

MINUTES  
EAST NAPLES BOARD OF FIRE COMMISSIONERS MEETING  
May 13, 2008

I. MEETING OPENED

Commissioner Cannon called the meeting to order at 5:32 P. M. Present were Commissioner Cannon, Commissioner Gibbons, Commissioner Davis, Commissioner Miller, and Commissioner Boyer. Also present were Chief Schank, Assistant Chief Potteiger, Deputy Chief Bogert, Deputy Chief Biondo, Captain China, Captain Liford, Inspector Hanson, Mechanic Popiol, FF Palermo, Accountant Johnson, IT Bryan, SSA Bishop, Fire Code Official Riley, CRO Speers, Aaron Cline, and E/A Friday.

A. Pledge of Allegiance

Commissioner Cannon opened the meeting with the Pledge of Allegiance.

B. Additions or Deletions to Agenda

Assistant Chief Potteiger said he was in receipt of a letter from the county regarding council on the impact fee situation at North Naples and Commissioner Cannon said to report everything regarding this topic when Pott does his report.

Commissioner Boyer said he received a letter from our attorney regarding the Lake Park property and title.

Commissioner Boyer made a motion to approve the agenda with the changes. Commissioner Gibbons seconded the motion and it passed unanimously.

C. Approval of Minutes of April 8, 2008 Meeting

Commissioner Boyer made a motion to approve the minutes of the April 8, 2008 meeting, Commissioner Gibbons seconded the motion, and it passed unanimously.

D. Treasurer's Report

SSA Bishop said the report is as submitted. She said the budget looks good.

Commissioner Boyer asked where we stand on going over everyone's past histories on payroll. Tara said they are going over the payroll with Auditor Perrino.

Commissioner Cannon said everything looks good as far as budgeting except the first number which is ad valorem. He said we are short \$930,000.00 worth of collections so far this year. He said there are approximately 13,300 delinquent property taxes that have not been paid to date and \$3,600 worth of tangible taxes that have not been paid to date. He said that has never happened in this department in all the days that he can ever remember. He said usually when we budget that 95% we will hit 97% to 97½% every year. Now we are not even hitting the 95%. He said hopefully when these go to certificate sales we will get this money. He said this is telling us what our economic times are and let's hope we can get that money coming in.

Commissioner Boyer made a motion to approve the Treasurer's report, subject to audit. Commissioner Davis seconded the motion and it passed unanimously.

E. Awards and Recognition

Chief Schank said last month we gave awards concerning the Task Force to the Fire Code Official's Office. He said we have three individuals internally who also worked hard on the Task Force and presented Commissioner Davis, Chairman Cannon, and Deputy Chief Biondo with the same awards.

Chief Schank said eight of our employees received Phoenix Awards from the county. The recipients were Captain Sean Hunt, Lt. Scott Hogan, Lt. Bill Packard, FF Scott MacQuarrie, FF Chris Citak, FF Aaron Asher, and Engineer Jarett Cotter.

Commissioner Cannon asked why the Board does not hear about the Phoenix Awards in advance and was informed that staff will make every attempt to notify the Board from now on.

Commissioner Cannon asked what happened to the Best Engine Company Award for tonight that this Board set up for tonight, and at noon today the Board was told it was cancelled. Chief Schank said he was told there were miscommunications and we are going to talk about it tomorrow or the next day.

F. Reports

1. Fire Administration

a. Personnel

Chief Schank advised that Brian Anderman and John Obst are still out on workman's comp. He reported that Raymond Kilmer, Nathan Behrens, and Tony Palermo are still working light duty.

Chief Schank said, at the present time, it appears John Obst's returning to work may be in doubt due to conditions he cannot mention.

Chief Schank said we are down a few men and is getting concerned about staffing as a few men may not be returning to work. He said at next month's meeting the Board may want to look at hiring two more people. He said this is just a consideration and we will know more next month when we receive our numbers.

b. Other

Chief Schank advised that the Steering Committee Meeting will be held on May 22, 2008 at Golden Gate Station 73 at 6 P. M.

