

Spring Hill Fire Rescue
Commission Meeting
March 13, 2002
7:00 p.m.

Present: Chairman Kanner, Commissioner Hollander, Commissioner Andrews
Commission Panozzo, Chief Morrison, and Attorney Salzman

Excused: Commissioner Martin

Call to Order

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

Invocation

Rev. Clemons gave the invocation.

Pledge of Allegiance

Chairman Kanner led the Pledge of Allegiance.

Consent Agenda

Chairman Kanner asked if there were any questions regarding the Consent Agenda.

Motion

Commissioner Panozzo made a Motion to accept the Consent Agenda.

Commissioner Hollander seconded the Motion.

The Motion carried unanimously (4-0).

Report of Counsel

A. Update on Sinkhole

Chairman Kanner introduced Mr. Peter Napolitano, the attorney who is handling the sinkhole issue regarding their maintenance building.

Attorney Peter Napolitano stated he attended the meeting this evening to give the Board an update on the status of the sinkhole claim. Their insurance carrier denied the claim because they

said that their policy excludes coverage for sinkholes. That is correct, however, the insurance policy does provide for repair to the structure for the damage the hole in the ground caused. The insurance company stated that they were not going to pay for the underground subsurface subsidence which is fine, they do not have to pay for that. They can do whatever they want under ground, just fix the building. They have eliminated any potential danger due to the sinkhole, by the filling of the hole with sand. There appears to be no immediate danger due to this sinkhole. A G.O Technical Engineer and a Structural Engineer will be at the site to inspect the building. They will issue their independent reports on what is causing the damage, remedies and a plan to fix the building. With this information they will contact the proposing Counsel and negotiate a settlement.

Chairman Kanner asked if the building was safe at this time?

Attorney Napolitano reported presently, the building is safe. However, he is waiting for the reports from the experts.

Chairman Kanner asked Attorney Salzman if he had anything to report?

Attorney Salzman stated based on their Union contract and negotiations, they were supposed to get together with the Union to discuss the potential twelve-hour shift change for dispatch. He discussed this with the Chief, and they believe that getting together with the Union regarding this issue would be best for them. Then come back to the Board for their input regarding the Union's issues, and see if they can work this out. He asked the Board for direction concerning this issue.

The Board agreed that Attorney Salzman and the Chief get together with the Union to see if they can work things out and then bring it back to the Board.

Chief's Report

A. Hydrant Maintenance Position

Chief Morrison stated there was one name left on the current list for the Hydrant Maintenance position. Upon reviewing the background check with Attorney Salzman, he recommended that the Board withdraw their offer of employment.

Motion

Commissioner Hollander made a Motion to accept Staff's recommendation to withdraw their offer of employment.

Commissioner Andrews seconded the Motion

The Motion carried unanimously (4-0).

Chief Morrison stated that eliminates the list. They have to put together a new list for the Hydrant Maintenance position. He feels advertising for that position would be the appropriate thing to do. He recommended advertising with the Hernando County job line, instead of the newspaper. They have some applications for the position that did not make the last list.

Motion

Commissioner Andrews made a Motion to accept Staff's recommendation to advertise with Hernando County job line.

Commissioner Panozzo seconded the Motion

The Motion carried unanimously (4-0).

B. Communication Officer Position

Chief Morrison stated there was one name remaining on the current list. This person has accepted part time employment and they are currently in the process of doing a background check. The written test has been finished and they are now starting the interviews. They made an offer to the two remaining names on the list. Whereas, taking the scores they have already achieved and melding them into the new list, or to re-interview them to possibly up their scores. He will let the Board know when the list comes out.

C. Fire Grant

Chief Morrison stated there was a workshop held at the State Fire College on the current fire grant. He had a meeting with the Captain and Firefighter who attended the workshop to discuss the grant process. They are going to get together and come up with a list of the possible things they need for the grant. As per the Captain, some things that might be looked at this year is the Thermal Imager and EMS equipment. As far as structures, they will not give you grant money to break ground. However, they will give grant money to improve current structures, but only up to \$10,000.

Chairman Kanner asked, can the grant money be applied to the Thermal Imager that they already purchased?

