

Spring Hill Fire Rescue and Emergency Medical Services District

Board of Fire Commissioners

Regular Business Meeting

April 14, 2010 – 9:00 a.m.

CALL TO ORDER

Chairperson Brosnan called the meeting to order at 9:00 a.m. on April 14, 2010 at Headquarters, 3445 Bob Hartung Court, Spring Hill, Florida.

Attendee Name	Title	Status
Amy Brosnan	Chairperson	Present
John Pasquale	First Vice Chairperson	Present
Robert Giammarco	Second Vice Chair & Sec/Treasurer	Present
Leo Jacobs	Commissioner	Present
Ben Edwards	Commissioner	Present
Michael Rampino	Fire Chief	Present
Andrew Salzman	Attorney	Present

INVOCATION: Pastor Jack Martin, Department Chaplain gave the invocation.

PLEDGE OF ALLEGIANCE: Chairperson Brosnan led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Giammarco asked to make an addition to the agenda: to Unfinished Business the "Bill for Cabinets at Station #4".

Commissioner Edwards asked to make an addition to the agenda: to New Business "Discussion on E-mails".

Motion

To accept the Agenda with the additions of New Business "Discussion on E-mails" and Unfinished Business "Station #4 Bills for Cabinets".

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Pasquale

SECONDER: Commissioner Giammarco

AYES: Chairperson Brosnan, Commissioner Jacobs, Commissioner Edwards

Chairperson Brosnan called for Citizens Comments and reminded the audience that meetings are to be conducted in a calm and civil manner and that they are not to make comments from their seats.

CITIZENS COMMENTS

The following citizens commented on various topics/issues during this portion of the meeting: Frank Byrne, Ian Norris, Pat Clements, Ken Fagan, Joe Holland, and Richard Russell.

BOARD/STAFF RESPONSES

Chief Rampino responded to comments made; in regards to financial transparency he explained that we are required by State Statute to competitively bid and that we competitively bid every purchase over \$1,000 and bring it before the Board. He explained the department's annual process for obtaining vendors for air conditioning, electricians and plumbers. In regards to the comment that Operation does a great job but Administration is failing, if Administration was actually doing things poorly it would reflect on the Operations as a whole. He stated that he had received public record requests from Mr. Norris, which he has copied to the Board. He has explained to him that some of the information would be easy to obtain and some would not and because of the nature of the information, once received, further explanation might be needed therefore he has asked Mr. Norris to pick it up personally. In regards to the complaint from Mr. Clements he is looking into that. As to the issue of insufficient parking, it is a problem and he has asked the employees to park behind the station on meeting days. In regards to the Chaplain Website, we still have not received word from the Attorney General as to whether or not it has any merit. And, he is glad Mr. Russell's son is doing better.

Commissioner Giammarco also responded to Citizen's Comments; in regards to the parking situation, he is glad Chief Rampino has asked the employees to park behind the station. In regards to the e-mailed public record request from Mr. Norris he (Commissioner Giammarco) had requested in December that the Actual to Budget Report be placed in our packets and on the website but this is not being done. He feels this is part of Mr. Norris questions regarding transparency along with the issue of the bid process. Bids are not being opened publicly during meetings, this is something that he (Commissioner Giammarco) has asked for in the past. In regards to the complaint regarding comments made during the meeting, they were uncalled for, we need to respect each other. He is glad Chairperson Brosnan has made a statement regarding comments from the audience. He does not think the comments made regarding the Chaplain were against the website but rather the individual. He was shocked at the comments made by the Chaplain and he would like to have the Chaplain reprimanded for that. He had asked Mr. Fagan to contact Chief Rampino to see if a meeting could be set up with the Chaplain to work something out but Chaplain Martin

refused. He will discuss the idea of the Meet and Greet when we get to that portion of the meeting. And, he is glad to hear that Mr. Russell's son is doing well.

Commissioner Edwards advised that the Fire Police have not received any notification yet from the Attorney General or our Attorney.

Commissioner Jacobs responded to the comments made back and forth this morning. He reminded the Board members of the role of Fire Commissioners. Only the Board can direct the Chief or the Attorney, not an individual Board member. Each Board member cannot get involved in everything that we do here, our bylaws prohibit this. The e-mails to the Chief need to stop, this could be handled with a visit to the Chief's office which is not a violation of the Sunshine law. He feels we have one of the best Fire Chiefs in the State, he and the staff are very competent and can carry out the budget. He gave his history with the Fire Service and knowledge of the bid process. He will continue to defend the Chief, Administration and our Attorney and will not stand to have them demeaned in public.

Motion

For the Board of Fire Commissioner to give a written reprimand to Chaplain Jack Martin for remarks made at the March 10, 2010 as well require a public apology for using the words "vendetta against God".

RESULT: Motion postponed to New Business as it was made out of order.

MOVER: Commissioner Giammarco

Attorney Salzman stated the meeting is still under Board and Staff Responses, if you want to bring this up it would appropriate under New Business.

Chairperson Brosnan received Consensus from the Board to add "Chaplain" to New Business.

Chairperson Brosnan assured Mr. Clements that his complaint had been received and that it would be handled. She reminded the audience to be quiet and not distract from business. She hopes the issue between Mr. Fagan and the Department Chaplain can be resolved and reminded that we are waiting for an opinion from the Attorney General and will have to wait on a decision regarding the website until then. She assured Mr. Norris that if the Board were doing something wrong in the bid process our Attorney would let us know.

Chief Rampino advised that he follows the Board adopted Policies and Procedures for Financial Purchases.

CONSENT AGENDA

1. Correspondence of Note
2. Approval of Disbursements for the month of March 2010

Motion

To accept the Consent Agenda.

RESULT: ADOPTED (4 to 1)

MOVER: Commissioner Edwards

SECONDER: Commissioner Pasquale

AYES: Chairperson Brosnan, Commissioner Jacobs

NAYS: Commissioner Giammarco

APPROVAL OF MINUTES

Motion

To accept the minutes of the Regular Business Meeting March 10, 2010.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Giammarco

SECONDER: Commissioner Pasquale

AYES: Chairperson Brosnan, Commissioner Jacobs, Commissioner Edwards

REPORT OF COUNSEL:

Resolution 2010-001 Standard for Excused Absences of Fire Commissioners

Attorney Salzman advised that he had prepared the Resolution and presented it to the Board. It was discussed at the last meeting and should either be adopted by the Board under Unfinished Business, if not they should advise him of what corrections they would ask him to make.

