

**East Naples Fire Control and Rescue District
Board of Fire Commissioners Meeting
March 10, 2009**

I. MEETING OPENED at 5:30 pm

Commissioner Cannon called to order the regular meeting of the East Naples Fire Control and Rescue District's Board of Fire Commissioners at 5:30 pm on March 10, 2009, at 4798 Davis Blvd, Naples, FL. Present were Commissioner Cannon, Commissioner Gibbons, Commissioner Davis, Commissioner Hughes and Commissioner Boyer. Also present were Chief Dyer, Deputy Chief Biondo, Deputy Chief Teague, Deputy Chief Bogart, Director Bishop, Community Relations Officer Speers, Capt. Sean Hunt, Eng. Craig Weinbaum, CRO Greg Speers, FCO Ed Riley, Capt. Steve Liford, Capt. Domingo Chinea, Capt. Mike Leal, Eng. Kevin Nelmes, Capt., William Burkhardt, Lt. Insp. Shawn Hanson, Mech. Jamie Popiol, Lt. Insp. Michael Cruz, Lt. Emanuel Arroyo, Deputy Fire Official Margaret Jani, Fleet Mgr., Nate Behrens, from the public sector, Angela Lee, Adele McCarety, Julie Inman, Joe Fusco, Kay A. Fusco.

A. Pledge of Allegiance

Commissioner Cannon opened the meeting with the Pledge of Allegiance.

B. Additions or Deletions to the Agenda

Chief Dyer makes a recommendation to move an item and add it to the executive session on the old business on section 2 paragraph B union contract. Move that to the end of old business or at the end of reports to have a recess for the executive session to discuss the union contract. All commissioners agreed.

Commissioner Davis made a motion to approve the agenda with the above additions and deletions. Commissioner Hughes seconded the motion and it passed unanimously.

C. Approval of Minutes of February 10, 2009 Meeting

Commissioner Boyer made a motion to approve the minutes of the February 10, 2009 meeting, Commissioner Gibbons seconded and the motion was passed unanimously.

D. Treasurer's Report

Chief Dyer explains the Treasurer's report is as submitted for East Naples and the Fire Code Officials. You should have received in your boxes the last audit statement for Fire Code Officials.

Commissioner Cannon asks if there is any word on "our" audit? Chief Potteiger explains that "they" called today asking for some bank statements but it was for the 175. I did not get to talk to them. Commissioner Cannon asks Tara if she has update from your meeting with SunTrust? The report from the meeting stood that they could not touch Orion Bank's CD interest. SunTrust Bank was given our bank statements, our balances all those things, Orion's CD rates that they just quoted to us and they could not match or beat them. They did present some other options to us that would be purchase cards, since I was not at the meeting I asked if they would present that again to me. Chief Dyer: SunTrust approached the Department about 6 months ago seeking to do business with us, the one program that had interest was purchase debit card type thing, it's a purchase order card, but we are still looking at it and not sure if is worthwhile to have separate bank accounts just for that. Commissioner Cannon commented that when they first came in, their first words were that they could not compete with Orion as far as their checking accounts. By the time they finished their interest on checking would be .25. Their CD rates for lack of a better term were pathetic. Not competitive at all. Their lowest CD rate was .34 and their highest rate was for a year was well under 2. Commissioner Davis

makes a motion to approve the treasurer's report subject to audit. Commissioner Gibbons seconded and it passed unanimously.

E. Awards and Recognition

1. Chief Dyer: Verona Walk hosted a pancake breakfast and benefit for our Sneaker drive. Community Relations Officer Greg Speers presented a plaque to Joe & Kay Fusco, Julie Inman, Adele McCarty, Angela Lee, all from Verona Walk and or Verona Walk C.E.R.T. Chief Dyer, Commissioner Gibbons, Director Bishop made the presentation and pictures were taken. The total donated was \$1457.89 plus 48 pairs of sneakers.
2. Five Year Service Awards to: Margaret Jane, Jamie Popiol, Aaron A Asher, Craig Weinbaum, Kris Occhipinti.
3. Inspector Mike Cruz was promoted to Lt. Inspector.
4. Chief Dyer congratulates 10 of our employees who received Phoenix Awards and out of all the agencies ENFD had the most people standing up to include EMS. Commissioner Cannon asks a question if the award is ALS procedures involved. Chief Dyer answers yes, ALS and BLS.

