

**Spring Hill Fire Rescue and Emergency Medical Services District**  
**Board of Fire Commissioners**  
**Regular Business Meeting Minutes**

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**October 13, 2010 – 9:00 AM**

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**CALL TO ORDER**

Chairperson Brosnan called the meeting to order at 9:00 AM on October 13, 2010 at SHFRD Headquarters, 3445 Bob Hartung Court, Spring Hill, Florida.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
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.

**PLEDGE OF ALLEGIANCE:** Chairperson Brosnan.

**SPECIAL RECOGNITION**

Chairperson Brosnan and Chief Rampino presided over the promotion of Training Officer James Zabetka to the rank of Captain.

**APPROVAL OF AGENDA**

Commissioner Giammarco asked to add “information regarding fixed assets” under Chief’s Report, and questions regarding a bill under Consent Agenda.

**Motion**

To accept the Agenda as amended.

**RESULT: PASSED (UNANIMOUS)**

**MOVER: Commissioner Jacobs**

**SECONDER: Commissioner Pasquale**

**AYES: Chairperson Brosnan, Commissioner Pasquale, Commissioner Edwards, Commissioner Jacobs, Commissioner Giammarco**

## **CITIZENS' COMMENTS**

Chairperson Brosnan opened the floor to the citizens.

The following citizens spoke during this portion of the meeting: Ian Norris regarding Commissioner Edwards's ethics dispute not being resolved as previously reported and his hearing being held in Tallahassee on October 22; Harry Chamberlain regarding Commissioner Jacobs's comments of "having friends in high places" and his ethics complaint having been dismissed giving the appearance of impropriety; Brian Keenan regarding having been accosted by Commissioner Jacobs after speaking out against the budget following the 9/8/2010 BoFC Regular Meeting; Ken Fagan regarding Commissioner Jacobs's misbehavior during and after the 9/8/2010 meeting and called for him to be sanctioned - also asked the Board to reconsider building Station 2 and challenged the Board with lack of oversight of the budget, union negotiations and policies; Sherry Adler regarding Commissioner Jacobs's misbehavior during and after the 9/8/2010 meeting and called for an apology from the Chairperson; Vincent Segreto refuting citizens' comments regarding the millage rate increase raising property taxes and SHFRD Firefighters earning more money than NYFD Firefighters; Anne Krause-Keenan rebutting Mr. Segreto's comments regarding SHFRD Firefighters earning more in their first five years than do NYFD Firefighters and submitted spreadsheet with evidence; Michael Gennusa stressed that in the long-term NYFD Firefighters make more money and have better benefits than SHFRD Firefighters and that SHFRD Firefighters are also Paramedics whereas New York has a separate EMS division – also stressed that on-duty personnel grocery shop using the SHFRD vehicles in order to reduce response time.

### **Board/Staff Responses**

**Chief Rampino:** Any information regarding the pending ethics complaints was received from the Commissioners involved. Certified mail has now been received regarding the actual status of the complaints. Chief Rampino agreed that there are variations between the SHFRD and NYFD payment and benefits packages based on an assortment of variables. Chief Rampino advised that the SHFRD SOP was actually overseen by the Board and its attorney and was passed unanimously by the Board.

**Attorney Salzman:** No comments.

**Commissioner Giammarco:** Commissioner Giammarco gave the opinion that the SOP is too involved to discuss and approve in one meeting. Commissioner Giammarco confirmed that Chief Rampino received a call from Commissioner Edwards regarding the ethics charges having been dismissed and reaffirmed that they have not. Commissioner Jacobs's behavior in the 9/8/2010 meeting was deplorable and he did confront citizens and Board members calling them "idiots." Commissioner Giammarco called for some sort of censure regarding Commissioner Jacobs's actions during and after the 9/8/2010 meeting.

**Chief Rampino:** Chief Rampino reiterated that the Board had two separate opportunities to make changes to the SOP and both times it was passed unanimously. Chief Rampino also reminded everyone that he had informed the Board that the new SOP was virtually a total rewrite of the previous document. Chief Rampino affirmed for Commissioner Giammarco that the job descriptions on the dais pertain to a pending employee grievance and the newly established Driver/Engineer position.