Commissioner Giammarco reviewed some concerns he had with the Resolution; the terms "household" and "immediate"; he feels they are the same and only one or the other should be used not both. The "fifty mile rule" should be removed and replaced with "Approval by Chair to attend a seminar". The statement regarding removal of Board member after three unexcused absences the term "will" should be "shall" because State Statute says "shall" be removed.

Attorney Salzman advised that this Resolution just adopts formally what the Board already has in their Bylaws. State Statute 191 requires this be done by a Resolution. "Household" obviously is defined by those people who live in your house "immediate family" is extended further and normally includes your parents, children, brothers and sisters. As a Resolution, this can be changed very easily with another Resolution. A Resolution is a statement of Policy by the existing Board, which can be changed at

any time. If you want to make changes, when this is brought up under Unfinished Business for a vote, the Board should move to adopt it with those changes. In regards to "shall" vs. "will", it is somewhat irrelevant here because it has to occur, but we can change that.

Chairperson Brosnan asked the Board about the recommendation to specify either "household" or "immediate family" rather than both.

Attorney Salzman advised If you must specify one, he would recommend removing "household" and changing it to "immediate family".

Commissioner Giammarco felt the Board should specify one.

Commissioner Pasquale agreed to leave the wording as it is.

Commissioner Jacobs agreed to leave the wording as it is.

Commissioner Edwards agreed to leave the wording as it is.

Chairperson Brosnan called for a motion.

Attorney Salzman stated a motion will need to be placed under Unfinished Business, we are still under Report of Attorney.

Commissioner Giammarco asked Attorney Salzman why we are changing the Agenda as we go along after it has already been approved?

Attorney Salzman stated it is at the purview of the Board to do so. It is inappropriate to vote on something under the Report of the Attorney, he is only recommending this to the Board, they can decide not to.

Volunteer Fire Police Organization

Attorney Salzman stated at the last meeting the Board made the following requests regarding the Fire Police: that the President of the Volunteer Fire Police be invited to this meeting. That the Chief meet and talk with them to put together an agreement. And, if the Department has a way of tracking donations made to that organization. He had presented the Board with a two-page memorandum regarding the Fire Police on February 3, 2010. He believes it is the Board's pleasure as to which way they want to handle this. Under Statute 191 the Fire Police can operate as a Volunteer Organization run by the Department (if both wish to do so) or they can be separate organizations and your responsibility for that would be up to you. From a standpoint of can it be part of the department; absolutely. Does it have to be; no. Can you request certain documentation; absolutely. What happens if you don't get it; that is up to you. You can have the President answer your questions or you can have a document drafted that deals with these issues, that is up to the Board.

Commissioner Giammarco asked if there is an existing agreement with the Fire Police?

Attorney Salzman stated no, none that he is aware of.

Chief Rampino stated he will discuss that issue under his report.

Attorney Salzman asked to correct any miscommunication regarding Commissioner Edwards; the Attorney General had advised that this issue was not appropriate under their purview and told him to file with the Commission of Ethics, which he has done, but he has heard nothing from them at this point.

REPORT OF CHIEF:

Waiver of Permitting Fee for Annual Hurricane Expo

Chief Rampino reported that after he had put the Agenda out he received a letter from the Sheriff's Office on behalf of Emergency Management requesting that we waive the Permitting Fee for their Annual Hurricane Expo, which will be held, in our jurisdiction at the St. Joan of Arc Church on May 1, 2010. The Hernando County Board of County Commissioners has waived their permitting fee for that event. He did forward that request to the Board via e-mail.

Commissioner Giammarco asked if this should be moved to New Business if it needs to be voted on by the Board?

Attorney Salzman stated yes.

Fire Police Organizational Chart

Chief Rampino explained to the Board that the Fire Police have their own Chain of Command which is similar to ours. The Captain of the Fire Police, who is the highest-ranking officer reports to the Assistant Chief of the Fire Department who then reports to the Fire Chief who reports to the Board of Fire Commissioners. We tell them what types of calls they can go to and when they go. As it relates to their Organization being part of this Fire Department, that is the way it has existed since 1968. The Agent of Record for that Organization has always been the Fire Chief of this District. He would like to leave it exactly as it is. If we were to disband and then in the future decide to expand the volunteer activities, to have to go through the process all over again with the Florida Department of Corporations would be lengthy. There has been a great working relationship between that Organization and the leadership of this Department and he does not want to disrupt that. It works well and they do a fine job.

Florida Department of Corporations

Chief Rampino explained that we have received the bill for the annual renewal of the charter for the Fire Police which we have historically paid for and it is approximately \$70.00. That is a minute amount of money to keep this Organization running.

Chief Rampino was also asked to sit down with the Fire Police to review their books and their checking account which he has done. It is all in order, if it were not, they would not be allowed to renew their charter with the State. They do not "Fund Raise". They are requested annually to come to Hernando Beach to direct traffic for a couple of days for a festival. They do not ask for any money for this, but that Organization makes a donation back to the Fire Police for that. The Fire Police use that money for little items such as t-shirts, hats and their annual awards banquet. He has no problem with anything he has seen with their statements.

Commissioner Giammarco asked if the Assistant Chief has control over the Fire Police? Who trains them? Who controls their membership? Do they do background investigations? Do they come through the District for background checks or is that handled through the Sheriff's Office?

Chief Rampino responded that Chief Davies meets with the Captain of the Fire Police if a problem or complaint arises. The Captain then takes it back to the Organization. They have gone to a couple schools for training and have been recognized for their excellence on a National Level for their ability to do their job. They have met with the Sherriff's Office for training on traffic control. The Fire Police control their own membership and there has never been a problem with that. They take the applications, they go through the applications and appoint members. They carry about ten members. Background investigations are done; it is a basic record search to see if there are any problems because we do cover them under our insurance and allow them to use our vehicles.

Commissioner Giammarco asked if there is an agreement with the Fire Police? What would stop another organization in our Community from wanting to be our Fire Police?

Attorney Salzman stated it would be up to the Department and the Sheriff's Office to say that is an ok organization. Under Statute 191 it allows for all sorts of organizations to fall under you purview. It would come down to a determination of a need.

Commissioner Giammarco stated this is where he sees a problem. Who is in control of the scene? We have a Commissioner who is a member of the Fire Police and this creates a conflict.

