

SPRING HILL FIRE RESCUE
Commission Meeting
February 25, 2004
7:00 p.m.

Present: Chairman Hollander, Commissioner Panozzo, Commissioner Martin, Commissioner Marasciullo, Commissioner Hamilton, Chief Morrison, Assistant Chief Davies, Attorney Iurato

Excused: Attorney Salzman, Dr. Blackburn

Call to Order

Chairman Hollander called the Commission Meeting to order at 7:05 p.m.

Invocation

Rev. Clemons gave the invocation.

Pledge of Allegiance

Chairman Hollander led the Pledge of Allegiance.

Election of Officers

Chairman Hollander stated that it was not clear in Robert's Rules of Order as to their situation. They have three positions open Chairman, Vice Chairman and Second Chairman. Last year they took first and second nomination for Chairman and if there is no second nomination it will not carry out as a nomination. This is done for each position that is opened.

Commissioner Hamilton stated that he knows this has been the Board's past practice, but it seems strange to him that this is done before an election, because an officer who gets elected might not be on the Board for long, then the Board would have to reelect a new officer.

Chairman Hollander stated THE practice started before he was on the Board. Usually, if something like that happens the Vice Chairman takes over until the next election.

Commissioner Hamilton asked if that procedure is written somewhere or is it standard practice?

Chairman Hollander stated that from what he understands, that is how it has been done.

The Board further discussed the procedure for Election of Officers.

Chairman Hollander requested that this issue be put on the April Workshop agenda for further discussion.

Commissioner Panozzo nominated Chairman Hollander to continue as Chairman.

Commissioner Marasciullo seconded the nomination.

Commissioner Martin nominated Commissioner Hamilton.

Commissioner Hamilton stated that for personal reason he cannot accept the Chairman's position at this time. He nominated Commissioner Martin for Chairman.

Commissioner Martin stated that he would have to decline at this time.

The Nomination carried unanimously (5-0).

Commissioner Martin nominated Commissioner Panozzo for the position of Vice Chairman.

Commissioner Hamilton seconded the nomination.

The Nomination carried unanimously (5-0).

Commissioner Hamilton nominated Commissioner Martin for second Vice Chairman.

Commissioner Marasciullo seconded the nomination.

The Nomination carried unanimously (5-0).

Approval of Consent Agenda

Motion

Commissioner Hamilton made a Motion to move item-4, Station-3 Renovation on the Consent Agenda to Unfinished Business for discussion.

Chairman Hollander stated that according to Robert's Rules of Order, in order to move an item they would have to Table it first.

Commissioner Hamilton made a Motion to Table item-4 to Unfinished Business.

Commissioner Panozzo second the Motion.

The Motion to Table Item-4 carried unanimously (5-0).

Motion

Commissioner Hamilton made a Motion to accept the Consent Agenda.

Commissioner Marasciullo seconded the Motion.

The Motion carried unanimously (5-0).

Medical Director's Report

Dr. Blackburn was not present.

Chairman Hollander stated that he met with Jimmy Zabetka, the Training Officer and Dr. Blackburn, the Medical Director who work routinely together. People are not aware as to how much training this department does and he feels it would be a good idea if the Training Officer would give the Board a report maybe once every two or three meetings to let them know what is going on in the Training department. There might be some overtime involved, but he feels it would be valuable information and important to the Department.

Chief Morrison stated that this issue would need a consensus from the Board so the Training Officer can start doing a quarterly report. Depending on the Training Officer's hour, it may not cost any over time hours.

The Board gave a consensus for the Training Officer to give a Quarterly report.

Report of Counsel

There was nothing to report.

Commissioner Martin asked what was the status of Attorney Salzman?

Attorney Iurato stated that Attorney Salzman is still the Board's attorney and she is his associate, but anytime there is a conflict in Attorney Salzman's schedule she fills in for him.

Commissioner Martin stated that he has only seen Attorney Salzman once since he has been back from Military Leave.

Commissioner Hamilton stated that at the last meeting they had an issue regarding a letter to the Insurance Commissioner and the settlement agreement. He was looking forward to a discussion or a report by Counsel on the effect of the agreement regarding the letter to the Insurance Commissioner.

Chairman Hollander stated that he believes it was left up to each Commissioner to contact Attorney Salzman.