**Commissioner Giammarco:** Commissioner Giammarco called for a review of the SOP when the new Board convenes in November.

**Chairperson Brosnan:** Chairperson Brosnan confirmed with Attorney Salzman that Board members are not allowed to sit in on contract negotiations with the Firefighters' Union but are responsible to direct the Chief's actions and eventually ratify the final agreement.

**Commissioner Pasquale:** Called for everyone to act professionally and courteously. Commissioner Pasquale refuted claims that SHFRD is not taking care of the occupants of the home struck by Engine 1 and asked that citizens look to more credible sources for information about the District. Commissioner Pasquale also pledged his support for Chief Rampino.

**Commissioner Edwards:** Addressed his ethics complaint, confirming that his final hearing is on October 22 to evaluate the results of the investigation. Mr. Hadley, the advocate for the Florida Ethics Commission has already written that there is no probable cause to believe that Commissioner Edwards was in violation by serving as a Fire Commissioner while a member of the Fire Police. Commissioner Edwards asked for an apology from the gentlemen who made the complaint and from Commissioner Giammarco.

**Commissioner Giammarco:** Disputed that the owners of the home struck by Engine 1 were promptly taken care of by asserting that he was the person who called for the Building Inspector to inspect the property five days after the incident.

**Commissioner Jacobs:** Asserted that all fire departments use official apparatus when shopping while on duty. Commissioner Jacobs also confirmed that there is a distinction between our Fire Rescue and EMS Service and a traditional fire department. Commissioner Jacobs stated that he has a right as a citizen to say what he pleases outside of the chambers.

Chairperson Brosnan called for a five-minute break.

Chairperson Brosnan reconvened the meeting.

**Chairperson Brosnan:** Apologized for the actions during the 9/8/2010 meeting.

## **CONSENT AGENDA**

1. Approval of Disbursements for the month of September 2010
2. Budget vs. Actual – September 2010

### **Motion**

**To accept the Consent Agenda**

**RESULT: PASSED (4 to 1)**

**MOVER: Commissioner Pasquale**

**SECONDER: Commissioner Edwards**

**AYES: Chairperson Brosnan, Commissioner Pasquale, Commissioner Edwards, Commissioner Jacobs**

**NAYS: Commissioner Giammarco**

## **APPROVAL OF MINUTES**

**For the Regular Business Meeting of September 8, 2010, the Budget Hearing of September 8, 2010, and the Budget Hearing of September 22, 2010.**

### **Motion**

**To accept the minutes of the Regular Business Meeting of September 8, 2010, the Budget Hearing of September 8, 2010, and the Budget Hearing of September 22, 2010.**

**RESULT: PASSED (UNANIMOUS)**

**MOVER: Commissioner Giammarco**

**SECONDER: Commissioner Pasquale**

**AYES: Chairperson Brosnan, Commissioner Jacobs, Commissioner Giammarco, Commissioner Edwards, Commissioner Pasquale**

## **REPORT OF COUNSEL**

### **GRIEVANCE 2010-01**

Attorney Salzman advised that employee grievances move up the chain-of-command to the Board and beyond that to an arbitrator. The Board agreed to hear from the grievant. Attorney Salzman confirmed that the grievance is regarding the lowering of employee Cynthia Taylor in job title and pay rate. Ms. Taylor has been an SHFRD employee for over thirty years and is being reassigned as a Billing Clerk and subject to an \$8,742 pay cut.

IAFF Local 2794 President Scott Edmisten spoke for grievant, Cynthia Taylor. Mr. Edmisten gave the recent history of SHFRD reassignments which shows a past practice of maintaining pay rates for employees shifted into new positions.

Cynthia Taylor spoke on her own behalf stressing that all Union employees made sacrifices during recent budget negotiations which were to preclude any layoffs or pay cuts. Ms. Taylor confirmed for Chairperson Brosnan that she had not discussed this matter with any Board members.

