

MINUTES  
EAST NAPLES BOARD OF FIRE COMMISSIONERS MEETING  
November 18, 2008

I. MEETING OPENED

Commissioner Cannon called the meeting to order at 5:33 P. M. Present were Commissioner Cannon, Commissioner Gibbons, Commissioner Davis, Commissioner Hughes, and Commissioner Boyer. Also present were Chief Schank, Chief Dyer, Assistant Chief Potteiger, Deputy Chief Bogert, Deputy Chief Biondo, Deputy Chief Teague, Director Bishop, Honorable Judge Mike Carr, Capt. China, Capt. Burkhardt, Capt. Hunt, Lt. Padilla, D/E Sims, D/E Lentovich, Mechanic Popiol, FF Palermo, Fire Code Officials Riley and Salvaggio, Gail Cannon, Leo Davis, Jeanne, Eszter Lentovich, and E/A Friday.

A. Pledge of Allegiance

Commissioner Cannon opened the meeting with the Pledge of Allegiance.

B. Commissioner Cannon welcomed Commissioner Robert L. Hughes back after winning the election.

Commissioner Cannon said on a sadder note that this is Chief Bob Schank's last Board Meeting.

Commissioner Cannon advised that today we have the Honorable Judge Mike Carr with us, he has known him for many years, and Judge Carr will be swearing in himself, Angie, and Bob Hughes. Judge Carr swore in Chairman of the Board Thomas G. Cannon, Commissioner Angela S. Davis, and Commissioner Robert L. Hughes.

C. Additions or Deletions to the Agenda

D/C Eugene Bogert as to have, under New Business agenda item "C. Executive Summary 2009-01 Wind Abatement System Station 21" deleted as we are waiting for the county regarding payment of their portion.

A/C Rob Potteiger requested we add, "Opening of Bids for 1998 Ford Taurus" under New Business. Commissioner

Cannon said this would be placed under item "C", New Business.

A/C Potteiger requested to have an item added regarding the discussion with the North Naples Board. Commissioner Cannon said this will be brought up under agenda item Old Business, item B. Consolidation – Joint Meeting.

D/C Eugene Bogert asked to have Capt. Domingo Chinaea added to Fire Operations right after his report to give a Hydrant Painting Report.

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

D. Approval of Minutes of October 14, 2008 Meeting

Commissioner Davis made a motion to approve the minutes of the October 14, 2008 meeting, Commissioner Gibbons seconded the motion, and it passed unanimously.

E. Treasurer's Report

Chief Doug Dyer said his report is as submitted. He said the audit was completed and according to the auditors this is the best audit we have had in the ten years they have been doing our audit. He gave congratulations to Chief Potteiger, Ms. Charlotte Johnson, Ms. Nicole Chesser, and everybody else who contributed to the successful audit. Commissioner Cannon advised that the auditor said this is the first time in many years that they came in and everything was balanced before they got here.

Commissioner Cannon advised we have received our first \$2008/2009 tax check today in the amount of \$992,000.00.

Commissioner Cannon advised the Board he has new signature cards that the Board all need to sign.

Commissioner Boyer said he had asked Chief Dyer to make some type of report regarding CD's which Chief Dyer said is not completed yet. Commissioner Boyer asked how often we check other financial institutions regarding CD rates and Commissioner Cannon advised we check every two years but

Orion Bank offers us the best rates. Commissioner Cannon advised Commissioner Boyer that the variety of rates stems from length of time we purchase the CD's. He said we can go anywhere from 90 days to 360 days and a lower rate will be paid on the 90 day CD versus the 360 day CD. Commissioner Boyer said he understands we are not charged a penalty for early withdrawal so he questioned why we don't purchase longer term CD's and withdraw them early. Commissioner Cannon said he does not like taking advantage of banks when they give us the courtesy of no penalty for early withdrawal.

Commissioner Boyer questioned the 175 Pension and Commissioner Cannon advised we will have a discussion later tonight at the Executive Session.