F. Reports

1. Fire Service Steering Committee.

Commissioner Davis spoke about the meeting she attended in January and voted in new officers, voted from the dues schedules and we talked about a joint meeting to discuss consolidation. This meeting is scheduled for April 23, 2009, 7pm at Station 73 to have a multi-Board discussion on Fire Consolidation. We need to have all commissioners participate in this meeting. We need to have a quorum. We don't want to send the wrong message by not showing up. One of our neighboring commissioners wants all of the commissioners to come out of the closet, so to speak.

2. Fire Administration

a. Personnel

Chief Dyer announces that within the ranks of our Fire Department we've had 2 of our Fire Fighters whose spouses have had babies, and one civilian employee has given birth. Crystal had a boy, Steve Riley's wife had a boy and Fire Fighter Perez's wife had a girl, all within the last month. Eric Clere is the only person who is still on light duty.

b. Other

1. Chief Dyer; Greg is a very busy guy, until I started dragging around behind him to some of the homeowners groups and different places, I didn't realize how busy he is. We have been visiting many locations. I want to give Greg credit. He has me signed up to talk to a number of places and it's really good to get to these places and get East Naples name out to the community so they know who the fire department is.

2. Chief Dyer; described a new item on the agenda regarding Line of Duty Deaths. We will be reading the line of duty deaths every month. Currently in the month of January we had 8 fire fighters throughout the United States die in the line of duty and in the month of February we had 9. Chief Dyer read the names and asks for a moment of silence.

3. Chief Dyer remarks about Captain Hunt's involvement with the line of duty death process. He is working various procedures and policies for the last 6 or 7 months or longer, as well as Captain China. We are trying to recreate some of the things that we have left behind over the years. Captain Hunt and Captain China have been participating with the National Fallen Fire Fighters Council up in Emmetsburg, Maryland. Local 2396 is sponsoring a Golf Tournament on June 13th, at Lely Resort Mustang Club to benefit the National Fallen Fire Fighter Foundation and Captain Hunt is the primary person putting that together.

Driver Engineer Craig Weinbaum and 6 other individuals participated in an honor guard class last week, hosted by the City of Naples Police Dept. Chief Potteiger and I went out to observe their final drill ceremony at the cemetery on Vanderbilt Beach Road and it was an honor to watch. It certainly brings back many of the traditions and honors that we kind of lose sight of in the day to day hub bub of our activity. We hope that we never have to call upon them for anybody especially our members. To be prepared to perform these kinds of ceremonies is probably something that we need to think about very carefully, because if something happens we don't to try to pull it all together at the last minute. With the Board's permission, Driver Engineer Craig Weinbaum explains what they are doing. Board allows it.

Craig Weinbaum speaks: Over the week, 7 of us went through this course on our own time. It was a pretty amazing 40 hour course. 3 drill instructors from the Army taught us how to march. From Monday to Friday the difference in us was pretty incredible. This has been on my heart for about a year and I have been trying to get the right group of guys together. We want to do parades, posting and colors, we have talked about sporting events. If there happens to be a retired fire fighter that is being buried in Naples, we can post colors and do casket watch at their funeral. We learned everything from a full honors funeral down to friend of the fire department funeral and the proper way to go about that. We can do so much with this and honor our department by getting our name out there. We are looking for support from the Commissioners both with seeing us; we had both chiefs show up for the final ceremony. We are going to need some financial support with uniforms and that's really what we are looking for.