Commissioner Hamilton stated that he did not understand that, but in any case this issue needs to be continued.

Attorney Iurato stated that it was her understanding that each individual Commissioner would contact her office with any questions. Chairman Hollander contacted Attorney Salzman and spoke to him about this issue. If the Board would like to discuss this issue again, it needs a consensus from the Board to be discussed at a Regular meeting for a vote.

Chairman Hollander stated that after reading the settlement agreement with Counsel, there is wording in the settlement in which they could have action taken upon them if the Board was to take any action. Counsel did not say the Board couldn't do it, but that was Counsel's opinion and he needed to make the Board aware of it.

Commissioner Hamilton stated that Counsel was not at the meeting to discuss this issue, but he read the settlement and didn't come to the same conclusion as Counsel did. He would like to ask Attorney Salzman some questions, but because he was not at the meeting he can't ask those questions.

Chairman Hollander asked if Attorney Iruato was prepared to answer any question?

Attorney Iruato stated that she will try to answer any questions the best she can. Whatever questions she cannot answer she will have Attorney Salzman follow up.

Commissioner Hamilton stated that the settlement agreement was put into effect on January 20, 2003 and signed by Charles Burrows, authorized representative of Lyndon Property. Chairman Hollander signed on November 12, 2003 on behalf of the Board, however, as Chairman Hollander pointed out, it looks like a standard agreement. The only question he had was does it specifically pertain for the right to ask the Insurance Commissioner for an investigation. (He read a paragraph of the settlement agreement.) How did the opinion of Counsel arrive with the given language that was written in the settlement agreement?

Attorney Iurato stated that their interpretation of the agreement is based upon case law. Anytime there is a settlement agreement where the terms appear to be clear, it will be construed in that manner. Based upon their analyzation of the agreement, with regards to case law, when the language is general as to something arising out of the project, in Counsel's opinion, any action taken on a project could be deemed a violation.

Commissioner Hamilton stated that they are not taking legal action, only administrative action. He would like the attorney to be able to tell him if the Board has written away their right to appeal to the Insurance Commissioner. He does not see that written anywhere in the agreement.

Chairman Hollander stated that Attorney Salzman told him this can be litigating as to what the meaning of “action” is. The firm who they are dealing with likes to litigate, which can cost the department a lot of money. Attorney Salzman told him any Commissioner, as a private citizen can file a complaint.

Commissioner Hamilton stated that the Board and the Fire Chief were not satisfied with the way the claim was handled. This is a matter for the Insurance Commissioner to determine whether it was handled in Good Faith or not.

Attorney Iurato stated that they are looking at it from the prospective of the Board.

Commissioner Hamilton stated that he would like to speak to Attorney Salzman regarding this matter because he feels a little uncomfortable about this issue.

Chairman Hollander asked Commissioner Hamilton if he will be contacting Attorney Salzman?

Commissioner Hamilton said yes.

Commissioner Panozzo stated that he agreed with Commissioner Hamilton. He asked if the letter that Staff drafted was sent by a civilian rather than the Board, it wouldn't be open to a law suit?

Attorney Iurato said that is correct.

Commissioner Hamilton stated that an individual will not have any standing, but as a Board they would. In his opinion, it would be better if they did it as a Board.

Commissioner Panozzo stated that if it is possible, he would like Attorney Salzman to be at the next meeting so this issue can be discussed. He did not see where the settlement agreement would open them up to the law suit either.

George Biro, Spring Hill taxpayer, asked what amount of money are they trying to recover? If this should go to litigation how much would it cost the District?

Chairman Hollander stated that they are not trying to recover any money. They are attempting to file a complaint for what they felt was an unfair and Bad Faith practice by the insurance company.

George Biro stated that if they are not looking to recover any money, what is the purpose of this issue? If it goes to litigation what will it cost the District to fight it? They have an attorney and if they are not

going to take the advice from their attorney, why have an attorney?

Commissioner Hamilton stated that they are trying to get the advice of the attorney.

George Biro stated that he heard the attorney state that they can be open to litigation.

Commissioner Hamilton stated that anyone can be open to litigation.

George Biro stated that it seems Commissioner Hamilton is taking this personally. He wants to know what will it cost the District?

Commissioner Hamilton stated that he is not taking it personal, he was trying to answer the questions and he was not suggesting the Board go into litigation.