Chief Rampino advised the District Chief is in charge of the scene.

Attorney Salzman reminded Commissioner Giammarco that is why we are seeking an Ethics Opinion.

Chief Rampino continued to explain at length to Commissioner Giammarco the structure and Chain of Command of the Fire Police and the relationship with the Fire District. He does not feel there is any issue with Commissioner Edwards belonging to the Fire Police. Fire Police Captain Edwards has temporarily appointed Frank Bryne as the Captain in place of Commissioner Edwards until we receive the opinion for the Ethics Commission.

Attorney Salzman stated if Commissioner Edwards was acting contrary to the direction of the Chief in charge of the scene it would be brought before the Board as a violation. You would be requested to address it with him at a public meeting to decide if he had violated Bylaws or Policies and Procedures. If there was a member acting in a way they should not, the Board has the ability not to allow them to go to the scene anymore.

Chief Rampino stated Fire Commissioners come to the scene sometimes too and we have on occasion had to give direction to them but it has never been an issue.

Commissioner Giammarco asked if the Board could be given copies of the Policies and Procedures of the Fire Police as well as their financial reports.

Attorney Salzman stated a request could be made to the organization for those records.

Commissioner Edwards asked Frank Brynes, President and temporary Captain of the Fire Police to confirm the following; That the Fire Police do have Bylaws and that those Bylaws have been in existence since 1968 and that they do have Standard Operating Procedures. He then read from their Bylaws, Article 1. Name and Objectives and from their Standard Operating Procedures (copies attached). Both indicate that the Fire Police operate under the authority of the Fire District and its Officers on the scene of emergencies.

Frank Brynes, President and Captain of the Fire Police, explained the procedures of the Fire Police for on the scene of emergencies. In regards to their finances, it does not include tax dollars, whatever money they get is from the donation received from their assistance with the Swamp Fest.

Commissioner Jacobs asked if the Sherriff Office is involved with the Fire Police? He asked if there have been any complaints made against the Fire Police? He commended the Fire Police for the invaluable volunteer job which they perform for the citizens.

Chief Rampino stated the Sheriff has asked for the Fire Police for traffic control for calls outside our District under mutual aid. He has never had a problem with the Fire Police. He assured the Board and explaining at length the control the department does have with counseling or reprimanding those very few incidents that have or might have occurred with the Fire Police. He explained the job that they do for the District and reminded the Board that they do this for free with the exception of a very small stipend for mileage, they come out when it rains, when it is cold, they stay after we leave, etc. They are no maintenance to the District. He asked if it is the Board's desire to continue the Fire Police as it has always been.

Chairperson Brosnan asked if anyone has ever been turned down from becoming a Fire Police Member and what is the criteria for becoming a member?

Frank Brynes read from the application the questions that are asked. He advised that the applicant must be able to carry twenty pounds for two tenths of a mile. They must attend meetings. If there are medical issues or a medical law suit pending, they will be rejected from the position. They can live no more than one mile outside the Fire District and never have been convicted of a felony.

Chairperson Brosnan asked if the applications are kept on file and if they are public record.

Chief Rampino advised the applications are on file here with Human Resources and yes, they are public record.

Chairperson Brosnan asked if there is an appeal process if they are rejected.

Frank Brynes stated yes, and that has been done but the applicant was not successful.

Commissioner Giammarco asked Attorney Salzman or Chief Rampino if the Fire Police are required to be listed as 501-C3 since they accept donations.

Attorney Salzman stated he would have to check with the State to see what they would require.

Chief Rampino stated they are listed as a Not for Profit Volunteer Organization and he too would have to check on that.

Chairperson Brosnan stated the 501-C3 are usually designed for Non-Profit Organizations and only if they want their donations to be tax free.

Chairperson Brosnan polled the Board members asking if they want the Fire Police to remain the same.

Commissioner Pasquale stated he would like it to stay the same.
Commissioner Jacobs stated he would like it to stay the same.
Commissioner Edwards stated he would like it to stay the same.
Commissioner Giammarco stated he would like to see it changed.

Chairperson Brosnan advised the consensus of the Board is to leave the Fire Police the same. She asked Chief Rampino to be sure that their financial records are being checked with Finance.

Florida Association of Special Districts

Chief Rampino stated because of the economy the Florida Association of Special Districts has reduced its annual membership by fifty percent and therefore we will be at our max which is \$2,000.00. In June, we will be attending their annual conference and that is budgeted.

Chief Rampino asked since seating in the Board Room is an issue if the Board would want to consider putting the Chief and Attorney at the dais? This would open up another row of seating.

Chairperson Brosnan polled the Board asking they would like to consider this option.

Commissioner Pasquale stated yes.
Commissioner Jacobs stated yes.
Commissioner Giammarco stated yes for the Attorney but not the Chief as he is an employee.
Commissioner Edwards stated yes.

Chairperson Brosnan advised the consensus of the Board is to explore moving both the Chief and the Attorney to the dais.

House Bill Update

Chief Rampino stated that he had briefed the Board yesterday regarding some changes to our House Bill to correct our boundaries. On Friday afternoon Representative Schenck added an Amendment described as a "Scriveners Error" and added the language advising of the Board's inability to levy Tangible Personal Property Tax. Chief Rampino has contacted Attorney Terry Lewis asking how this "Scriveners Error" will effect the total Bill? If it is not proper, will it effect our boundaries as well or will these be two separate issues. This is to go before the Tax Counsel this morning and he will see what effect if any this Amendment had on our Bill to correct our boundaries.

Commissioner Jacobs asked Attorney Salzman about the Tangible Personal Property Tax, we are allowed to tax on the real property and we can not separate the two.

Attorney Salzman stated it will be interesting to see what legislature does with this, they could separate it out again or pass it with that condition and then the Board will have to decide what it is going to do.

Chief Rampino explained that his only question is regarding the correction to our boundaries; if this bill is denied because of the taxing issue, will we have to go back next year and address the boundary issue again?

Status Report on the Modular Unit and Air Conditioning at Station #3 & #4

Commissioner Giammarco asked Chief Rampino for a status report on the modular unit and the air conditioning units at Station #3 and Station #4.

Chairperson Brosnan asked if the Board wanted to discuss the issue.

Commissioner Pasquale suggested it be put on the agenda for the next meeting. Commissioner Jacobs felt it did not need to be addressed until we are ready to move the unit.