Commissioner Pasquale confirmed that the current Billing Clerk, Helen Gennusa, would earn \$8,742 less than Ms. Taylor if there is no pay adjustment due to Ms. Taylor's reassignment.

Chief Rampino stated that he believed management was within its rights to reduce Ms. Taylor's pay per the current collective bargaining agreement. The original plan to freeze reassigned employees' pay rates until other currently employed persons "catch up" will not work in this instance. It is time to match Ms. Taylor's pay to her new job title.

Attorney Salzman stated that he is not concerned about the past practice argument because there is not substantial past practice to convince an arbitrator.

Commissioner Giammarco asked if we have explored using a billing collection service and Chief Rampino replied that we are much better off financially maintaining our current system.

Commissioner Pasquale asked if any other union employees will be able to grieve their salaries based on this outcome and Chief Rampino replied that it was possible.

**Motion**

**To vote in favor of the grievant, Cynthia Taylor.**

**RESULT: PASSED (3 to 2)**

**MOVER: Commissioner Giammarco**

**SECONDER: Commissioner Pasquale**

**AYES: Commissioner Edwards, Commissioner Giammarco, Commissioner Pasquale**

**NAYS: Chairperson Brosnan, Commissioner Jacobs**

Chairperson Brosnan called for a five-minute break.

Chairperson Brosnan reconvened the meeting.

**RFP 2010-01 CONTRACT**

Attorney Salzman asserted that in his opinion SHFRD has not violated any statutes during the RFP process. Nothing further has been received from Lemartec and it is up to the Board to decide if it is comfortable with the outcome. Starting over will have costs.

Commissioner Giammarco confirmed that Mandese-White and Lemartec have both protested the RFP process.

Chief Rampino advised that the protestors have requested we eliminate the Alexander Group and work with either protestor respectively.

Commissioner Jacobs said in his business experience, protestors do not control the process, the customer does.

Chief Rampino clarified that the project has not been awarded to the Alexander Group. The Board has only given permission to go forward with the process.

Attorney Salzman explained that the first protest claimed that SHFRD did not follow proper procedures under the design/build contract and that the Alexander Group should have been prohibited from filing a proposal because of its involvement in the original documentation process. The latest protest claims that the complainant was unable to make a proper monetary proposal due to a lack of information and documentation, and also that the Alexander Group violated the criminal statutes by portraying themselves as architects which should exclude them from the process. Because the project has not been officially awarded, the Board can decide to restart the process without fear of being sued by the Alexander Group.

Chairperson Brosnan asked Attorney Salzman if we are opening ourselves to a lawsuit to which Attorney Salzman responded that lawsuits are always possible so the Board must do what makes it most comfortable. Chairperson Brosnan then confirmed that no one from Mandese-White was present to speak and asked the Alexander Group's representative to address the Board.

Louie Wise III of the Alexander Group clarified that none of their conceptals were intended to pass as architectural drawings. Mr. Wise also said the Alexander Group was the only firm that gave a detailed financial breakdown so SHFRD would fully understand each expense. The Alexander Group is also looking to partner with local contractors for civil engineering and pre-casting.

Commissioner Giammarco confirmed that the Alexander Group has never built a fire station. Commissioner Giammarco asked Mr. Wise why the Alexander Group did not include sewerage, landscaping or a surveyor, which were complaints from the protestors.

Brett Shaffer of the Alexander Group asserted that their proposal included the items they thought were relevant. Mr. Shaffer also confirmed that requests for information were made to Chief Rampino via email.

Chief Rampino advised that the Alexander Group only finished first by a couple of points. The main differences between their bid and the others were the three-year warranty versus one year, and that they were the only team that provided a detailed cost proposal. If the Alexander Group made a mistake in their bid, it will be their financial responsibility because their gross maximum price is \$1,314,000. The difference between the Alexander Group's GMP and Mandese-White's GMP is \$400,000 to \$500,000. The Alexander Group has also given SHFRD the option to do this project in piecemeal fashion if we do not want to immediately commit to the entire project.