He advised that this Thursday at 8:30 A. M., in front of the Sheriff's Office, there will be a ceremony for Law Enforcement Week. They will be honoring those who have passed from the Sheriff's Office. Chief Schank requested his Chief Officers attend and invited the Board.

c. Public Comment

No comments were presented.

2. Administration: Assistant Chief

a. Fire Code Official's Office (with fuel report)

Fire Code Official Riley said his report is as submitted. He said they were a little busier last month than the month before.

Ed reported he passed out letters from attorneys and one is regarding North Naples concern that Ed's office is determining what the impact fees should be for commercial property, something his office has done since before Ed started with them. Ed said our attorney said it is not clear cut who is actually supposed to do that work and the Interlocal Agreement provided to his office does not list that as one of his duties. Ed said it was expected that they do it and endorsed by the districts that they do it. Ed requested this be brought before the Steering Committee to let them decide or take back to their districts to try and get it clarified.

Ed said the other issue is regarding the request to have his office fund the Steering Committee. Ed said he posed that question to his attorney and his attorney said they can help support the office of that organization, somewhere in the 10% of their budget range, based on the Florida Statutes that enables them to collect the fees. Ed said that will go forward to the Steering Committee.

b. GRIT

No report.

c. Public Comment

Pott advised he received an email from Paula Fleishman, the Impact Fee Coordinator for Collier County, to confirm the meeting to facilitate a resolution to the impact fee distribution errors will be held on Thursday, May 29<sup>th</sup> at 1 P. M. in the county managers meeting room. Pott said he called our council,

Laura Donaldson, and she is going to represent North Naples in this resolution. Pott said it is a shame that our council is representing another district.

Commissioner Cannon said, when Pott says North Naples is looking at the county as a business, they are only a collection agency not a business. Pott said North is saying the county is receiving a percent and a half of that money to do the collection and they should be responsible. Commissioner Cannon said they owe approximately \$253,000.00 but the majority of that money goes to Golden Gate, about \$140,000.00, a district that could probably really use that money. He said ENFD would probably net \$35,000.00. No matter who collects that money, it is not right for any of these districts to keep funds that are not theirs. Commissioner Cannon said he hopes this Board, if we have to, would think about getting another attorney and take North Naples to court.

3. Fire Prevention: Deputy Chief

a. False Alarm Policy

D/C Biondo said his report is as submitted. Nick said his numbers are down a little as they have been in the process of doing school inspections.

All the information regarding the Hydrant Marker's Resolution went out to the community, Home Owners Associations, paving contractors, and homeowners.

Nick informed the Board that Fiddler's Creek requested to get out of the pilot program as of June 1, 2008 due to a slow down and they have been billed for the three months that they owe.

Nick said at the end of last year the Board passed a new False Alarm Ordinance and requested help from the Board regarding some outstanding bills. He asked, part one, if we

should waive the fees or roll them into the new procedure and just keep billing accordingly. He said part two of that equation is, if we do want to keep them we need to have some mechanism in place for collections. Nick advised that \$1,380.00 is owed in miscellaneous and key boxes and \$20,550.00 is owed in false alarms.

Commissioner Cannon made a motion that Fire Prevention is to work with the people to collect the money and rectify the situation but if there is no movement on these accounts for over a six month period a lien should be filed against their property and hopefully that will motivate them to do something. He continued his motion stating that as far as bad checks, they are to be turned over to the state attorney for their prosecution on worthless checks. Commissioner Davis seconded the motion. Nick asked if that included the people who are already over six months and Commissioner Cannon said yes, it does. Commissioner Boyer asked if the people who are six months or a year out, would this become effective immediately for them and Commissioner Cannon said yes, it would. The motion passed unanimously. Commissioner Cannon stated he would like Nick to work that motion into the policy.

Commissioner Cannon said regarding the trial basis of the ten hour work day Nick was to keep track of the productivity, etc. and he now feels it is time Nick gives the Board his report on this trial period. Nick is to present his report to the Board at the next Board Meeting.