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

F. Awards and Recognition

Chief Dyer advised that Eric Lentovich was promoted to Driver/Engineer.

Chief Dyer said the next Service Award is for Five Years of Loyal Service and it is going to sound a little strange when you hear the name as we have known him around East Naples for at least fifteen to twenty years. As the Community Relations Officer Greg Speers has been with us for five years and he was presented with a Five Year Service Award.

Lieutenant Efrain Padilla was presented with a Ten Year Service Award.

Chairman of the Board, Thomas G. Cannon, and Chief Schank presented Assistant Chief Karl Robert Potteiger with his Twenty-five Year Service Award.

Chief Dyer advised that, on a much sadder note, Lieutenant Todd Nugent lost his brother last week due to a motorcycle accident. He said there is a viewing tonight at Fuller Funeral Home from 6 P. M. to 9 P. M. The funeral service will be tomorrow at 11 A. M. at Fuller's. He requested the meeting

be speeded along so the Commissioners and staff may attend and express their sympathy.

G. Reports

1. Fire Administration

a. Personnel

Chief Dyer reported that Nate Behrens and Eric Clere are still out on workman's comp and Steve Liford is still on light duty. He reported John Obst is on Leave of Absence without pay and is attempting to retire with a disability through FRS.

b. Other

Chief Dyer reported that next Steering Committee Meeting is on January 22<sup>nd</sup> at 6 P. M. at North Naples Station 45.

He reminded everyone that we have a meeting with North Naples on the 20<sup>th</sup> at 5:30 P. M. at Station 45.

Chief Dyer said he would like to congratulate Miss Friday in reference to the Truth in Reporting and Millage (TRIM) which is something we have to do every year with the Department of Revenue and we are 100% compliant with the State's requirements.

Chief Dyer said Greg has passed out the list of special events we have going on in the next couple of weeks.

He said we just completed the Dive Rescue II course that Chief Teague put together. He advised we had fourteen students from around the country, three of which were ours and we only had to pay for one of them, and this was a week long course on boat based operations and salvage operations. The list of people who donated the use of their boats and helped out is Captain Leal, Chief Bogert, Commissioner Davis

and retired Deputy Chief Leo Davis, Greg, Ben, Brenda, Nicole, the Parks and Recreation people, East Naples Dive Team members, the Golden Gate Fire Department, the Isle of Capri Fire Department, and Marco Island Fire Department. The prize winner for the most contribution to help pull this off goes to Captain Domingo China. Commissioner Davis said everyone had good things to say about East Naples and Keith Teague who they remember from 1984. She said she is very proud of them and it was a great training. Chief Teague said he would also like to give special thanks to Captain China as he is such a great example. He said when we ask for anything from Captain China he has it completed, done, and on the calendar immediately.

c. Public Comments

No comments were presented.

2. Administration: Assistant Chief

a. Shop (with fuel report)

Pott said his report is as submitted. He advised Commissioner Boyer that we did put an extra box on the report.

1. New Fuel License

Pott said we are very fortunate, thanks to some people including Ed Riley, that we do have a license for our diesel fuel wherein we can use red dye fuel and it saved us almost one dollar a gallon.

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

Fire Code Official, Ed Riley, said they did 947 reviews this last month which is up from the month before.

Ed said Commissioner Boyer had asked for a report on the total plan reviews for his

department through the county but the county has not provided him with the report to date. He said next month he will have the tabulations from the year of 2002 which will show everything they have done month by month.

Ed said they do the site plan reviews for the county and they are currently collecting the fees. He said that since he has been in his position he has not been able to obtain an accounting to show they have received that money. He said they get monthly accountings for their regular plan review that they provide from the county but cannot get anything that shows any monies that are paid to the Planning Department on their behalf or being sent to them and put into their account. He has asked for this multiple times but has not received that accounting. He said last year they should have received about \$58,000.00. He said he doesn't know that they are not getting it but he can't verify that they are getting it. He said he would like permission to request, in writing, that they provide him with an accounting of the funds or request that they be paid directly instead of going through Planning. Ed advised that the county's Transportation Department requires a separate check and will not allow Planning to collect it for them. They started this about eight months to a year ago.