Commissioner Edwards agreed it should be added to the agenda for the next meeting.

Chairperson Brosnan stated consensus of the Board is to discuss the issue at the next Board meeting.

UNFINISHED BUSINESS

Station #2 Project

Chief Rampino advised the Board that he does not want to delay the Station #2 project any longer, it has been eight months or more since he presented the Design Build Project and he would like Board approval to begin the Station #2 project to avoid any further delay. He explained that he does not want to put money into the existing station for repairs unnecessarily unless we are not going to move forward with the new building. He reminded the Board that we had budgeted \$260,000 per year for this project and future projects. He reviewed the process for the Board; first, we will advertise that we are requesting proposals for a contractor for the building with a Design Build. He explained what "Design Build" is; once we find a suitable contractor, the contractor will assume all of the responsibilities for permitting and design features and legal issues making sure we are following state statutes and it gives us a guaranteed price. He also explained the difference with the process of obtaining an architect if we did not

go with a Design Build. Administration feels the best way to do the Station #2 Projects is with a Design Build.

Commissioner Giammarco asked if the Request for Proposals for the Design Build will include financing?

Chief Rampino stated no, we will do a separate Request for Proposals for financing. That is a separate process, which occurs after you select a contractor.

Commissioner Pasquale asked if we discontinuing the Station #5 Project?

Chief Rampino stated he was hoping to accomplish both projects at the same time because it would have been cost saving. Since he has not heard back from the Church regarding the property for Station #5, he does not want to delay the Station #2 project any longer and wants to move forward.

Commissioner Pasquale asked about Rescue #5, are they still running out of the library?

Chief Rampino advised yes, but they are not at the library very long because they have been busy. He explained the dispatch procedures for Rescue 5 and future upgrades planned at the Sheriff's office for that unit. Currently they have run approximately 100 calls and on over fifty percent of those calls they have been able to either cancel the ALS Rescue or the ALS Engine when they were not required. He reminded the Board that this unit will transition into an twenty-four hour, ALS unit. When these upgrades to the Computer Aided Dispatch take effect (which should be within a couple of weeks), they will have certain criteria that they respond to and a response card that takes them out of that zone.

Commissioner Pasquale asked exactly what we are going to do with Station #2.

Chief Rampino explained that currently we rent an office to house the Fire Inspectors and we have moved the Training Division back into this building. (Which is why the room is crowded) He explained the vision of the initial project, which is to include Administration in the new building giving the current headquarters building to the Board of Fire Commissioners and the Training and Inspection Divisions. He went into detail on the problems he ran into with other pieces of property and Internet Technology issues and how putting everything on the same property will make things more efficient with communications and geographic issues.

Commissioner Jacobs asked if NFPA has standards regarding fire stations for space and living conditions.

Chief Rampino stated yes, and that the current conditions at Station #2 are less than desirable.

Commissioner Pasquale asked about moving the trailer here, it would save us a lot of space. Have we scrubbed the idea of selling it?

Chief Rampino stated if we move it here it will cost fifteen to twenty thousand dollars to move it and then we will have to move it again once the Station #2 project is complete. He would prefer to move it only once to zone #5. He feels the current state of the economy dictates that we hold on to it for a while, but some day we will want to sell it. He is exploring additional options for property in zone #5 to put the trailer on which is why he obtaining prices to move it.

Chairperson Brosnan stated she has visited Station # 2 and the conditions are not good. She would like to ask the Board for consensus.

Chief Rampino stated he wants to make it clear that he is going to finalize the Design Build Package. The only thing he has changed is that he backed out everything that had to do with Station #5. As soon as it is reviewed and approved by Attorney Salzman he will advertise and start collecting information from builders. We should be able to open bids in less than 100 days. We will give the Board three bids for the final vote, if you are not happy with the price or design of the building you can say no. He assured the Board and the taxpayers that the District spends no money during this process.

Attorney Salzman confirmed that the Board can reject all bids.

Commissioner Giammarco asked if the old building will be torn completely down rather than refurbished?

Chief Rampino stated the building is so old that there is no cost savings to refurbish so yes, it will be torn completely down.

Chairperson Brosnan called for consensus to go ahead with Design Build process for Station #2.

Commissioner Pasquale stated yes.

Commissioner Jacobs stated yes.

Commissioner Giammarco stated yes.

Commissioner Edwards stated yes.

Request For Proposals for Medical Director

Chief Rampino stated he has presented the Board with Request for Proposals for Medical Director. The Board of County Commissioners approved this yesterday and today we are looking for approval from our Board. He explained the selection process; there are two representatives from Spring Hill Fire Rescue and two from Hernando County Fire Rescue and one from Brooksville Fire Rescue

who meet to get a consensus on who it should be. Once we do that it comes before you, if you approve then we negotiate the terms of the contract. Chief Rampino feels it is beneficial to share the same Medical Director, when we work under the same protocol as these other agencies it streamlines the process and makes it easier for our personnel to function. Ultimately, the Board of Fire Commissioner has the right to refuse and we can do this on our own.

Chairperson Brosnan asked if the Board has questions or comments, hearing none she called for a motion.

MOTION:

To allow Chief Rampino to utilize the Request for Proposals to obtain a Medical Director.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Giammarco

SECONDER: Commissioner Jacobs

AYES: Chairperson Brosnan, Commissioner Pasquale, Commissioner Edwards

Chairperson Brosnan called for Citizens comment prior to the vote; there were none.

Chief Rampino advised the Board that the Request for Proposals for Medical Director would be mailed out tomorrow.

Meet & Greet (Chairperson Brosnan)

Chairperson Brosnan asked Attorney Salzman if Meet and Greet functions are allowable under the Sunshine Law?

Attorney Salzman stated yes, as long as there is no discussion between two Commissioners of something that would be voted on at a subsequent meeting. The intention of the Sunshine Law is not to disallow you from being at these gatherings, just don't discuss business.

Chairperson Brosnan asked for consensus from the Board to hold a Meet and Greet and if agreed she suggested it be held May 8, 2010.

Commissioner Pasquale asked where it would be held?

Chief Rampino advised the Board that in the past we have held a Community Open House here on the property allowing the citizens to walk through the Station, look at the apparatus, and ask the crew questions. The Commissioners could be available here in the Board Room.

