

**ACTION MINUTES**

**ISLAMORADA, VILLAGE OF ISLANDS  
REGULAR VILLAGE COUNCIL MEETING**

**July 9, 2009 and  
Continuation of Meeting on July 16, 2009  
Founders Park Community Center  
87000 Overseas Hwy  
Islamorada, FL 33036**

- I. CALL TO ORDER\ROLL CALL:** Mayor Don Achenberg asked for the roll call at 5:42 p.m. Present were: Mayor Don Achenberg, Vice Mayor Michael Reckwerdt, Council members: Dave Boerner, Jill Zima Borski, and Cathi Hill. Also in attendance were: Village Manager Kenneth Fields, Village Attorneys Nina Boniske, James White, and Harlene Kennedy; Village Clerk Beverly Raddatz, and all other appropriate Village personnel.

Councilwoman Hill left the meeting at 11:45 p.m.

**II. PLEDGE OF ALLEGIANCE**

Mayor Achenberg led the Pledge of Allegiance.

Vice Mayor Reckwerdt and Council wished Mayor Achenberg a happy birthday.

**III. PRESENTATIONS**

No presentations were given.

**IV. PUBLIC COMMENTS**

Mayor Achenberg opened the Public Comment Section. The following addressed the Council: Tony Hammon, Islamorada, FL; Van Cadenhead, Tavernier, FL; Deb Gillis, Islamorada, FL; Phyllis Mitchell, Islamorada, FL; Mike Forster, Plantation Key, FL; Mike Onsgard, Plantation Key, FL; Joe Panse, Plantation Key, FL; David Purdo, Plantation Key, FL; John Fernandez, Islamorada, FL; Barry Wray, Plantation Key, FL; and Ken Philipson, Islamorada, FL.

**V. CITIZENS' ADVISORY COMMITTEE UPDATES**

- A.** Historic Preservation Commission – No Report
- B.** Land Acquisition Advisory Committee – No Report
- C.** Landscape Advisory Committee – No Report
- D.** Local Planning Agency – No Report
- E.** Lower Matecumbe Key Decentralized Wastewater System Steering Committee – No Report
- F.** Near Shore Water Support Citizens' Advisory Committee – No Report
- G.** Parks and Recreation Citizens' Advisory Committee – No Report

- H. Water Quality Improvement Citizens' Advisory Committee – Chairperson David Makepeace

Chairperson Makepeace updated the Council on the following: Committee discussed moving forward with the wastewater project with sufficient funds; historical aspect of the wastewater project for the Village; grant funding, and residents paying equally for the Village-wide wastewater system.

- I. Workforce / Affordable Housing Citizens' Advisory Committee – No Report

**VI. QUASI-JUDICIAL**

- A. Administrative Appeal Filed Under Section 30-281 of the Village Code (AA 09-04) by Helen Bragassa of a Letter from the Director of Planning and Development Services

**RESOLUTION NO. 09-**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING ADMINISTRATIVE APPEAL NO. AA 09-04 FILED BY HELEN BRAGASSA, PERTAINING TO AN ADMINISTRATIVE DECISION AND INTERPRETATION BY THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES FOR PROPERTY LOCATED AT 77360 OVERSEAS HIGHWAY, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE**

Vice Mayor Reckwerdt made a motion to defer this item until the Regular Village Council meeting on August 6, 2009 at 5:30 p.m., seconded by Councilman Boerner. Council agreed unanimously.

**VII. CONSENT AGENDA**

(All items on the Consent Agenda are considered routine by the Village Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event, the item will be moved to the Main Agenda.)

- A. Amendment / B.W Sprague, Inc. / Village Administrative Center and Public Safety Headquarters

**RESOLUTION NO. 09-**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FIRST AMENDMENT TO WORK AUTHORIZATION NO. 4 BETWEEN B.W. SPRAGUE, INC. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE VALUE ENGINEERING AND COST REDUCTIONS FOR THE VILLAGE ADMINISTRATIVE OFFICES AND PUBLIC SAFETY HEADQUARTERS PROJECT; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT; AUTHORIZING THE VILLAGE**

**MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE FIRST AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

- B.** Resolution Approving the Municipality Election Services Agreement with Monroe County Supervisor of Elections for 2010 General and Runoff Elections

**RESOLUTION NO. 09-**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE MUNICIPALITY ELECTION SERVICES AGREEMENT BETWEEN MONROE COUNTY SUPERVISOR OF ELECTIONS AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE ELECTION SERVICES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Achenberg asked for a motion for the Consent Agenda.