4. Support Services Report: Deputy Chief

SSA Bishop reported Charlotte will be out of the office tomorrow attending a Florida Labor Law class. She said Greg Perrino will be back regarding payroll. She asked the Board to check out the new kitchen cabinets here at Station 20. Tara advised the permit for the PE room at Station 23 is ready to be picked up. She said the shop is busy.

Regarding fuel prices, Chief Schank said the last report showed it cost ENFD, through the county, \$3.50 for regular and \$3.93 for diesel. He said locally, for our own gas, we pay \$3.52 for regular and \$4.01 for diesel. He said he thinks we are going to have to look at some other alternatives for car usage. He said the ultimate is to park them, maybe fill their own tank once a week on their own. Commissioner Cannon asked Chief Schank to come back with a program next month.

5. Training Report: Deputy Chief

Nick said Keith's report is as submitted.

Commissioner Cannon asked where Keith is and Nick said he is inspecting a dive class. Commissioner Cannon said this is the second meeting Keith has missed in a row.

6. Fire Operations: Deputy Chief

Chief of Operations Bogert said his report is as submitted with the addition that as of today our Task Force has been put on standby as half of the State of Florida is on fire. We could be called out at any time for a five day stint throughout the state. Eugene said the Regions Six people got together and decided that we are the only people with any resources left and don't want to take all our resources up there and leave the whole state barren.

Eugene advised we are down 200 runs from last month as some of the tourists have gone home.

II. OLD BUSINESS

A. On-Going

No topics were raised.

B. 175 Retirement

Chief Potteiger informed the Board that the Chapter 175 pension lawyer presented an excellent class to the Chapter 175 members on the start/stop advantages of 175 and the

advantages of going into FRS. The members were very receptive on the start/stop which basically means that right now we can only use \$77,000.00 of approximately \$600,000.00 coming in every year from the insurance company. Pott said with the start/stop Governor Bush said, after a year, the money couldn't be used for the pension fund makeup anymore; it could only be used for special benefits. If we stop the program and restart it we can use a lot of that money. He said we have four more years of the five years we have to pay back what the losses were for last year. We did this on a five year range where from now on if that happens we can use a thirty year amortization.

Commissioner Boyer made a motion that the Board directs staff to start negotiating the start/stop on Chapter 175. Commissioner Cannon seconded the motion. Commissioner Boyer asked if we could include a completion date and have it negotiated separately so we can budget for it and know we can afford it. Commissioner Boyer added to his motion that he would encourage completion of this by preparation of the 2008/2009 budget. Commissioner Cannon seconded the addition to the original motion and the original motion with the addition passed unanimously.

#### C. 951 Property Update

Pott advised the Board that he put a picture of Sable Palm on page 51 of the packet and pointed out that we are trying to obtain a 30 foot easement wherein we could get out of our property and out to 951. Pott and Commissioner Boyer met with the owner and the owner said he would like to trade another piece of property east of our property. Pott said they are still meeting and he will keep the Board apprised.

Commissioner Boyer asked if we could start procedures of eminent domain on that 30 foot right of way and then if he ends up trading these two parcels then we wouldn't have to finish up eminent domain. Pott said it is up to the Board as to how they want to proceed. Commissioner Davis said she agrees with Commissioner Boyer. Commissioner Cannon said to keep working but also keep thinking about that 30 foot eminent domain and to come back next month with the procedures to start that process.

D. Criteria for Chief's Position

Commissioner Cannon gave the Board a list of the criteria for the chief's position that was established at the Board's December meeting. He read the criteria to the Board and audience. It was determined the candidates must live in the East Naples District or in a mutual aid district touching our district. Commissioner Cannon said the majority of the Board would like to stay in-house, if at all possible. He asked who we have in-house that would meet this criteria.

Commissioner Davis said due to dedication, loyalty, endless hours of service, and commitment to our district over the years she would like to see Assistant Chief Potteiger fill the position of chief for East Naples Fire Department. Commissioner Cannon asked if Assistant Chief Potteiger would be interested in this position and Pott said he appreciates the vote of confidence, but as everyone knows, he is getting old. He said right now he is in the Drop Program and has about two and a half years left. He said he thinks he would be more valuable to the District if he showed the new chief the ropes. He said he appreciates the vote.