Chief Dyer remarked that if the team sticks together, they have been invited to be a part of the honor guard for the 100 Club's dinner next year, as well as a special event on the 18th that they have been invited to. Craig and I have talked and we understand that there is a lot of detail work that we need to work out. We wanted the Board to be aware of it. Weinbaum added that he also has the backing of the union, so they would be contributing. This will help in the support and longevity of the team.

c. **Public Comment** – No comments were brought forward.

2. **Administration: Assistant Chief Potteiger**

a. **Shop** with fuel reports is as submitted. At the break if you will notice 2 things, 1 Nate's wind burned face from breezing down the highway with the new brush truck, and 2, assorted equipment that we received from the federal surplus located in Stark, FL for a grand total of \$4600. We feel we got a good buy on the brush truck. It's going to replace brush #22 which we took out of service last month because it's rotting away. They changed the law so after 18 months we would own it. We have the paperwork to get the title.

b. **Fire Code Official's Office** with fuel report is as submitted.

Ed Riley talks about the reviews being the same as last month we had 515 reviews and it is stabilizing and slowly moving up. Yelli Morales, administrative assistant, gave her 2 week notice, last to day is the 20th. I went to 3 Boards including this one and they have all heard the proposals and have agreed to move forward with the due diligence on the building and talking with Lee County as far as plan review activities. North Naples will have their meeting next Thursday. I understand it we do have their support. I did meet with Chief Brown and he fully supports endeavors. It will not get to Golden Gate's meeting until next month. I would like to know what direction to take from the Board, since I don't have full support from the other Boards and won't have it until some time next month. I think we will have support with North Naples in couple of days. Chief Potteiger asked when the chief's meeting for Lee County, that they wanted us to go to. Riley answered that it 23rd of March. We would like to ok to start discussing it.

Commissioner Boyer asked what is the past history of approving or disapproving of Fire Code? Does majority rule? One Board one vote? All has to be united? Commissioner Cannon replied, (no) majority rules, we don't have to wait for Golden Gate. We as the Administrative Department can ok it. We have always have had the attitude that we want the opinions of the other districts because they are all partners in this. We have 3 out of 5 votes so far. Commissioner Davis makes a motion to approve FCO Office to go ahead and negotiate with Lee County and to go ahead with due diligence on the new building. Commissioner Gibbons seconded the motion and it pass unanimously. Ed Riley has the condo docs that have been sent to Laura Donaldson for her review. Since I had the majority of the districts approval, I sent it to her for verification of the type of ownership and it meets the statutes. That's part of the due diligence. Commissioner Hughes asked if there were 4 separate buildings there? It is actually 2 separate buildings, 4 pods, 2 are connected with a breezeway connection. We would have 1 of the pods, which is half of the building, in the back rear corner, the one that is unencumbered. From what I understand South Florida Water Management District is buying the 2 front pods through a different form of ownership. We would have to share the driveway. There is an amount of money that has to be paid in for common area maintenance.

e. **GRIT** – Nothing was submitted by Chief Potteiger.

Chief Dyer comments that an email was received from GRIT. This has been going on 7 years.

f. **OTHER** – Nothing was submitted by Chief Potteiger

3. **Fire Prevention**

a. Chief Biondo's report is as submitted. Starting April 1, 2009 he will be starting a new night inspection program. One more person will be moved from new construction and put into existing. Steve Riley's number where low because he was off 2.5 weeks. Commissioner Hughes adds that the Publix on Radio Road had its façade redone and never ever replaced, fire lanes signs and so there are people parking everywhere. Chief Biondo will investigate.

4. **Support Services**

a. Director Bishop's report is as submitted. Commissioner Boyer asked if there is room in the budget for the honor guard equipment. She replies that there is a line in the budget for dress uniforms of approx. \$3500.