Mr. Wise stated that the architect hired by the Alexander Group has built 10 – 12 fire stations. All team members will aggressively work to limit design and construction costs.

Commissioner Giammarco asked Attorney Salzman if the protestors' assertion that SHFRD violated state statute has any merit. Attorney Salzman reiterated that SHFRD used a hybrid design/build process so in his opinion we did not violate statute.

**Motion**

**To stop the current RFP proceedings and restart the process.**

**RESULT: FAILED (for lack of a second)**

**MOVER: Commissioner Giammarco**

**SECONDER: NONE**

**Motion**

**To allow Chief Rampino to continue to negotiate with the Alexander Group**

Chairperson Brosnan called for citizen comments.

The following citizens spoke during this portion of the meeting: Ken Fagan asserted that waiting to build would be proper financially. Mr. Fagan then stated that one of the SHFRD RFP committee members was no longer a Spring Hill resident and that the RFP committee members had very little construction experience.

Chief Rampino addressed Mr. Fagan's comments by confirming that the costs of demolition and making the site pad ready are not included in the Alexander Group's proposal.

Attorney Salzman will respond to Mandese-White and cc the Board.

**RESULT: PASSED (4 to 1)**

**MOVER: Commissioner Pasquale**

**SECONDER: Commissioner Jacobs**

**AYES: Chairperson Brosnan, Commissioner Edwards, Commissioner Pasquale, Commissioner Jacobs**

**NAYS: Commissioner Giammarco**

Chairperson Brosnan called for a five-minute break.

Chairperson Brosnan reconvened the meeting.

## **REPORT OF CHIEF**

Chief Rampino asked if the Board had any questions on the Report as submitted.

Commissioner Giammarco addressed the email of October 7, 2010 sent from Karen Nicolai's office regarding missing fixed assets and asked if the piece of equipment has been found. Chief Rampino responded that the firefighters are still searching.

Commissioner Giammarco asked if the DCA form needs to be changed and Chief Rampino responded that the form is valid as it stands.

Commissioner Giammarco asked if we can have canceled calls and mutual aid included in the monthly reports.

Chairperson Brosnan advised that she was not aware that Commissioner Jacobs and Commissioner Pasquale had ethics complaints lodged against them. Chief Rampino replied that the complaints were regarding the May 12, 2010 meeting. Chairperson Brosnan also advised Commissioner Pasquale that citizen Ken Fagan wants a copy of the opening statement he read at the beginning of the meeting.

## **UNFINISHED BUSINESS**

### **MODULAR HOME RELOCATION/ELDRIDGE ROAD LAND LEASE**

Chief Rampino advised that he is still speaking with Mr. Staff of Hernando County Utilities regarding terms of a lease. The current document is for language and information purposes while the details are being addressed.

Commissioner Giammarco asked how long we may lease the property and Chief Rampino replied that it would be an open-ended lease. We can bid out the price of moving the modular and having a septic system installed. Commissioner Giammarco asked if we have any cost analysis for the project. Chief Rampino replied that we have not and that he submitted the lease agreement at this point in order to expedite the process. Chief Rampino approximated the total cost remaining below \$25,000.

**Motion**

**To accept the lease agreement and empower Chief Rampino to move forward in gathering costs and information for relocating the modular home.**

**RESULT: PASSED (4 to 1)**

**MOVER: Commissioner Jacobs**

**SECONDER: Commissioner Edwards**

**AYES: Chairperson Brosnan, Commissioner Pasquale, Commissioner Edwards, Commissioner Jacobs**

**NAYS: Commissioner Giammarco**

**HERNANDO COUNTY GOVERNMENT BROADCASTING AGREEMENT**

Chief Rampino presented the latest version of the contract which calls for additional work to the production truck to be paid at \$60 per hour and additional production work to be paid at \$126.00 per hour.

Commissioner Giammarco asked if there will be a charge for Budget Hearings or other meetings to which Chief Rampino replied that there has not been and that he has no reason to believe that there will be. Commissioner Giammarco also asked about the language which refers to schedule conflicts to which Chief Rampino replied that we make an effort to plan televised events to coordinate with the HCGB production schedule. Commissioner Giammarco also asked about having the BoFC included in coverage negotiations and having ownership of vehicles revert to SHFRD upon their retirement.

