joe Mainello commended Pete Bowidowicz on his hard work and Charlie for bringing the minutes up to date and everyone for showing up.

Burt Rubinowitz said he wanted to basically echo everyone else's remarks.

Chairman Schug thanked everyone for showing up and also all the people who have been working on the paper work that needs to be done and on the golf course, and Pete for aerating the golf course. He bemoaned the economic situation and the states apparent sincerity in wanting to help but then saying they are going to take the grant money away.

Agenda Request: Will be done during the work session following this meeting.

Executive Session: None

Unscheduled Citizens Communications:

Gwen Adams on behalf of the Timberon Development Council wanted to thank all the people who showed up for the Community Action Plan meeting on 14 March. TDC wanted to publicly say they were very supportive of Timberon and TWSD and we would encourage citizens to volunteer any way we can. We have scheduled a work day of volunteers for the lakes on 15 through 17 May and will be organizing a cleanup of the tennis courts.

Adjourned at 1:39pm.

Meeting as resumed on 21 April 09 at 1:00pm in the conference room at the Lodge, 1 Bobwhite Circle

In attendance were Vice Chairman Burt Rubinowitz and Joe Mainello. Present on telephone conference were Chairman Schug, Pete Bowidowicz, Virgil Beagles, General Manager Martin Moore and attorney Estavio Sanchez.

Motion: Burt Rubinowitz "Go into executive session to discuss this item".

Seconded: Joe Mainello.

Vote: Virgil Beagles abstained and all other members voted aye.

At 1:15pm the board entered executive session.

At 1:45pm executive session ended and the regular meeting resumed. Pete Bowidowicz had departed the telephone conference during executive session.

Motion: Arden Schug "Send Joe Mainello and Dr. Martin Moore to the mediation meeting with authority to act on the boards behalf".

Seconded: Burt Rubinowitz.

Vote: Joe Mainello abstained and all remaining members voted aye.

Discussion: None

Meeting was adjourned at 1:50pm

Minutes submitted by Charlie Ross
Secretary of the Board

Approved by: _____
Arden Schug Date

Posted