5. Fire Operations

- a. Suppression report is as submitted. Deputy Chief Bogert talks about how they are getting settled into their new offices. Also, he explains about 80 hours of overtime for a stroke class that was held by the University of Miami, 10 of our employees took the 8 hour course. They gave us wealth of knowledge. Commissioner Cannon asked about the other 142 hours. Deputy Chief Bogert explains that he has had a rash of people calling in sick.

Training

- b. Deputy Chief Teague's report is as submitted.

6. Plans, Policies & Integration Report

- a. The verbal report was as submitted. Chief Dyer explains that Deputy Chief Teague and Lt. Watson have moved into their new offices. We have broken it out into 2 categories, the day to day kind of get out in front of pains that we need to deal with such as ALS and other issues and consolidation. The long term what I have asked Deputy Chief Teague to look at is to get some of the industry standards that are out there, the fire services accreditation, insurance services organization, the national fire protection agency, some of their standards, and pull together over the next couple of months, a good benchmark for us to discuss and present to the Board as appropriate to really establish the long range, 7-10 year outlook, plus looking at our local demographics and the economy.

II Old Business – On Going

a. Consolidation –

b. Certificate of Public Conveyance

Chief Dyer explains that in your packet or mail boxes, you should have received a letter from our Attorney to County Manager, Jim Mudd requesting the applications for Certificate for Public Conveyance Need and Necessity. The letter is dated March 4th. No response as of yet. He can do a public records request to get the official how to apply for a certificate. We had some considerable controversy over the application or the discussion of the certificate of need. Mr. Jeff Page submitted a public records request for our previous five months of Board minutes which we promptly gave him. As far as public in the sunshine, he is fully aware of what we are doing. He challenged us on a separate issue on Treviso Bay which our guys provided stand by response capability for all hazards, fire, rescue, medical. EMS took exception to that and said we had violated some ordinances and inter-local and threatened to call the state. I have not seen any of these things yet. We did meet with them and their biggest concern was that they lost \$4000 which they had budgeted for special events. Treviso Bay Ace Classics did not want to contract with them. His point being ALS engines are affecting his ability to maintain ALS transports. With ALS engines as it was demonstrated in the 2007 EMS in their management report that EMS had commissioned, we helped offset the response times, therefore, they shut down 2 transport units, they are looking to shut down more because ALS engines are helping with the response times. I asked Jeff if it was not indeed the whole idea to become more efficient across the Board and he really didn't have a response for that. We shook hands and walked out of the meeting and we continue to pursue this certificate of need and they are doing whatever they are doing. Commissioner Cannon remarked that

Dr. Tober is still on his letter writing campaign, I happen to get copies of it every time and that's where he said he was continuing to monitor the ALS activity and there has been none. I did write a county commissioner a letter and said if Dr. Tober is so against this ALS engine program, why don't they terminate it? I gave my answer I said they don't want to terminate it because it would make them look bad on their part. So they are going to frustrate the fire service enough to where we will terminate it ourselves, and my answer was that won't happen. Chief Dyer comments about their other motivation that was share with me by 1 of our union members who expressed that they have a contractual obligation to pay their paramedic/firefighters upwards of \$20,000 plus. One of our commissioners has a copy of their current salaries. If EMS were to withdraw inter-local swap, they may be in violation with their contract with the union. Commissioner Cannon says that Dr. Tober wants the ALS engine for salary equity, and he said that Dr. Tober used us. I had a county commissioner with me at the time and he asked him if he feels used on the same breath? I feel so violated. She wasn't too happy either. Commissioner Boyer comments years ago with EMS made it very clear that they didn't want fire fighters picking up their stretchers, moving victims and with inefficient training, and since that time we have had some training but I'm wondering with the difficulties that we are having with EMS and the inter-local agreement, if we shouldn't help with patient loading and getting the patient ready for transport, but when it comes times for them to carry the stretcher down the stairs and load into the back of the ambulance which we have had people on workers' comp with back injuries, if it wouldn't be best for our district allow EMS to use their excellence in that field and we will not lift their stretchers for them and we will save on our workers' comp cases.