Commissioner Boyer asked if they go through an audit and wouldn't they find this. Ed said they don't go through an in depth audit.

Pott said he and Ed discussed this and Ed is going to send them a letter giving them another chance and if that doesn't work we will come back to the Board and get permission to bill them ourselves.

Ed advised that he was appointed to the Fire Code Advisory Council, State level, and at the first meeting was made Chairman.

Chief Dyer said he missed the Chiefs' Association meeting and now he is the Vice President.

c. GRIT

No report was presented.

d. Other

Pott said there was nothing at this time.

3. Fire Prevention: Deputy Chief

Deputy Chief Biondo said his report is as submitted. He said on pages 45 through 47 he has listed up and coming site plans, some on-going site plans.

Nick said they are in the middle of the Toy Drive and it is going to be at the same location as last year, Eagle Creek next to Staples. He advised the sign up is on December 6 and the give away is the 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup>.

Commissioner Cannon said Swamp Buggy is having their annual Christmas Party and everyone who comes is to bring a gift. He said he won't be at that party so we should have a representative from East Naples attend. This is on December 6<sup>th</sup>.

4. Support Services Report: Director

Director Tara Bishop said her report is as submitted. She said October, for her division, can be summed up as a learning curve with new people working on the audit as our past Financial Officer is gone, a new Administrative Assistant, and a new Benefits Coordinator.

Pott said Tara worked a lot with the girls on the audit to get things on time and said he appreciates that.

5. Training Report: Deputy Chief

Deputy Chief Keith Teague said his report is as submitted. Keith reported they are in the middle of doing hose testing and pump testing.

He said on December 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> they are having the required sexual harassment and diversity training. He said we are hosting a drill of the county complex, high rise training, wherein we have instructors there. December 1<sup>st</sup> will be for the instructors and December 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> for the other people in the county to come through. This will be to work out all the kinks and then reschedule it for the first quarter of next year.

Keith said we are right in the middle of Best Engine Company. He said this is the first year we are doing a Best Engine with Golden Gate Fire as last year they loved what we did and asked if they could participate and attempt to take the trophy from us. We are going to have one demonstration unit from North Naples this year and if they like what they see we will probably be going county wide. Each department, if they win, will have to purchase their own helmet. We will not be purchasing their trophies.

6. Fire Operations: Deputy Chief

Deputy Chief Eugene Bogert said his report is as submitted and Domingo has a Hydrant Report.

Captain Domingo China said in 2007 we went out for bids for Hydrant Maintenance per direction of the Board and TAT Painting won the bid with a bid of \$42,550.00 for the painting of 3700 hydrants. Their actual cost was \$33,175.00 for 3196 hydrants as the others were new or did not need painting. This was \$9,375.00 below their estimated cost.

The hydrant markers and epoxy from Hy-Viz Inc. ran \$7,109.75; the paint from Sherwin Williams was \$4,481.81 for a grand total of \$44,766.56. Wayson Inc. continues to provide a top of the line service to the District and expenses for repairs from October, 2007

to September, 2008 were \$31,703.17. Pott said Domingo is doing a great job.

Keith advised we had a cardiac arrest in a restaurant and he wants to send out kudos to Manny Morales, FF Santana, and FF Boutilier who were first at the scene, Engine 21. They used the monitor and the guy was in full cardiac arrest, the defibrulated and brought him back and it looks like it is going to be a save. Then EMS arrived, but our guys did a great job in bringing him back. This reinforces what we do in running ALS.

## II. OLD BUSINESS

### A. On-Going

No topics were presented.

### B. Consolidation – Joint Meeting

Commissioner Cannon said the joint meeting with North Naples is scheduled for Thursday. Commissioner Boyer said he will be out of town.

Pott said he and Doug spoke with Laura Donaldson on seeing if we can get the retirement statute changed from the 2% to 3% and Laura advised that somebody is going to be bringing that bill up so her lobbying fee will be about \$5,000.00 and he was wondering if this could be brought up at the joint meeting to see if North Naples would contribute to the cost. The Board agreed to this.