Commissioner Gibbons said Doug Dyer works in finance, he works in training, has a good knowledge of the department in just about every facet, and made a motion that the Board ask Doug Dyer if he would accept the position of chief.

Commissioner Boyer asked if this meeting was to put the word out that we are looking or for the Board to make motions for appointment. Commissioner Cannon asked if Doug would meet the criteria the Board has established and it was determined he would. Commissioner Cannon asked if there was anyone else in-house that meets the criteria. He said he was reading a letter from Captain Liford showing his interest in the position and asked if he met the criteria. Captain Liford said he would work for them. Commissioner Cannon asked Doug about the military and Doug advised that he has reached a point of a very successful stage in two careers with the army reserve as well as with the fire department and at this point in time these two careers are taking on separate paths. Doug said he can no longer fulfill the requirements of both of those positions so he said it is his intent, if the Board selects him as the next fire chief for East Naples, to immediately put in his request for transfer to

the retired reserves for the army. Commissioner Cannon asked what the retired reserves means and what are the chances of their telling Doug no way. Doug said his chances of getting called out while in the retired reserves is zero and the chance of their accepting his retirement papers is pretty high but he must put in for it very soon.

Commissioner Davis said Chief Dyer has shown a lot of dedication to the department and feels he would make a very progressive chief for East Naples. She said she feels if all the districts do consolidate he would be a very good player in that. Commissioner Miller said she feels Doug is a very forward thinker and could do a lot of great things for this District so she supports him for the position as chief. Commissioner Boyer asked if we are going to see resumes from the candidates in reference from the eight lines that Commissioner Cannon has filled out and to try and address them in order, if possible. He also requested to add another question as number nine to the list and have it ask the two candidates for their five year goal. Commissioner Cannon said he would not make it criteria but the Board could suggest that they write a short essay on their long and short range plans for East Naples Fire.

Commissioner Davis asked if the Board was going to vote at this meeting and Commissioner Cannon said that would be difficult but we could call a special meeting to get this done as soon as possible. The Board agreed to have a special meeting on May 27, 2008 at 5:30 P. M.

E. Replacement of 175 Trustee

Commissioner Cannon asked if we have heard from any residents of East Naples that would be interested in this position. He said he does not believe the Collier Citizen ran an article. The Board decided to have a legal notice put in the Naples Daily News and see if Collier Citizen will also run an ad.

F. Mutual Aid Agreement

Chief Schank said this is an agreement the chiefs and everyone else have agreed upon and we just need the Board's approval. He said this is for mutual aid only, not automatic aid.

Commissioner Boyer asked how we would address the issue of Marco Island in here as he has a problem agreeing to this with the Marco Island issue that they don't man their department and depend upon the rest of the districts to provide their manpower and equipment. He asked why we are paying for Marco Island. He said he does not want to deny them mutual aid when there is a working fire, etc.

Commissioner Cannon asked that we keep track, over the next three to six months how many runs we make to Marco. He said one question he has on this agreement is that they talk about ten fire departments, which one is the county fire department and Chief Schank said they are the tenth fire department. Commissioner Cannon asked what assets or equipment they have to help us and Chief Schank said he hasn't a clue. He said they give us the manpower of the swap as the swap has firefighters in it. He said he feels this could be challenged.

Commissioner Davis made a motion to approve the Mutual Aid Agreement as written on pages 52 through 59 of the packet. Commissioner Gibbons seconded the motion and the motion passed 4 to 1 with Commissioner Boyer opposing.

G. L-21

Deputy Chief Bogert advised he was tasked last month by Commissioner Cannon to look at the feasibility of Ladder 21. He said he feels we need to declare it surplus and put it out for bids, selling it as is with the minimum bid of \$20,000.00.