Chief Dyer expresses his sentiment and the fact is that we have 1 employee that was severely injured and no longer works with us because his back injury was specifically injured due to a stretcher collapse. There may be some other alternatives. A 4 point carry that we direct our guys to do. I would not want to jeopardize our citizens for what really boils down to them being knuckleheads.

d. **Union Contract**

Chief Dyer; I believe we have a solid contract to ratify. There is one issue that remains to be sorted out , in article 10.2, management has agreed with the union to a 3% cost of living raise retroactive to October 1, 2007 for the 3 year period through the year 2010. In article 10.3 there is a contingency that the district realizing that savings from initiating the stop start on the 175 plan, then the union members would receive retro active pay of 3% for 2007, 4% for 2008, 4% for 2009. Jim Linn will discuss the resolution and the stop start so that the Board is able to get all their questions answered and make an informed decision. In the meantime, the contract is written in such a way that should you sign it, choose to ratify the contract tonight then we can pay 3% retro active cost of living independent of what happens to the 175 plan. Commissioner Boyer makes the motion to ratify the contract, Commissioner Hughes seconded and the motion passed unanimously. Thank you President Nelmes.

e. **Chapter 175 -** Asst. Chief Potteiger moves this to Executive Session We have been working on the data base addressing and so far we have found that 585 addresses that we weren't getting credit for so. We are diligently trying to get that done through the state and trying

to get our fair share. We have found some areas that belong to North that we were getting credit for and visa versa, but North has always worked with us well to straighten it out.

Betty Hughes, one of the Trustees, gave her resignation. She did a great job on financial accessing.

Commissioner Cannon said that she did in fact resign and he sent her a thank you letter for her years of service. The Board appoints a new person. JA explains that Betty's position is vacant and now and the Board will need to replace her, her term ends on September 30, 2010. Asst. Chief Potteiger says he will put an ad in the paper. Commissioner Boyers asked about public service radio.

f. **New Headquarters Building**

Chief Dyer says we continue to look for new facilities.

g. **Retiree Health and Life Insurance Policy**

Chief Dyer says we ran into some snags. All the other little detail work and actually writing the policy itself to present to you for signature and making sure that the attorney said it was copacetic. My apologies that I couldn't get it done the right way.

h. **Sabal Palm Property**

Chief Potteiger explained that he met with the people that own the nursery and we got an appraisal done on it, unfortunately the appraisal didn't come in the way we wanted it to. Basically what they are offering is our piece of property, the 5 ¾ acres for their 4.35 acres as an even swap. We can fit the station and the maintenance on it but we could not fit the administrative on it. At this point I just would like Board direction to go back forget it and start out at a different venture. What the appraisal is saying is that 6 acres of land on 951 is worth less money than 4.7 acres a mile down Sabal Palm. Chief Dyer explains its ½ mile but it's all zoned agricultural. Commissioner Cannon says if you add the 6 acres with the present owners 15 to 16 acres already, now he has 20 acres of 951 frontage. Commissioner Cannon asked about eminent domain? All we would need is a 20 foot easement. Asst. Chief Potteiger said that we can come out on the eastern side, we can make it work. Commissioner Boyer would like to go somewhere else. What I would recommend to have us go back and come up some money differences and try to go on that aspect. For them to pay us instead of the even swap. Assistant Chief Potteiger says that they did comparison back years ago, I can put back in the Board's box but the engineering company showed that it would be more advantageous to us to do a swap because of the water lines, the sewer lines, the no bridge, so on and so forth. I don't think we are in that much of a hurry. Before we go to eminent domain, I would like to have Chief Dyer and myself (Pott) go back and talk to him.

i. **Board of Commissioners** (Topics initiated by the Board)

III New Business

a. The Board said the Thank You letter was nice.

b. **2009-01 Resolution – False Alarm Form**

Deputy Chief Biondo explains that the only change is the number of days for a person to return the False Alarm form to ENFD. It went from 30

days to 20 days. Commissioner Boyer makes a motion to approve Resolution 2009-01 False Alarm Report amendment, Commissioner Davis seconded and the motion pass unanimously.