Rick Foti of Hernando County Government Broadcasting stated that budget meetings will be included and that all meetings will be covered by HCGB personnel regardless of conflicts. HCGB has no issue with vehicle ownership reverting to SHFRD including the current vehicle. Chief Rampino advised the Board that it might be easier for the District to allow HCGB to surplus the vehicles and forward SHFRD the proceeds.

**Motion**

**To amend language under Precedence of County Commission meetings/Vehicle repairs to read "same time as District meetings."**

**RESULT: PASSED (UNANIMOUS)**

**MOVER: Commissioner Giammarco**

**SECONDER: Commissioner Edwards**

**AYES: Chairperson Brosnan, Commissioner Edwards, Commissioner Giammarco, Commissioner Jacobs, Commissioner Pasquale**

**Motion**

**To amend language under Exchange of Services in Lieu of Payment to read "and make a recommendation to the BoFC."**

**RESULT: PASSED (UNANIMOUS)**

**MOVER: Commissioner Giammarco**

**SECONDER: Commissioner Pasquale**

**AYES: Chairperson Brosnan, Commissioner Edwards, Commissioner Giammarco, Commissioner Jacobs, Commissioner Pasquale**

**Motion**

**To amend language to state that SHFRD receive the funds from all ambulances when surplussed.**

**RESULT: PASSED (UNANIMOUS)**

**MOVER: Commissioner Giammarco**

**SECONDER: Commissioner Pasquale**

**AYES: Chairperson Brosnan, Commissioner Edwards, Commissioner Giammarco, Commissioner Jacobs, Commissioner Pasquale**

**NEW BUSINESS**

Commissioner Pasquale asked if New Business could be tabled until the next meeting due to the lateness of the hour. Chief Rampino asked if the Special Master could be addressed.

**INTERLOCAL AGREEMENT TO USE SPECIAL MASTER SYSTEM & SPECIAL MASTER CONTRACT**

Attorney Salzman advised that using a Special Master allows the ability to hear disputes on fines levied by the District. It is not unusual and is similar to the Code Enforcement process.

Commissioner Giammarco asked how we came about using the person on the contract. Attorney Salzman replied that the person mentioned is currently used by the County.

**Motion**

**To table this item until the November 10, 2010 meeting**

**RESULT: PASSED (4 to 1)**

**MOVER: Commissioner Giammarco**

**SECONDER: Commissioner Pasquale**

**AYES: Chairperson Brosnan, Commissioner Pasquale, Commissioner Giammarco, Commissioner Edwards**

**NAYS: Commissioner Jacobs**

Commissioner Giammarco suggested that we advertise for an attorney to function as our Special Master on our web site and put a legal notice in the newspaper.

**FIRE PREVENTION DONATION LETTER**

**Motion**

**To table this item until the November 10, 2010 meeting**

**RESULT: FAILED (2 TO 3)**

**MOVER: Commissioner Giammarco**

**SECONDER: Commissioner Pasquale**

**AYES: Commissioner Pasquale, Commissioner Giammarco**

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

Commissioner Giammarco stated that he did not think this was a good time economically to ask for donations.

Commissioner Pasquale stated that he participated in this type of program in NY and that it was extremely successful.

Commissioner Jacobs stated that we would be *asking* for donations instead of requiring the public to pay.

**Motion**

**To accept the Fire Prevention Donation letter as written**

**RESULT: PASSED (4 to 1)**

**MOVER: Commissioner Pasquale**

**SECONDER: Commissioner Edwards**

**AYES: Chairperson Brosnan, Commissioner Jacobs, Commissioner Pasquale, Commissioner Edwards**

**NAYS: Commissioner Giammarco**

Commissioner Pasquale asked to be involved in the donations process as an advisor.