Commissioner Cannon said we asked for this meeting because North Naples was going to introduce a bill in the Delegation Hearing in December regarding a county wide fire department. They did that on their own without any input from any other districts, it is more of an opt in program, and he has heard that they have pulled that bill. Chief Dyer said Chief Brown told him Friday night that they have pulled that bill. Commissioner Cannon said there are many things they can discuss. He said the consolidation report is one as it seems like the county is desperately trying to control this consolidation study. He said there was a request for legal services that Dan Summers wrote to the county attorney asking him to draw up some paperwork, an Interlocal

Agreement between the county, the independent fire districts, dependent fire districts, and city fire departments, and all through this language it was that the county controlled everything. The consultant would answer to Dan Summers and any questions would go to Dan Summers. He said after he received the request for legal services he forwarded it to a county commissioner so they would know what is going on and she was quite surprised at the wording in this. Commissioner Cannon said we can't allow the county to control this. He also had them put the ALS Program on the agenda, and preferably Dr. Tober, and he is trying to get 175 Pension on there too.

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

Commissioner Boyer asked, in relation to the Doctor Tober issue and County Commission issue, if we have a working contract with them and would they be in violation of that. Commissioner Cannon said they are in violation of the Interlocal Agreement. He said a couple of county commissioners were not aware that there is an Interlocal and one county commissioner was going to recommend that they do not train the fire districts until he found out that there is an Interlocal Agreement signed by both parties that they would train. He is going to review the Interlocal for his knowledge. Commissioner Cannon said the county did ask for a workshop on December 8<sup>th</sup> with one chief officer and one commissioner and this is open to the public.

Commissioner Boyer asked if this is the time to have a lawyer go in and represent us with fact finding to go with a counter suit and Commissioner Cannon said there seems to be a lot more to the story. He said it seems that one department has gone up to the state level and talked to the State Medical Director and the State EMS Chief. Chief Dyer said they were reluctant to get involved in local politics but did offer to come and help facilitate communications between EMS, Dr. Tober especially, and the fire districts. They also are willing to come down and attend the December 8<sup>th</sup> meeting. They were going to schedule a separate meeting with EMS. Chief Dyer said they do not have any legal cohesive power as long as Dr. Tober is not violating any laws.

Commissioner Cannon said December 8<sup>th</sup> is our opportunity to show that they are not doing what is on the Interlocal Agreement and if we need to get an attorney, we will get one.

Commissioner Cannon said we should check the cost of our own license and our own medical director. He said he would like to bring this up with North Naples as they have talked about this also.

### III. NEW BUSINESS

#### A. Survey for Lake Park Property – Chief Potteiger

Pott said the survey is being done and when it is completed we will get the engineer's study.

#### B. New Fire Engine – Chief Potteiger

Pott said Engine 24, which is at the Grey Oaks Station, is 12 years old and has over 180,000 miles on it and we just had to spend another \$10,000.00 on it for another in-frame motor and today the shop is replacing the springs on it again. This was specked for two man engines and now with three man engines they are so cramped that they can't even get an air mask on without getting out and putting it on.

Pott said if we act now we can save a few dollars as NFPA is coming out with another change and Ferrara is increasing 5%. Ferrara is still on the State Contract and we have had good luck with Ferrara. Pott said, if we go with the new engine, he recommends we sell Engine 24 as he feels we would get more for it that way than as a trade in. He said he would also like to sell the Hurricane that is in the first bay. Pott said he spoke with the Training Captain and they were going to use it for training but because it is so old and not adequate for the latest equipment they won't use it.

Pott said we received three quotes and Brad Myers, the leasing company, is still the cheapest. He said we really wouldn't have to purchase equipment for the new engine because of the fact it would come off of the engine we will be getting rid of. He said he would like to put Engine 21, which is the oldest engine, at Station 24 and put the newest engine at Station 21 as they run a lot of calls. This would be exactly like Engine 23 which the guys love.