Councilwoman Zima Borski requested to discuss Item A of the Consent Agenda.

Vice Mayor Reckwerdt made a motion to approve Item B of the Consent Agenda, seconded by Councilman Boerner.

Mayor Achenberg called for the vote.

Councilman Boerner	Yes
Vice Mayor Reckwerdt	Yes
Councilwoman Zima Borski	Yes
Mayor Achenberg	Yes

Vote passed 4 to 0.

- Amendment / B.W Sprague, Inc. / Village Administrative Center and Public Safety Headquarters

Village Manager Fields read the title of the resolution.

Discussion ensued regarding whether this contract was needed; whether there should be a salary increase in this current economy; and whether it should have been bid out so local contractors would have known about it.

Mayor Achenberg opened the Public Comment Section. Being none, Mayor Achenberg asked for any further discussion from Council.

Village Manager Fields gave his report to Council.

Discussion continued regarding the costs; whether to approve the contract without making it retroactive; whether to include the invoice which was pending; and not paying contractors without prior approval from Council.

Councilwoman Zima Borski made a motion to approve the contract with the amendment to start the contract as of July 15, 2009, seconded by Vice Mayor Reckwerdt.

Mayor Achenberg called for the vote.

Councilman Boerner	Yes
Vice Mayor Reckwerdt	Yes
Councilwoman Zima Borski	Yes
Mayor Achenberg	Yes

Vote passed 4 to 0.

## VIII. ORDINANCES

- A. Second Reading - Ordinance Providing for the Enforcement of Parking Regulations and Restricting Hitchhiking

### ORDINANCE NO. 09-

**AN ORDINANCE OF ISLAMORADA, AMENDING CHAPTER 50 OF THE VILLAGE CODE BY CREATING ARTICLE V, MOTOR VEHICLES AND TRAFFIC; AMENDING CERTAIN PROVISIONS RELATING TO DISABLED PARKING SPACE VIOLATIONS, HITCHHIKING, ILLEGAL PARKING ON U.S.1 RIGHT-OF-WAY, THE SURCHARGE FOR MOVING TRAFFIC VIOLATIONS, THE PROHIBITION OF RESTRICTIONS ON THE PARKING OF VEHICLES, AND THE COLLECTION OF CIVIL PENALTIES; PROVIDING FOR PENALTIES; PROVIDING FOR ENFORCEMENT; REPEALING CERTAIN PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Achenberg asked Village Attorney Boniske to read the title of the ordinance.

Village Attorney White read the title of the ordinance for Second Reading.

Mayor Achenberg asked for a staff report.

Captain Don Fanelli, Monroe County Sheriff's Officer, gave his report to Council.

Mayor Achenberg asked for Council discussion. Being none, Mayor Achenberg opened the Public Hearing. The following addressed the Council: John Fernandez, Islamorada, FL; Jack McCormick, Islamorada, FL; and Ed Kinkelaar, Islamorada, FL.

Mayor Achenberg closed the Public Hearing and then asked for a motion.

Vice Mayor Achenberg made a motion to approve the ordinance for Second Reading, seconded by Councilwoman Zima Borski.

Mayor Achenberg called for the vote.

Vice Mayor Reckwerdt	Yes
Councilwoman Zima Borski	Yes
Councilman Boerner	Yes
Mayor Achenberg	Yes

Vote passed 4 to 0.

**B. Second Reading – Proposed Ordinance to Create Whistler-blower’s Program**

**ORDINANCE NO. 09-**

**AN ORDINANCE OF ISLAMORADA VILLAGE OF ISLANDS, FLORIDA; CREATING DIVISION 4, “WHISTLE-BLOWER’S PROGRAM” OF ARTICLE II OF CHAPTER 2 OF THE VILLAGE CODE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROCEDURE FOR DISCLOSING CERTAIN INFORMATION; PROVIDING FOR A PROCEDURE FOR INVESTIGATIONS; PROHIBITING RETALIATION; PROVIDING FOR PERSONS PROTECTED; PROVIDING FOR PROCEDURE FOR REVIEWING COMPLAINTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Achenberg asked Village Attorney Boniske to read the title of the ordinance.