Commissioner Giammarco said it would be difficult not to violate the Sunshine Law with all five Commissioners present together. The people are going to want to talk about the issues. While it is a good idea, it could be a set up.

Commissioner Jacobs stated we can set the parameters disallowing the discussion of issues that will be voted on.

Attorney Salzman stated that is always a concern and he is conservative when he gives his Sunshine Law opinions. If the five of you are there and you are not talking amongst yourselves, it is not a problem. But, if someone comes up to you and says for example to Commissioner Giammarco "there is an issue coming before the Board and I talked with Commissioner Jacobs who says he going to vote yes, how are you going to vote?", then Attorney Salzman would advised Commissioner Giammarco not to say anything. The issue with the Sunshine Law is the appearance of impropriety that is what Commissioner Giammarco is concerned about. He gave further examples of what can and cannot be discussed between Commissioners. The Board can have conversations with each other and share information but they cannot talk discuss how they are going to vote on something.

Chairperson Brosnan asked if they should make an announcement at the beginning of the Meet and Greet to the Citizens advising them not to relay conversations they had with one commissioner to another.

Attorney Salzman stated these are potential protections but they are not absolutes. If a violation occurs, you have individual liability, if the Board votes on something that was in violation you must revote. From a Board perspective, it is not bad, from an individual perspective you could be in trouble.

Commissioner Pasquale said we can have a Meet and Greet, we will open the fire house as Chief Rampino suggested. We can mingle with the crowd and be pleasant and listen to their concerns.

Chairperson Brosnan called for consensus to proceed with the Meet and Greet.

Commissioner Edwards yes
Commissioner Giammarco no
Commissioner Pasquale yes
Commissioner Jacobs yes

Chairperson Brosnan advised the Meet and Greet will be held Saturday, May 8, 2010 from 9:00 a.m. – 12:00 p.m. She will write an editorial to run in the paper and ask if they will post the event in their announcements and event happenings.

Resolution 2010-001 Standard for Excused Absences of Fire Commissioners

Attorney Salzman read Resolution 2010-001 which had been previously discussed under his report. The Board had agreed to change the term "will" to "shall". If you decided to remove the term "household" he would suggest that they specify that change in the motion to accept the Resolution.

Motion

To accept Resolution 2010-001 Standard for Excused Absences of Fire Commissioners with the change to the term "will" to "shall" only.

RESULT: ADOPTED (4 to 1)

MOVER: Commissioner Edwards

SECONDER: Commissioner Pasquale

AYES: Chairperson Brosnan, Commissioner Jacobs

NAYS: Commissioner Giammarco

Chairperson Brosnan called for Citizens comment prior to the vote, there were none.

Bills for Cabinets at Station #4. (Commissioner Giammarco)

Commissioner Giammarco stated that he received a call from the owner of The Remodelers who did the work on the cabinets at Station #4. He advised that there was \$1,280.00 of work that the employees and Chief Davies wanted done but when the contractor submitted his change order it was not approved. At the last meeting in March he (Commissioner Giammarco) asked Chief Davies if there had been any change orders and Chief Davies said only one. The information that Chief Rampino sent to him (Commissioner Giammarco) yesterday did not include any change orders, but the information he received from the complainant does include these. He reviewed the original contact and went to Station #4 to take pictures of the work, the cabinets were to be almond but were upgraded to a premium cherry. He does not believe we should treat our businesses this way and that we should pay the man. When he made the motion in November, it was not to exceed \$7,000.00 so we are talking about \$199.00. He does not think it is fair for this Board or the District to give the appearance that we are trying to take something from someone. The man did the work, if a change order was not signed, why did the work continue?

Chief Rampino stated we signed a bid with the man for a specific price, the man that we hired to do this, subcontracted with someone else to build the cabinets and install them. During a conversation with one of the Firefighters at the station he (the subcontractor) mentioned "a cabinet over the refrigerators would look nice" the Firefighter's replied "yes it would". They in turn built the cabinets, installed them and then after the fact, without a signed change order, without knowledge of this Administration, attempted to bill us \$1,280.00 for that particular cabinet that we did not approve. Therefore, we did not pay him for that work.

Chief Rampino explained that he was not aware they were putting cabinets over the refrigerator, when he walked into the station one day they were done. The contractor may certainly come and take them back.

Motion

To pay the contractor the \$1,280.00 for the change to the cabinet.

MOVER: Commissioner Giammarco

SECONDER: Commissioner Pasquale (for discussion)

Commissioner Edwards asked on the change order, who's initials are "WD"? The purchase order says the price plus the kick plate.

Chief Rampino advised the initials are Assistant Chief William Davies and the kick plates are what he approved to be installed. That is the change order that Chief Davies approved to be installed and told the Board about when he was asked at the last meeting, he had advised yes, there was one that he had approved for \$75.00 for kick plates. We received the paperwork for \$1,280.00 that after the job was done. We signed the purchase order in November, but if you look at the date The Remodeler sent us their contract/invoice it is February 16, 2010. On that contract is where the \$1,280.00 for "extras" which no one here approved. Chief Rampino does not disagree that they were built and installed but no one from Administration approved it. Chief Rampino has spoke to Chief Davies who advised that at no time did he give anyone the approval to build \$1,280.00 worth of additional cabinets. The Remodeler has written in "verbal agreement three kick plates" but he can not find anywhere on the original bid where he has written a verbal agreement to add three additional cabinets for \$1,280.00. We did not pay this, if he had paid it outside of the original invoices, we would be having a different type of conversation. This is the Board's preference, but he does not want to get into a position of hiring contractors and if they do something outside the scope of what they were supposed to do that we end up paying the bill.

Commissioner Giammarco stated he did question the man about the "verbal agreement" written at the bottom of the bill, he said he did not write that, it is someone else's writing. If this was not approved, why did we allow the work to continue? He does not know any contractor who would put in cabinets without some question. As Commissioner Giammarco understands, when he sent in the change orders Administration has yet to send him back the signed change orders. He thinks it looks bad on our part as Commissioners to do this to a person who is not only a resident and taxpayer but his business is also in the District. We should not have allowed this to happen it is the same type of M.O. of that happened when we did Station #3; things were changed, change orders were not put in and we ended up incurring over \$25,000.00 worth of change orders. He does not want this to happen.

Chief Rampino asked Commissioner Giammarco if he is leading him to believe that he thinks Administration has does something here?

Commissioner Giammarco stated yes.