- c. **Attending Medical Appointments Policy 2009-01**

Chief Dyer explains that this is a new policy is primarily for people on days, it was sporadic, hit or miss on how employees were charged for vacation time, sick time, or comp time or given department time to go to a medical appointment. We wrote this to clarify it for example, if Captain Mike Leal is on duty and he needed to take 3 hours off to go to a doctor's appointment that was not worker's comp related, then he would have to use some type of time to go do that. For managerial employees since we don't get overtime, comp time, those types of things, depending on the approval of the supervisor either Asst. Chief Potteiger or myself (Chief Dyer), allow up to so many hours of department time to attend medical appointments. Commissioner Boyer complains that this should come out of sick time. Chief Dyer explains that he is documenting the things that have been going on for years. Commissioner Davis says this is in draft form and should be brought back next month. Chief Dyer says yes please. I would appreciate it if everyone took the opportunity to read it.
- d. **Advance Pay Policy 2009-02**

Chief Dyer explains that this is a revision to an existing policy. This is for people who want to and can apply for advance pay if they are going to be on vacation during that pay period. The question arises, if we have people that have some type of financial hardship, they come in and ask for an advance pay on their next single paycheck with clear understanding that the Chief or the Assist. Chief are the only ones who can approve that and with a counseling form stating that if you are already in the hole that the advance pay would further put that person further in the hole. Commissioner Boyer says that we should not be in the banking business or making loans. Commissioner Cannon brings up the question that if we can do this, is it legal and that we should ask Laura. If we did advance somebody advance pay, would we require a promissory note signed.
- e. **Self Insured Plans Amendment**

Chief Dyer talks about several articles that qualify or defines what a dependent is and there is one article that needs to be removed that it is non-standard language. Don Ramey from Leading Edge said that's what we wanted to mirror the WEB TPA when adopted it. He said we have never seen this language in a health insurance plan before because that one phrase "as defined by the IRS" essentially eliminates or negates eligibility requirements. We are bringing this to the Board to remove this one phrase. Commissioner Boyer makes the motion to remove the phrase, Commissioner Davis seconded, and the motion passed unanimously.
- f. **Random Drug Testing**

Chief Dyer explains that depending on the contract ratification we will have the drug policy that will be coming back to you, however based on the direction from the Board we did find a drug testing company that would do random drug testing. It is the same company that does the testing for Mosquito Control. Chief Dyer says in general the cost per person, if we have 10 people in one location, \$37.00 per

person for a 10 panel screen. This 10 panel drug screen will test for all narcotics, whether they would be illegal, illicit or prescribed drugs. What it does not do is test for quantities, so if I have a prescribed medication, the test will not pick up that I have taken too much they will ask for a copy of my prescription with my name on and I am good to go. They also offer training for supervisors, Lieutenants, Chief Officer's to identify reasonable suspicion a bit more clearly.

- g. **Board of Fire Commissioners**
Commissioner Cannon will not be available for April 14th meeting so the meeting has been changed to April 21st, 2009. Commissioner Boyer made a motion to change the date of the April BOFC meeting, Commissioner Hughes seconded and the motion passed unanimously.

SUMMARY OF ASSIGNMENTS:

Random Drug Testing
Attending Medical Appointments Policy 2009-01 (For Discussion)
Advance Pay Policy 2009-02 (Legal Review)

ADJOURNMENT:

Commissioner Cannon asked if we have a motion to adjourn. Commissioner Hughes made a motion to adjourn. Commissioner Davis seconded the motion and the **March 10, 2009** meeting was adjourned.

Commissioner Thomas G. Cannon

Commissioner Richard Gibbons

Commissioner Angela Davis

Commissioner Robert L. Hughes

Commissioner Robert A. Boyer