Village Attorney Boniske read the title of the ordinance for Second Reading.

Mayor Achenberg asked for a staff report.

Village Attorney Nina Boniske gave her report to Council.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding whether the language in the ordinance gives the village manager discretionary measures for Village employees.

Mayor Achenberg opened the Public Hearing. Being none, Mayor Achenberg asked for a motion.

Councilwoman Zima Borski made a motion to approve the ordinance for Second Reading, seconded by Vice Mayor Reckwerdt.

Mayor Achenberg called for the vote.

Councilwoman Zima Borski	Yes
Councilman Boerner	Yes

Vice Mayor Reckwerdt            Yes  
Mayor Achenberg                    Yes

Vote passed 4 to 0.

**IX. RESOLUTIONS**

**A. Resolution Changing the Regular Village Council Meeting Schedule**

**RESOLUTION NO. 09-**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING RESOLUTION NO. 04-11-67 REGARDING THE SCHEDULE FOR VILLAGE COUNCIL MEETINGS AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Achenberg asked Village Attorney Boniske to read the title of the resolution.

Village Attorney Boniske read the title of the resolution.

Mayor Achenberg asked for a staff report.

Village Manager Fields gave his report to Council.

Mayor Achenberg asked for Council discussion.

Discussion ensued regarding whether to reschedule Council meetings in September and whether to change the Council meetings from the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of each month.

Vice Mayor Reckwerdt made a motion to approve the resolution, seconded by Councilwoman Zima Borski.

Mayor Achenberg opened the Public Comment Section. Being none, Mayor Achenberg closed the Public Comment Section and then asked for any further Council discussion.

Discussion continued regarding whether this would inconvenience the residents.

Vice Mayor Reckwerdt withdrew his motion. Councilwoman Zima Borski withdrew her second.

Mayor Achenberg asked for a motion.

Vice Mayor Reckwerdt made a motion to change the Council meetings in November and December that conflict with holidays, seconded by Councilwoman Zima Borski.

Mayor Achenberg called for the vote.

Councilwoman Zima Borski            Yes  
Councilman Boerner                    Yes

Vice Mayor Reckwerdt            Yes  
Mayor Achenberg                 Yes

Vote passed 4 to 0.

**X. MOTIONS**

**A. Direction Regarding Early Voting for 2010 Elections**

Mayor Achenberg asked for a staff report.

Village Clerk Raddatz gave her report to Council.

Mayor Achenberg asked Council for discussion.

Discussion ensued regarding whether residents could request an absentee ballot at the Supervisor of Elections; wanting everyone to vote; and where the location of the Supervisor of Elections was.

Mayor Achenberg opened the Public Comment Section. Being none, Mayor Achenberg closed the Public Comment Section.

Council gave direction to bring an ordinance back to exempt early voting for the 2010 General and Runoff Islamorada, Village of Islands Elections.

**XI. WASTEWATER MATTERS**

**A. Presentation from Hazen & Sawyer Regarding Wastewater Costs**

This item was discussed under Section XI, Item B.

**B. Initial Assessment Resolution for Non-Ad Valorem Assessment Program for Village-Wide Wastewater Collection and Treatment Facilities**

**RESOLUTION NO. 09-**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, RELATING TO THE CONSTRUCTION OF WASTEWATER COLLECTION AND TREATMENT FACILITIES WITHIN THE VILLAGE-WIDE ASSESSMENT AREA; ESTABLISHING THE TERMS AND CONDITIONS OF PROPOSED SPECIAL ASSESSMENTS TO FUND THE WASTEWATER COLLECTION AND TREATMENT FACILITIES; REPEALING THE ASSESSMENT RESOLUTIONS FOR THE NORTH PLANTATION KEY ASSESSMENT AREA; PROVIDING FOR CREDITS FOR PAYMENTS OF NORTH PLANTATION KEY ASSESSMENTS AND WASTEWATER PLANNING ASSESSMENTS; ESTABLISHING A PUBLIC HEARING TO CONSIDER IMPOSITION OF THE PROPOSED ASSESSMENTS AND THE METHOD OF THEIR**

**COLLECTION; DIRECTING THE PROVISION OF NOTICE; AND PROVIDING AN EFFECTIVE DATE**

Mayor Achenberg asked Village Attorney White to read the title of the resolution.