George Biro asked what is the Board's goal as to the reason for this?

Commissioner Hamilton stated that so this will never happen again and they have been mistreated.

Chairman Hollander stated that it cost the department \$7,000, which they should have not paid, because they were mistreated. If he could be assured that there would not be any litigation after the letter is sent, he would be in favor of sending the letter.

Commissioner Panozzo stated that the Board does not want to send a letter if there is a chance of being sued. There is just some questions that need to be answered by the attorney.

Chairman Hollander stated that the Board feels responsible for having to pay \$7,000, which shouldn't have had to be paid.

Chief's Report

A. Discussion on Current Mutual Aid Agreement

Chief Morrison stated that the Board received two copies of a Mutual Aid Agreement. The one with "copy" written on the top is the current Mutual Aid Agreement and that is with the Northwest Hernando County Fire Department, however, that entity no longer exists. The Fire Chiefs are supposed to evaluate the document and suggest changes to it. He and Chief Knickerson have gone over the document a few times, but before they go any further he wanted to bring it to the Board's attention. The Board can look over the two documents and if they have any question, give him a call. This item will be on the agenda for the next Workshop for discussion or any changes the Board might have. The copy that was marked "draft" is what he and Chief Knickerson was working on.

Chairman Hollander asked if Counsel will be reviewing the documents?

Attorney Iurato said yes.

Commissioner Martin requested that at the next Workshop could the Board be supplied with the number of calls the department receives for mutual aid.

Commissioner Hamilton asked if the Hernando County Fire Rescue District agreement in effect now?

Chief Morrison said no.

Commissioner Hamilton stated that therefore, it is not a change of an existing agreement, it is a new agreement.

Chief Morrison stated that with a name change and consolidation, it would be a new agreement, but the same entity.

Commissioner Hamilton asked as it exists now, would they respond under the current agreement to Hernando County?

Chief Morrison said yes.

Commissioner Martin asked would this encompass Hernando Beach?

Chief Morrison said no, because they have a separate Mutual Aid Agreement with Hernando Beach, but they have Pasco County and Brooksville. The only department they border on and currently have an Automatic Mutual Aid with is Northwest Hernando County.

B. Notification of Upcoming Leave

Chief Morrison stated that he has a family emergency and will be flying out of town tomorrow morning and will be back late Monday afternoon.

Unfinished Business

A. Update on Station-3 Renovation

Chief Morrison stated that the Board moved this item from the Consent Agenda, but it is all the same issue.

Motion

Commissioner Hamilton made a Motion to remove Item-4 from the Table, and move it into Unfinished Business, Item-A.

Commissioner Martin seconded the Motion.

The Motion carried unanimously (5-0).

Commissioner Hamilton stated that he apologized for not being present at the last meeting for the presentation. He met with the Assistant Chief after the meeting to go over the plans and congratulated the Assistant Chief for all the work he put into it. The reason he asked that it be taken off the Consent Agenda was because he realized they were authorizing All Coast Engineering to complete detailed preliminary drawings. He wants to be sure they approach this correctly, because he understands this will cost a substantial amount of money for the renovation. It will be unfair to All Coast Engineering to lead them to believe that they will be the ultimate contractor when they should put this project out for a bid.

Chairman Hollander stated that when Art Dillman from All Coast Engineering made his presentation, he made it clear that he would not be the contractor because it would be a conflict of interest.

Chief Morrison stated that Art Dillman is not a contractor, but he could oversee the project. They were not talking about the drawings for construction. It was for the preliminary drawings that the Board authorized All Coast Engineering to do, which will take them some time. It will be under the \$5,000 cap in which the Board gave them. If the Board approves the preliminary drawing, the next step would be to get building drawings, which would be something to get quotes on or a full bid process.

Commissioner Hamilton stated that All Coast Engineering was not anticipated to do the contracting for this project.

Chief Morrison stated that All Coast Engineering has been retained before to oversee a project, they are not contractors. He would like All Coast Engineering to oversee whoever they get to do the drawings. All Coast Engineering was retained to complete the preliminary drawings, which will look something like the Assistant Chief's drawings. The drawings will be close to \$8,000 and Swiftmud will have to be involved and they have to figure out what to do with the retention area.

Commissioner Hamilton stated that they were not talking about engineering specifications.