Chief Morrison stated they can only apply for additional Thermal Imagers. With a community population over 50,000, grant money can supply up to three Thermal Imagers. They must apply for this grant by April 1, 2002. He will meet with Staff and put together some recommendations for the grant money. At the next meeting he will have a list of those recommendations. With Board's approval, he then will complete the fire grant application online. This is a matching grant because of the size of our committee, whatever they award them they have to come up with 30% of the cost.

The Board agreed to go with Staff's recommendation regarding this issue.

C. State EMS Advisory Committee Meeting

Chief Morrison stated the State EMS Advisory Committee meets quarterly. Prior to their meeting, various constituency groups meet to help the Advisory Committee set direction. He is a member of many of those constituency groups. He feels the information that comes from the quarterly meetings are vital to this department, it helps them to have a voice in the state. He is currently Vice President with the Association of EMS providers, and under the By-Laws he will be to President next year. There is a meeting in April that will be held in Tallahassee. He requested permission to attend the meeting. In his absence, he will make sure that the District is covered.

Motion

Commissioner Panozzo made a Motion to send Chief Morrison to the meeting in April.

Commissioner Hollander seconded the Motion

The Motion carried unanimously (4-0).

Unfinished Business

A. Fire Chief's Contract

Chairman Kanner stated at the last meeting the Board charged him with the responsibility to get together with the Chief and Attorney Salzman to renegotiate the Chief's contract. Everyone should have received a copy of the contract to review.

Attorney Salzman stated that he spoke to Commissioner martin regarding some issues he had concerning chief's contract. The issue Commissioner martin wanted brought to the Board's attention, was the number of holidays that was in the contract. Specifically, the holidays are Christmas Eve, the day after Thanksgiving and Chief's birthday, stated on page 3, paragraph 15 of the contract.

Chairman Kanner asked the Board if they had any problem with the three holidays mentioned?

Commissioner Panozzo asked it that reflects with the Union's contract and the holidays they get off?

Chief Morrison stated yes, and he is asking for the continuation of holidays that are in his current management package.

The Board agreed to keep the Chief's contract as read.

Motion

Commissioner Hollander made a Motion to accept the contract as read.

Commissioner Panozzo seconded the Motion.

The Motion carried unanimously (4-0)

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New Business

A. Commissioner Andrew's Application for Assistant Chief

Chairman Kanner stated there is an appearance of impropriety, if Commissioner Andrews stays on the Board and keep his application in place. This issue needs to be avoided at any cost. He knows legally he cannot force him, but as Chairman he asked Commissioner Andrews to either rescind his application for Assistant Chief, or resign from his position as Commissioner.

Commissioner Andrews stated he has done a lot of thinking and heartfelt soul-searching. He did not decide to apply for the position until last Thursday, March 7, at 11:00 p.m. With what has been in the media, he knew he had to respond to this issue. He put together a response for his fellow Commissioners. Attached is a copy of the letter from Commissioner Andrews.

Commissioner Andrews stated his application was submitted March 8, Friday at 1:30 a.m. He also was in touch with Counsel, and he did some research with the statutes. Counsel advised him that there was no reason legally for him to resign, nor any impropriety of ethical issues then.

Chairman Kanner stated after reading the newspapers, he asked Attorney Salzman if his time was paid for? Attorney Salzman advised him that it was done as gratis, and there was no cost to the taxpayers.

Commissioner Panozzo stated his main concern is the Chief, because Commissioner Andrews is one of his bosses. Regardless, if he remains on the Board or not, the Chief has hands-on to help pick an Assistant Chief. If he were in the Chief's position, he would be a little tongue-tied when it would come to the interview with one of his bosses, if he had to tell him that he does not fit the qualifications for an Assistant Chief. When September comes and Mr. Andrews runs again, and wins, he is one of the Chief's bosses again. How will this affect the Chief then? His solution was not that he resigns from the Board, but that they change the interview process. Whereas, during Mr. Andrews' interview, the Chief would not have any input, but this will create a dilemma.

Commissioner Hollander stated they had many problems this past year and handled them, but this one is a special problem. Due to the fact, this concerns one of their fellow Commissioners. As far as, the comments that Commissioner Andrews stated in his letter, the media never swayed his decisions or comments. His concerns are how will this affect the hiring process. When he

first got on the Board and they started reviewing policies, he stated the Board itself did not have policies about how they govern themselves. At that time he suggested policies that Palm Harbor Fire Department had, in which govern how their Commissioner's operate, which he felt would fit nicely as a preamble to the Regulations.