Village Attorney White read the title of the resolution.

Mayor Achenberg asked for a staff report.

Village Manager Fields gave his report to Council. He then introduced Hazen and Sawyer to give an estimate of the costs of the system and the design approach.

Mr. Daniel G. Burden, Ph.D., P.E. from Hazen and Sawyer gave his report to Council.

Ms. Camille Thorp from Government Services Group (GSG) and Tony Hairston from Public Management Group gave their report to Council.

Mayor Achenberg asked Council if they had any discussion.

Discussion ensued regarding the recommendation to expand the Plantation Key wastewater plant instead of transmitting wastewater to the Key Largo Wastewater Treatment District (KLWTD); KLWTD not knowing their full capacity; what the North Plantation Key (NPK) residents have paid for principle and interest; the Village working to get 50% grant funding; Council considering keeping the NPK residents' assessment the same; whether to have an assessment of \$6,000 borrowed over 25 years; scheduled payments of 25 years for the State Revolving Fund; needing more money to finish the project; what would happen to the package plant owners if the wastewater system does not move forward; not moving forward until NPK wastewater system is fixed completely; funds raised going towards the land acquisition and design; letting the deadline be dictated by what the residents can afford; being shovel ready for grant opportunities; Monroe County trying to raise a one cent sales tax to help in wastewater costs; State Statutes granting variances for package plant operators; residents not being able to sell their homes with title insurance if not compliant with wastewater; Florida State Statutes 381.00655 allow package plant owners to apply for variances; if wastewater is not completed residents who do not have wastewater and paid for it the Village would have to return their money; whether money would have to be given back to residents if they do not receive any benefit for the wastewater system.

Mayor Achenberg opened the Public Comments Section. The following addressed the Council: David Makepeace, Islamorada, FL; Steve Leopold, Plantation Key, FL; John Morgan, Plantation Key, FL; Don Smith, Plantation Key, FL; Mike Forster, Plantation Key, FL; Bruce Peltz, Islamorada, FL; Larry Wren, Plantation Key, FL; Jim Kubida, Plantation Key, FL; Alina Davis, Islamorada, FL; Barry Wray, Plantation Key, FL; Henry Paurowski, Islamorada, FL; Chris Sante, Plantation Key, FL; Tracy Larson, Tavernier, FL; Arthur Black, Tavernier, FL; Richard Black, Tavernier, FL; Ken Watkins, Tavernier, FL; Steve Kurutz, Islamorada, FL; Henry Pinder, Tavernier, FL; Lisa Althouse, Plantation Key, FL; Rod Halenza, Plantation Key, FL; Wendy Gentes, Tavernier, FL; Joe Panse, Tavernier, FL; Ken Philipson, Islamorada, FL; Joe Wischmeier, Islamorada, FL; John Fernandez, Islamorada, FL; Mike Onsgard, Plantation Key, FL; Deb Gillis, Islamorada, FL; Van Cadenhead, Tavernier, FL; David

Guardino, Islamorada, FL; Buddy Pinder, Islamorada, FL; Susan Funk, Plantation Key, FL; and Joe Ziomek, Islamorada, FL.

Mayor Achenberg asked Council for any other discussion.

Discussion ensued regarding whether to move forward with the wastewater project or not; whether Council should only have residences pay \$631 assessment again this year; and what would be the definition of abandonment of the project; and whether to change this resolution to a planning resolution instead; if the resolution is not passed how would the Plantation Key residents repairs be paid for; and whether to use the General Fund to complete the wastewater project repairs at Plantation Key.

Vice Mayor Reckwerdt made a motion to extend the meeting for 1 hour or until 11:02 p.m., seconded by Councilwoman Hill. Council passed unanimously.

Vice Mayor Reckwerdt made a motion not to assess residents, borrowing money from the General Fund to fix the wastewater system in Plantation Key, and to fight the State of Florida as a group, seconded by Councilman Boerner.

Vice Mayor Reckwerdt amended his motion to exclude borrowing money to fix the wastewater system in Plantation Key from the General Fund, seconded by Councilman Boerner as amended.

Mayor Achenberg called for the vote.

Councilwoman Zima Borski	No
Councilman Boerner	Yes
Vice Mayor Reckwerdt	Yes
Councilwoman Hill	No
Mayor Achenberg	No

Vote fails 3 to 2.