Chief Morrison said no.

Assistant Chief Davies stated that All Coast Engineering is going to take what he drew and bring it to

the next step with more details.

Commissioner Hamilton stated that he feels more reassured.

Chief Morrison stated that he hopes the preliminary drawings will be done by the Board's next Workshop for the Board to review. Then they can discuss the options of how to go about the next phase.

B. Filling Vacant Communication Officer Position

Chief Morrison stated that the Board was informed and voted on moving a part time employee to a full time position in Dispatch. There are currently three part time employees in Dispatch and Cindy Bittiker was the only one who was interested in a full time position.

Motion

Commissioner Panozzo made a Motion to move Cindy Bittiker from a part time position to a full time position in Dispatch.

Commissioner Marasciullo seconded the Motion.

The Motion carried unanimously (5-0).

Chief Morrison stated that the move will leave an opening in Dispatch for a part time position. Therefore, he would need an approval from the Board to offer employment to the next person on the Hiring List and continue down the list until they find someone who is willing to work part time.

Motion

Commissioner Panozzo made a Motion to follow Staff's recommendation.

Commissioner Marasciullo seconded the Motion.

The Motion carried unanimously (5-0)

New Business

There was nothing to discuss.

Comments of Commission

Commissioner Panozzo stated that he would like to remind everybody to vote on March 9th. It is a Democratic Primary and Republicans can vote on the half cent tax. He reminded the Board, the half cent tax for the County was to build the emergency center and once the center is built they will lose their dispatch center to the County.

Commissioner Martin had nothing to report.

Commissioner Marasciullo had nothing to report.

Commissioner Hamilton stated that he would like to congratulate the Chairman who has done a good job of carrying the meetings through and giving everybody a fair chance to speak. He may not always agree with him, but he thinks his processes have been fair. He congratulated the Vice Chairman and Second Vice Chairman and is looking forward to working with them all in the future.

Chairman Hollander had nothing to report.

Open Forum

Mike Rampino, President of Local Union 2794, stated in respects to the tax issue that is coming up, a year ago when the Department decided to go for the issue of Independence, he remembers, being told that the Board could not spend any money to advertise, or to push for Yes or No for Independence.

The Board also remembered that issue.

Mike Rampino stated that he would like to know who paid for the flyer that came with his paycheck.

Commissioner Panozzo stated the County announced they were spending money to advertise the half cent sales tax.

Mike Rampino stated that he was just curious, if they were not allowed to spend tax dollars on an issue they find germane to the District, how can the County spend tax dollars to push forth the tax issue in which they believe is for the betterment of local government?

Commissioner Hamilton said he agreed. He sent a letter to Hernando Today to ask that question. It is outrageous to use public money to advocate the collection and spending of public money, which they were told was not legal.

Mike Rampino stated that the local Union footed the bill for flyers and the advertising for the

Independence issue out of membership dues and fund raising.

Chairman Hollander asked was there a disclaimer on the flyer stating who was paying for it?

Mike Rampino said not that he was aware of.

Chairman Hollander stated that as a citizen, Mr. Rampino has the ability to inquire about that issue, but he wasn't sure if the Board should get involved in it.

Mike Rampino state that he intends to, but he was curious.

Commissioner Panozzo stated that at the County Commission meeting that question was asked by a citizen, but the question wasn't answered.

Commissioner Hamilton stated that Attorney Salzman gave the Board the advice on this issue, so maybe they can ask him why it didn't pertain to the County.

Chief Morrison stated that Counsel did not give them that advice, it came from County Finance. He was not aware a flyer was in employees paycheck envelopes and he would like to look into that.

Mike Rampino stated that he hopes the Board can move quickly on the Station-3 renovation because the roof was leaking badly with all the rain they recently had.

Chairman Hollander asked if the roof at Station-4 was repaired, because when he visited there it had a bad leak.

Chief Morrison stated that they have to get through the County permitting process first, but there is a light at the end of the tunnel.

The Board further discussed the permitting process.

Motion

Commissioner Martin made a Motion to adjourn the meeting.

Commissioner Hamilton seconded the Motion.

The Motion carried unanimously (5-0).

Chairman Hollander adjourned the Commission meeting at 8:00 p.m.

Jeff Hollander, Chairman

Joan E. Chiofalo, Board Secretary