Chief Rampino stated he is going to take public offense to that. He has not received anything from this man on a change order. He believes this man came highly recommended by Commissioner Giammarco didn't he?

Commissioner Giammarco stated yes. he did and he does not appreciate businesses contacting him when he figures everything is ok, that is why he asks for progress reports.

Chief Rampino stated this is where this gets convoluted; if Administration is going to run this place, we are going to deal with the contractors.

Chairperson Brosnan asked Attorney Salzman if the problem is that Commissioner Giammarco handled this complaint, that he took the complaint and received information from a vendor?

Attorney Salzman stated the information should have been sent over to the Chief to deal with and then brought to the Board's attention if necessary.

Chairperson Brosnan asked if it is correct that Commissioner Giammarco is not the Board's spokesperson?

Attorney Salzman that is correct, no Commissioner can speak on behalf of the Board without the whole Board giving permission.

Chairperson Brosnan stated we now have Commissioner Giammarco trying to tell the Chief that he is trying to lie and defraud the Board. She would guess that is the word Chief is thinking right now.

Chief Rampino stated absolutely and this is not the first time.

Chairperson Brosnan stated she is aware. As a Board, obviously we now have a problem because Commissioner Giammarco thinks ill of the Fire Chief and does not believe he is able to run the Fire Department based calling him a liar.

Attorney Salzman stated the Board as a whole can decide how they are going to interact with Administration and whether or not there are violations of the Bylaws by any Commissioner. He would always tell people to refrain from calling each other or anyone a liar or a misrepresentation. These are defamatory comments that are actionable, but that is true of anybody, even people who speak at the podium. It is up to the Board to take guidance or action that they feel is appropriate in any situation. The one issue that he would point out is that both

Chief Rampino and he work for a majority of the Board, so whatever the majority of the Board tells us to do within legal limits, according to your Bylaws and Statute 191, is how we get our direction. Individual Commissioners can ask for information, in the past you have allowed that, but we are guided by the direction of the majority Board. If there is some issue that you want me to handle on behalf of you and he feels it is an action of the Board, then he comes before the Board to ask the majority for direction. You have allowed individual Commissioners to gather information and inquire about things in the past, it is up to the Board how they want to proceed.

The Board discussed at length the issue with the cabinets at Station #4, the interaction between the contractor and Commissioner Giammarco and the detail of the events that occurred between the contractor and administration, the roles and responsibilities of Fire Commissioners and their relationship with Administration.

Commissioner Jacobs stated the Bylaws say an individual Commissioner or even the Chairperson is not allowed to represent the Board without the Board agreeing to that. That is not Commissioner Giammarco's job and he has done this since he has been here.

Chief Rampino advised that he has asked Chief Davies to come into the meeting, if the Board reviews the paperwork they will find no place that he (Chief Rampino) has signed or approved anything. This was the Assistant Chief's project. Chief Rampino has asked Chief Davies if he ever gave a verbal approval to build an additional \$1,280 worth of cabinets. We would never do that without coming back before the Board. We are not going to approve an expenditure that is not listed on the purchase order or the bid. We have been called on the carpet for spending \$12.00 on parts for maintenance. He is not going to sign something for \$1,280 in excess of the contract bid or the scope of work that was supposed to be done? No one in this Administration did anything wrong as it pertains to this particular project.

Commissioner Pasquale stated he is appalled at what Commissioner Giammarco said to the Chief. This shows no respect whatsoever. If you give respect you will gain respect.

Commissioner Edwards looking at the paperwork said he feels the Board should pay what the purchase order price of \$5,900.19 and have the gentleman come back with a signed work order or saying who he talked to and then we will consider the additional cabinets of \$1,280.00.

Chief Rampino stated he has never talked with this man, he (the contractor) has never called me, he dealt with Chief Davies. Maybe if he would have called me and talked to me prior to the manner in which he handled it, maybe it could have been different, maybe it could have been put on the agenda advising what had

happened and that it was up to the Board to decide whether or not you wanted to pay that. The contractor has accepted our check, accepted payment, and then now we are here doing this. We denied the \$1,280 because we did not approve the work. If we had paid \$1,280 more than the contract that is when there would be an issue. The manner in which this was handled was completely and totally inappropriate and he is tired of being accused of doing things he has not done. "I am a lot of things but a liar is not one of them".

Commissioner Giammarco stated to Chief Rampino that if that is how he feels then he apologizes publicly. He is not specifically saying it was Chief Rampino. When he received the phone call from the contractor he immediately sent an email to Chief Rampino asking him about this and advising that he was going to put it on the agenda. If you feel that I am calling you a liar, I am not specifically calling you a liar, but the paperwork does not jive.

Chief Rampino stated he would agree but not on our end.

Commissioner Giammarco stated his question is, if the man calls him, he cannot stop it, it is the same thing as with the Meet & Greet, people are going to come to the Board members and they are going to bring problems to them. Why they did not contact anybody else, he can't answer for the man.

Chairperson Brosnan asked if he referred the contractor to the Chief?

Commissioner Giammarco stated yes, he referred him to the Chief. The problem is if you allowed this to happen and you continued why wasn't something done, This man did the work. Someone at that Station or even Chief Davies had to say yes to it. His point is, it looks bad on us, let's just pay the \$1,280.00.

Commissioner Jacobs stated they did what they were supposed to do. He is familiar with the bid process, if you do something outside that bid all your competitors say "wait a minute, this is a rigged bid because we didn't get told that and he did." So you have to throw them all out. If you pay that or let it go, you have to throw them all out and go back because all those other people who bid have a right to challenge it. And, if you have done something wrong you do have to go back and rebid it because you can not do that. You have to stick to the contract. This contractor did not. He thinks we need to drop this, the Chiefs and the Attorney have done their jobs.

Chief Rampino stated he would agree. We do not want to present ourselves to the community as we don't pay our bills. This administration did nothing wrong. If the gentleman would like to come in and sit down in his office and talk to him and he will have the Assistant Chief sit there too. If the contractor says that Chief Davies told him to build those cabinets then we will pay him at Board direction.

Chairperson Brosnan advised that we have an open motion on the floor from Commissioner Giammarco to have the contractor paid, seconded for discussion from Commissioner Pasquale. There are people with their lights on but she thinks it would be wise if we just move forward. She opened for public comment.