Vice Mayor Reckwerdt made a motion to extend the meeting for 1 hour or until 12:00 a.m., seconded by Councilman Boerner. Council agreed unanimously.

Mayor Achenberg asked for a motion.

Vice Mayor Reckwerdt made a motion that we do not assess \$6,000, the Village immediately start serious discussions with the State of Florida, and if the State of Florida tells Council residents would have to do their own wastewater systems, and Council would tell the residents and see what they would like to do, second by Councilman Boerner.

Mayor Achenberg called for the vote.

Councilwoman Zima Borski	No
Councilman Boerner	Yes
Vice Mayor Reckwerdt	Yes
Councilwoman Hill	No
Mayor Achenberg	No

Vote failed 3 to 2.

Councilwoman Zima Borski made a motion to move forward with the resolution with the goal of assessing the Village \$985 per EDU, per connection amount of \$4,691 for a total amount of \$5,676, amending Section 1.03 to delete the reference to Appendix E and amending Section 2.01 Subparagraph B to total the amount of \$32,508,002, seconded by Councilwoman Hill.

Mayor Achenberg called for the vote.

Councilwoman Zima Borski	Yes
Councilman Boerner	No
Vice Mayor Reckwerdt	No
Councilwoman Hill	Yes
Mayor Achenberg	Yes

Vote passes 3 to 2.

Mayor Achenberg recessed the meeting at 11:32 p.m. and reconvened the meeting at 11:53 p.m.

Vice Mayor Reckwerdt made a motion to extend the meeting for 15 minutes until 12:15 a.m., seconded by Councilman Boerner.

Vice Mayor Reckwerdt made a motion to continue this meeting to Thursday, July 16, 2009 immediately following the Special Call Village Council meeting at 5:15 p.m., seconded by Councilman Boerner. Council agreed unanimously.

- C. Ordinance Amending the Islamorada Mandatory Connection Ordinance to Provide Changes in Enforcement and Limited Deferred Connection for Certain Package Plant Facilities

**ORDINANCE NO. 09-**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING SECTION 62-1 OF THE VILLAGE CODE BY DEFERRING THE MANDATORY CONNECTION REQUIREMENT OF THE VILLAGE'S WASTEWATER UTILITY SYSTEM IN CERTAIN CIRCUMSTANCES; AMENDING CERTAIN PROVISIONS RELATING TO ENFORCEMENT OF THE MANDATORY CONNECTION REQUIREMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Council agreed to postpone the item until August 6, 2009 at 5:30 p.m.

- D. Approval of the Settlement Agreement for Package Plant Owners and the Village with the Florida Department of Environmental Protection Related to Compliance with 2010 Wastewater Standards

**RESOLUTION NO. 09-**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE FORM OF SETTLEMENT AGREEMENT FOR PACKAGE PLANT OWNERS BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, ISLAMORADA, VILLAGE OF ISLANDS AND RESPECTIVE PACKAGE PLANT OWNERS REGARDING ENFKORCEMENT OF 2010 WASTEWATER STANDARDS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENTS; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE RESPECTIVE SETTLEMENT AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE**

Council agreed to postpone this item until August 6, 2009 at 5:30 p.m.

- E. Resolution Approving Project Agreement with Hazen & Sawyer for Continuing Program Management Services for the Implementation of the Village's Wastewater Master Plan-Work Authorization No. 3

**RESOLUTION NO. 09-**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE PROJECT AGREEMENT BETWEEN HAZEN & SAWYER, P.C. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE CONTINUING WASTEWATER MASTER PLAN IMPLEMENTATION PROGRAM MANAGEMENT SERVICES; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Achenberg asked Village Attorney Boniske to read the title of the resolution.

Village Attorney Boniske read the title of the resolution.

Mayor Achenberg asked for a staff report.

Village Manager Fields gave his report to Council and asked for authorization to give approval to continue Hazen and Sawyer's contract for the next six months.

Mayor Achenberg asked Council if they had any discussion.

Discussion ensued regarding what are the expenses to date; how much more would be needed; how many staff members do Hazen and Sawyer have; what is the continued need for their services; whether to reassess Hazen and Sawyer's contract after decisions are made on August 6<sup>th</sup>; needing Hazen and Sawyer in order to fix Plantation