**DRIVER/ENGINEER JOB DESCRIPTION**

**Motion**

**To accept the Driver/Engineer job description as written**

**RESULT: PASSED (4 to 1)**

**MOVER: Commissioner Edwards**

**SECONDER: Commissioner Jacobs**

**AYES: Chairperson Brosnan, Commissioner Jacobs, Commissioner Pasquale, Commissioner Edwards**

**NAYS: Commissioner Giammarco**

**REPRIMAND OF COMMISSIONER JACOBS FOR MISBEHAVIOR DURING THE SEPTEMBER 8, 2010 BoFC REGULAR MEETING**

**Motion**

**To reprimand Commissioner Jacobs for his misbehavior during the 9/8/2010 BoFC Regular Meeting**

Chairperson Brosnan passed the gavel to Commissioner/Vice-Chairperson Pasquale in order to second the motion. Commissioner Brosnan requested the reprimand due to the lack of respect shown the Chair in the previous meeting.

Commissioner Giammarco requested the reprimand due to the anger, hostility and disrespect shown to the Citizens, the Chair, and the Board.

Commissioner Jacobs advised that he goes to counseling for PTSD and is working on his anger management.

Acting Chairperson Pasquale stated that the last meeting was horrendous but the Board should not reprimand Commissioner Jacobs at his final meeting.

Acting Chairperson Pasquale opened the floor for Citizen comments.

The following citizens spoke during this portion of the meeting: Ken Fagan stated that Commissioner Jacobs's health problems are his own responsibility and should not be shared with the public. Mr. Fagan then stated that being a Commissioner is a 24-hour per day job and Commissioner Jacobs should be responsible for his behavior at all times.

**RESULT: PASSED (3 to 2)**

**MOVER: Commissioner Giammarco**

**SECONDER: Commissioner Brosnan**

**AYES: Acting Chairperson Pasquale, Commissioner Brosnan, Commissioner Giammarco**

**NAYS: Commissioner Jacobs, Commissioner Edwards**

Acting Chairperson Pasquale returned the gavel to Chairperson Brosnan.

Attorney Salzman addressed the possible issue of the new Board members not being able to govern the November 10 meeting because it occurs less than ten days after their election on November 2.

Commissioner Giammarco said he was advised by the Supervisor of Elections that the ten day rule does not apply to this Board.

Attorney Salzman will confirm with the Supervisor of Elections and advise the Board of the results via email.

## **CLOSING COMMENTS**

Commissioner Edwards thanked everyone for attending and encouraged the citizens to vote.

Commissioner Giammarco read a prepared statement for the record. Regarding RFP 2010-01, Station 2 Design/Build, Commissioner Giammarco stated that he disagrees with the attorney and Board's decision that the RFP process was not flawed to the extent that it should be discarded, leaving the District open to expensive litigation. Commissioner Giammarco also admonished the Board and Chief for failing to monitor an "unqualified employee with a medical history to operate apparatus without direct supervision." Commissioner Giammarco called for a policy that would require Administration to inform the Board in a timely manner of employee matters such as training and disciplinary action. Commissioner Giammarco ended by thanking the citizens and the Board.

Commissioner Pasquale advised that he wore his formal uniform in honor of Captain Zabetka's promotion and thanked everyone for attending the meeting.

Commissioner Jacobs called for a special meeting to address changes to the BoFC by-laws. Commissioner Jacobs excused himself to leave for an appointment.

Chairperson Brosnan reminded everyone that the BoFC Candidates' Forum is October 27 at 5:00 PM and that the next Board of Fire Commissioners meeting is Wednesday, November 10 at 9:00 AM. Chairperson Brosnan thanked Commissioner Jacobs and Commissioner Edwards for their service to the taxpayers and Board.

## **ADJOURNMENT**

### **Motion**

To adjourn the regular business meeting of October 13, 2010.

**RESULT: PASSED (UNANIMOUS)**

**MOVER: Commissioner Giammarco**

**SECONDER: Commissioner Edwards**

**AYES: Chairperson Brosnan, Commissioner Pasquale, Commissioner Giammarco, Commissioner Edwards**



Amy Brosnan, Chairperson



Wilbert Stewart, Recording Secretary