Commissioner Boyer made a motion to accept the report by Eugene, Chief of Operations, and declare L-21 surplus and put it out for bid. Commissioner Cannon said what Commissioner Boyer is doing is to declare Ladder 21 surplus equipment and putting it out for bid for a minimum bid of \$20,000.00. Commissioner Boyer said that is correct. All of our equipment would be taken off the truck and it will be sold as a bare truck. Commissioner Cannon said he seconds that motion. Commissioner Davis said she would like to see the money from the sale of Ladder 21 go into purchasing GPS mapping systems for the trucks, get computers in all the trucks. Commissioner Cannon said we are getting away from the motion on the floor and if Commissioner Davis wants to put that in the form of a motion if the present

motion passes that is fine. Commissioner Cannon said we have talked long and hard about a ladder truck of our own and he believes in the independent status of East Naples Fire Department and nothing bugs him more than when we get a commercial fire alarm and have to call Tower 72 or Tower 42 or whatever. He said for budgetary reasons we put the tower off but we need to keep addressing that year after year until we get our own tower so we can make ourselves dependent on ourselves. The motion on the floor passed unanimously.

Commissioner Davis made a motion to take the funds from the sale of Ladder 21 to purchase the computers and mapping systems for all the engines we have now. Commissioner Boyer said he would like to second that but he believes we have \$4,000.00 for computers in the budget. Commissioner Boyer said due to the fact this is budgeted for he feels we should put the funds from the sale of L-21 in the general account and make sure we will have those funds for the computers and make sure that money is earmarked for that. Commissioner Cannon asked if a motion is required seeing this is already a budgeted item and Commissioner Davis withdrew her motion.

H. Board of Fire Commissioners  
(Topics initiated by the Board)

Commissioner Cannon asked about the East 41 property and he was advised the property has been cleaned up. Commissioner Boyer said he negotiated a last minute expense addendum to the closing fee wherein the owner paid \$2,000.00 and the sales person paid \$2,000.00 to East Naples Fire for cleanup. The actual cleanup will cost us about \$1,600.00/\$1,700.00.

III. NEW BUSINESS

A. Aflac Policy

E/A Friday explained that a couple of representatives from Aflac met with staff and explained their policy. The employees will receive a reduced rate if the Board will agree to before taxes payroll deductions. The employees pay the premiums and East Naples Fire District is not financially liable in any way.

Commissioner Boyer made a motion to go ahead with the Aflac insurance proposal and open the door of opportunity to other insurances and we would allow payroll deductions with one company when the employees decide which policy they want to go with. Commissioner Cannon seconded the motion and it passed unanimously.

B. Letter Regarding AED's from Jeff Page

Nick said it looks like the county wants us to do some of their work for them when we are doing inspections and he has a lot of questions and concerns with that. Commissioner Boyer said he would like to defer this to the Chiefs' Association Meeting. Commissioner Cannon said he would like to know what liability the districts would have if they inspected an AED and it didn't work.

C. Board of Fire Commissioners  
(Topics by the Board)

Commissioner Boyer said there is a meeting in Sarasota for Special Districts on the 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup>. He said he took the liberty on securing ENFD 5 rooms and if we need more we can get more. Commissioner Cannon said he would encourage any Board member who hasn't been to a Florida Association of Special Districts conference to attend.

Commissioner Boyer said the boys in Tallahassee denied passage of buy back of the retirement at 3%.

Commissioner Cannon said the first day of the Special Districts meeting is June 10<sup>th</sup> and that is the date of the Board Meeting. The Board agreed to change the date of the June meeting to June 17<sup>th</sup> or 18<sup>th</sup>, whichever one Commissioner Miller can make.

Commissioner Cannon said we have an invitation from North Naples Fire Training Center for their class 08-01 graduation on June 25<sup>th</sup> at 6 P. M. at the Philharmonic and all commissioners are invited to attend. If you want to attend R.S.V.P. to Barbara by June 2<sup>nd</sup>.

IV. ADJOURNMENT

Commissioner Boyer made a motion to adjourn and the meeting adjourned.

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Thomas G. Cannon

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Richard Gibbons

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Angela S. Davis

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Karen M. Miller

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Robert A. Boyer