CITIZENS COMMENTS

The following citizens commented on the motion: Scott Edmisten, Allen Sheer, Ken Fagan and Joe Holland.

Commissioner Pasquale stated he was a contractor in New York, when he gave an estimate, if he underestimated the project and it came out more than the estimate then he would eat it. That is the contractor's problem not the subcontractor, he should have to pay.

Commissioner Giammarco stated for the record how he learned of the almond color for the cabinets. He looked throughout all the bids there were certain choice colors and anything else beyond the choice colors were a premium.

Commissioner Edwards stated he has not seen the cabinets, who is the person who accepted them?

Chief Rampino stated the District Chiefs sleep at that station.

Commissioner Edwards stated according to the specs it says that their wood specification is oak, cabinet style is supposed to be Allentown slab door, the finish is supposed to be a cherry stain and the hinges are supposed to be a knife hinge. He would suggest as the Chief did to have the gentleman come in and have Chief come back to us in thirty days.

Commissioner Jacobs stated this would not have been a problem had the Commissioner not personally gotten involved in the situation which he is not supposed to do. He explained a situation he had once that cost the company he had worked for \$100,000 because the bid process was not handled properly by that company.

Chairperson Brosnan called for a vote.

Motion

To pay the contractor the \$1,280.00 for the change to the cabinet.

RESULT: FAILED (1 to 4)

MOVER: Commissioner Giammarco

SECONDER: Commissioner Pasquale (for discussion)

AYES: Commissioner Giammarco

NAYS: Chairperson Brosnan, Commissioner Jacobs, Commissioner Pasquale, Commissioner Edwards

Motion

To allow the Contractor to talk with Chief Rampino for discussion of the bill to be brought back to the Board in thirty days.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Edwards

SECONDER: Commissioner Pasquale

AYES: Chairperson Brosnan, Commissioner Jacobs, Commissioner Giammarco

Chairperson Brosnan called for a five minute recess at 11:22 a.m. and then reconvened the meeting.

NEW BUSINESS

Resolution 2010-002 Fire Prevention

Attorney Salzman read Resolution 2010-002 by title.

Commissioner Giammarco asked if this will require any special forms?

Chief Rampino advised that anything that has to be filled out will be taken care of in-house.

Commissioner Giammarco stated on page four it states that the Fire Prevention Personnel may collect fines up to three days prior to the actual court date, is that the law?

Attorney Salzman stated the three days prior to court appearance is good, it allows for payment up to the last minute.

Commissioner Giammarco asked will they have to be bonded since they are collecting money.

Chief Rampino stated they would not need to be bonded to the best of his knowledge.

Commissioner Giammarco pointed out an error in the Resolution number and the effective date and on page four under "History".

Chief Rampino advised that is a typo and he will have that corrected.

Attorney Salzman advised that the Resolution will be effective today upon adoption.

Chairperson Brosnan asked Attorney Salzman if there will be two readings of the Resolution?

Attorney Salzman stated no.

Chairperson Brosnan called for a motion.

Motion

To accept Resolution 2010-002 Fire Prevention

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Giammarco

SECONDER: Commissioner Jacobs

AYES: Chairperson Brosnan, Commissioner Pasquale, Commissioner Edwards

Chairperson Brosnan called for Citizens comment prior to the vote, there were none.

Chairperson Brosnan thanked the Inspection Division for the great job they are doing, it is appreciated.

Discussion on E-mails (Commissioner Edwards)

Commissioner Edwards advised he is disturbed by the e-mails with all the questions. They give the appearance that our Chief is not capable of doing anything. They come from one Commissioner. He gave several examples of these questions (air conditioning repair, repair of the High Point vehicle, the Fire Police issue regarding himself, etc.). The Chief is competent, we have given him authorization to spend up to a set amount of dollars. The Chief is being bogged down with all these e-mails. This interferes with the running of the department and he thinks this Commissioner deserves to get a verbal reprimand as stated in our Bylaws. He can understand if you have a question and getting an answer that is fine, but to have sixteen or seventeen questions in an e-mail that should not have to be done, it is the Chief's responsibility to run the department and ours to make sure he is running it right and that is where we need to leave it.

Chairperson Brosnan asked Attorney Salzman if Commissioner Edwards' request for a verbal reprimand per our Bylaws for Commissioner Giammarco is this allowable and what is his opinion is.

Attorney Salzman stated your Bylaws allow you to take action against your fellow Commissioners. If you were so doing that he would have them put this on a normal agenda and allow it to be brought forward under New or Unfinished Business, it is not something you would do right now. Then, pursuant to the Bylaws we can direct you to what action if any, anybody is going to take.

Commissioner Jacobs asked for a Special Meeting to discuss the Bylaws and State Statue 191. This is a Board decision, it is not up to the public but they can attend and make comment if they want to, it is a public meeting.

Commissioner Pasquale asked Attorney Salzman if the Board can do that?

Attorney Salzman stated reviewed statute 191.

Commissioner Giammarco said to Attorney Salzman that his understanding of this is that anytime Chief Rampino informs us about something that goes on here, whether it be an air conditioner, moving the modular or whatever, as a Commissioner, he does not have a right now to send him an e-mail asking for updated information. This is what he is gathering from the Board.

Attorney Salzman stated he has not yet heard the Board take an action to say that.

Commissioner Giammarco stated that is the action they want to take. If they want to have a Special Meeting to criticize me and to write me up. Now I should call the Chief three to four times a day like other Commissioners do and bother him on the phone all the time not by e-mail. He has a right as a Commissioner, (that is why I was elected) to ask those questions. He is supposed to be a guardian of the taxpayer. He would like to know now if the Chief sends an e-mail to the Board do they want him not send him an e-mail and ask questions. That he has no authority to ask questions? This is the problem here, because we cannot debate anything, he can't bring up anything. He is not afraid to put anything in writing, because when it is in writing it is public information.

Attorney Salzman stated what you are asking for is the direction of the majority of the Board on how Commissioners are to act, you are not asking a legal question. You can have individuals asking questions or you as a Board can say the only thing we are going to do is have a majority of the Board ask for those questions. This is the Board's purview how you want to conduct your business as Commissioners. He was just checking Statute 191 to make sure there wasn't a problem with that. The question becomes, when does something become micromanagement and when it doesn't, that is a determination for the Board to make as a whole. What he said earlier is true, he and the Chief work for the majority of the Board, that gives them direction to do something as long as it is not illegal we do it. How you get individual information depends on how you do it. There are many different ways and he gave some examples; you can contact Administration directly, if you have something to ask have it put on the Agenda, if the Board wants to discuss it then they will discuss it, the Chairperson being the only person who puts things on the Agenda. It is up to the Board as a whole how you want to conduct your business.