Pott said if we purchase it before the new year it would cost \$499,099.00 and that is good until the 19<sup>th</sup> of November. If we wait until after December the price will increase because of the new NFPA standards and if we wait until January we will have to spend the extra for the NFPA Standards plus Ferrara is going to be raising theirs 5%.

Commissioner Davis asked if this was a budgeted item under Impact Fees and Pott said this would not be Impact Fees as it is a replacement item and it is not budgeted. Commissioner Cannon said the first payment would not be due until the next budget year.

Commissioner Boyer said due to all the financial problems in this country and 175 he is against purchasing this engine.

Commissioner Davis made a motion we move forward on purchasing this engine for the department as we are in dire need and need fire apparatus that works. The first payment is not due until our next fiscal year which is December 1, 2009 and get it ordered before it is \$25,000.00 more. Pott asked if this would be for the \$499,099.00 and Commissioner Davis said yes. Commissioner Hughes seconded the motion and it passed 4 to 1 with Commissioner Boyer opposing. Pott said the engine will be safety yellow.

C. Opening of Bids on 1998 Ford Taurus

Pott said we put the "Turtle" up for bid and we received two bids. The Board opened the sealed bids and Commissioner Cannon said the first bid if for \$587.00 from Assistant Chief Potteiger and the second bid read, "I, Efrain Padilla, bid \$500.00 to \$700.00 for the East Naples Turtle". Pott said he will give his bid up for \$600.00 and sell it to Efrain. Commissioner Cannon said to give this back to staff and see if Efrain will go \$600.00 and if not then it would go to the Assistant Chief for \$587.00. Commissioner Boyer seconded the motion and it passed unanimously.

D. Chapter 175

Pott said he was voted in by the people on the Pension Board to take the fifth slot. He said the new administrator has done everything the Board needs to do and after the Board action is taken to okay his placement she needs another motion just to confirm. Pott said when they appointed the trustees they never put in the record their time span.

Commissioner Davis made a motion to approve the appointment of Assistant Chief Rob Potteiger as the fifth trustee of the Firefighters' Pension Plan for a two year term from October 1, 2008 to September 30, 2010. Commissioner Hughes seconded the motion. Commissioner Cannon said we have a motion and a second appointing Assistant Chief Potteiger for a two year term as the fifth trustee and asked for any discussion. No discussion was brought forward and the motion passed unanimously.

Commissioner Davis made a motion to confirm that both district residence trustees, Betty Hughes and Victoria DiNardo, have been appointed for two year terms for East Naples Fire District's Firefighters' Pension Plan and their terms commence from October 1, 2008 to September 30, 2010. Commissioner Hughes seconded the motion. Commissioner Cannon said we have a motion and a second to confirm the appointment of the two resident trustees, Betty Hughes and Victoria DiNardo and asked for any discussion. No discussion was brought forward and the motion passed unanimously.

Commissioner Cannon asked if there was any other discussion on 175 and Chief Dyer said the union has agreed to initiate the Start/Stop on the same terms Chief Potteiger had proposed and this would result in a cost avoidance of \$659,000.00 per year based on our current actuarial study. So, we would not have to pay out \$659,000.00 each year and that money could be used for other things. He said we will be talking further on this at the Executive Session which is following this meeting. Pott said this would bring it to 22% and if things keep going the way they are, if we go on this track with the Start/Stop, after three more years when we get finished with the annuity it would go down considerably more than that.

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

Commissioner Gibbons said our next meeting will be on December 9, 2008 and that is the date of the Christmas Parade wherein we have a truck and a trailer participating. Every year we miss it as our meeting is on the same date and he asked to have the meeting changed to another date. He asked if it could be changed to December 16, 2008 and the Board agreed it would be okay to change the meeting to December 16, 2008.

IV. ADJOURNMENT

Commissioner Gibbons made a motion to adjourn the meeting which was seconded by Commissioner Davis. The motion passed unanimously 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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Robert L. Hughes

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Robert A. Boyer