Chairperson Brosnan stated that is what Commissioner Jacobs is asking, that we have a meeting to clear the air.

Commissioner Edwards stated he did not say he could not ask questions, but you do not need to ask ten questions when one will do. He agrees to have a meeting to get this worked out.

Commissioner Pasquale gave one example of these questions. The time the kid sprayed the sign at Station #3 there were about thirty emails; Commissioner Giammarco wanted an investigation a disciplinary thing, he wanted to know if the police were getting involved, he wanted them to make an investigation, for a spray spot that was wiped off in thirty seconds. The Chief sent five or six emails answering, it went on and on, we spent forty-five minutes to an hour on a spray can. It was absolutely ridiculous, it carries on, it goes on and on and on.

Commissioner Giammarco stated that on the recent e-mail that Commissioner Edwards brought up his questions were concerning several e-mails. What he will do now when the Chief sends an e-mail is to respond to each one individually.

Motion

To hold a special meeting

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Jacobs

SECONDER: Commissioner Edwards

Commissioner Giammarco stated he did not feel a meeting was necessary, if the Board does not want him to write or send e-mail to the Chief then fine he will start calling the Chief.

Chairperson Brosnan opened for public comment on the motion.

CITIZENS COMMENTS

The following citizens commented on the issue: Ken Fagan, George Biro, and Scott Edmisten.

Chairperson Brosnan called for a vote on the motion.

Motion

To hold a special meeting

RESULT: ADOPTED (4 to 1)

MOVER: Commissioner Jacobs

SECONDER: Commissioner Edwards

AYES: Chairperson Brosnan, Commissioner Pasquale

NAYS: Commissioner Giammarco

Chairperson Brosnan asked to set a date for the meeting.

Attorney Salzman advised that it is possible to hold the Special Meeting before or after the next Regular Meeting, it is just concentrating on one issue. For example today after this meeting ends we are going to have a collective bargaining session. He just wanted to point that out in case there is a date or time issue.

Chairperson Brosnan asked for consensus of the Board to hold the Special Meeting after the May 12, 2010 Regular Meeting.

Commissioner Pasquale stated he is having surgery but he will try to postpone it.

Chairperson Brosnan polled the remainder of the Board to see if they could attend.

Commissioner Edwards yes.
Commissioner Giammarco yes.
Commissioner Jacobs yes.

Chairperson Brosnan stated then we will hold the Special Meeting on May 12, 2010 after the Regular session.

Waiver of Permitting Fee for Annual Hurricane Expo

Motion

To waive the permit fees for the Sheriff's Hurricane Expo to be held on Saturday, May 1, 2010 at St. Joan of Arc Church.

MOVER: Commissioner Giammarco
SECONDER: Commissioner Edwards

Chairperson Brosnan asked Chief Rampino if we have to pay any money to file a permit with them?

Chief Rampino stated not for this particular event, for other types of business yes. This is a public safety function and we will send apparatus as we usually do. If this was a feast or fest he would not ask to waive the fee, this is a very good thing; it is just that this is the first time it has been in our jurisdiction.

Chairperson Brosnan opened for public comment, hearing none she called for a vote on the motion.

Motion

To waive the permit fees for the Sheriff's Hurricane Expo to be held on Saturday, May 1, 2010 at St. Joan of Arc Church.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Giammarco

SECONDER: Commissioner Edwards

AYES: Chairperson Brosnan, Commissioner Jacobs, Commissioner Pasquale

Chaplain (Commissioner Giammarco)

Motion

To issue a written reprimand to Chaplain Jack Martin and require him to give a public apology to Mr. Fagan for using the term "vendetta" and "vendetta against God".

RESULT: MOTION DIES DUE TO LACK OF A SECOND

MOVER: Commissioner Giammarco

SECONDER:

CLOSING COMMENTS

Commissioner Edwards stated he deals with prevention and hopes everyone remembered to change the batteries in their smoke detectors when time changed. He thanked everyone for coming out and for their comments. We are working on resolutions and he looks forward to working on the budget for the upcoming year.

Commissioner Giammarco stated he is sorry that after the break many people did not return, he thanked them for coming. A thanks to the Captain of the Fire Police and his assistant for coming to answer our questions on the Fire Police and that Organization.

Commissioner Pasquale thanked everyone for coming he hopes we can try to get along and stop belittling the Chief and the Department. If you have a question just ask it. It would be better for all us if we show respect to each other. You have to earn respect you don't just get it because of a position.

Commissioner Jacobs thanked everyone for attending. Our job is not just looking out for the taxpayer but for the department as well, we have both jobs to do, that is what we were elected for.

Chairperson Brosnan reminded everyone of the upcoming events: The Sheriff's Expo on May 1, 2010, please attend it is in our District and we would love to have all our taxpayers there. The Spring Hill Fire Rescue Meet and Greet on May 8, 2010 please come to get to know us. And, the Special Meeting on May 12, 2010

she is sure we will get everything resolved and we will move on peacefully. Don't forget taxes are due tomorrow.

ADJOURNMENT

Motion

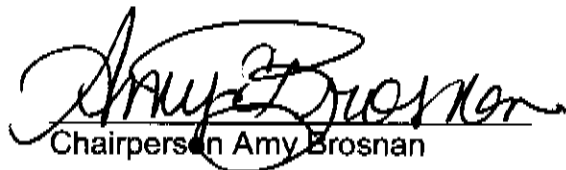
To adjourn the meeting of April 14, 2010 at 11:55 a.m.

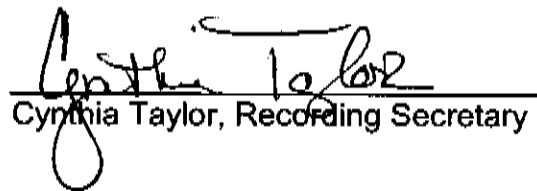
RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Pasquale

SECONDER: Commissioner Jacobs

AYES: Chairperson Brosnan, Commissioner Giammarco, Commissioner Edwards


Chairperson Amy Brosnan


Cynthia Taylor, Recording Secretary