Commissioner Hollander passed out copies of the Palm Harbor Special Fire Control District, Board of Commissioners, By-Laws. He read from Page 2, Article VI Commissioners, Section 3. Attached is a copy of this information.

Commissioner Hollander stated if that policy had been in affect, this discussion would not have happened. There is a solution, he explained, he can make a Motion with the approval of the Chairman. Whereas, Article VI, Section 3, of the Palm Harbor document be added into their policies immediately upon a vote, and accepted. If that were to happen, Commissioner Andrews cannot apply to the District until 2005. With that, he asked Chairman Kanner to give Commissioner Andrews some time to think about this issue. It is going to be a throw of the dice, how it will turn out.

Chairman Kanner asked Counsel if they can vote on this and make it retroactive?

Attorney Salzman stated the Motion read "hire" they made no hiring decision yet. So from this point forward it would apply.

Commissioner Andrews stated that the application is already in place, now they want to suddenly change the law to fit.

Attorney Salzman stated the application is in place, but they have not made the hiring decision. This issue is concerning the restriction on hiring.

Commissioner Andrews stated that means the Board can come to a meeting every night and change policies to fit a whim or need.

Attorney Salzman stated regarding the Chairman Kanner question, the answer was yes that doing it is legal.

Commissioner Andrews stated he can construe this as a discriminatory act.

Attorney Salzman stated it was not a form of discrimination recognized in Florida and in Federal court.

Chairman Kanner stated he would like to open this issue up to the Public to see if they had any input or concerns.

Gene Wright, former Commissioner of the District, stated he first felt that Commissioner

Andrews should step down. However, if he really wants the Assistant Chief's position, give the Chief a chance to review the applications. The other thing that can be done would be to take all the applications, including Commissioner Andrews, to an outside firm to do the interviews. There can be a public personnel Board, like they had in the past. This might be an option for everyone to be satisfied with including the Board.

Commissioner Hollander stated he is not satisfied with that solution. He feels the Chief would be working with this individual whomever it may be. The Chief needs to be the one that ultimately is going to decide as who he presents to the Board. He cannot imagine being President of a company, in which the Board of Directors farm out the choosing of his Senior Vice President, and have no say in the matter.

Alan Sattelius, Treasurer, for Chairman Kanner's Campaign, stated Commissioner Andrews should not have it both ways. When the issue of changing the process came up, he accepted the Chief being taken out of the process. However, he could not accept that they take him out of the process. He feels that is a conflict of interest.

Commissioner Andrews stated he is not asking for it both ways. On January 1, 2002, if Commissioner Hollander said lets put this policy into place, they would have had it in place already. Now that this situation is upon them, they suddenly want to throw something into place to take care of it now. He looks at it as a retaliatory type of issue, which is why he questioned it.

Alan Sattelius asked if he would want to be in the Chief's position regarding this issue?

Commissioner Andrews stated he has known the Chief since 1988 he is very professional, and it would be some pressure on him. He would ask him as he did the Board, please judge him on his paperwork not on the fact that he sits on the Board. If he does not have the knowledge, skills or the ability after twenty-seven and a half years of working in this state as a firefighter, and having been the former Assistant Chief of this department, then do not pick him, he is not vindictive. He has been on the Board for five years. He was ousted from the department years back, he has not been vindictive for the past five years. He felt he proved to be professional.

Commissioner Hollander stated he wanted to assure Commissioner Andrews that there was no retaliatory motivation. He does not think this is an elegant approach regarding this situation, but it was the only one he found. Giving the situation, and the consequence of allowing this happen, he choose the only solution he could find. He had no other options, it is workable.

Chairman Kanner stated he would like to reaffirm his feeling regarding this issue. Commissioner Andrews either pulls his application for Assistant Chief, or step down from the Board. Legally he knows he cannot enforce this. He asked Commissioner Hollander if he were to put this issue into a form of a motion, would he consider dropping the one year clause?

Commissioner Hollander stated he is against putting a band-aid on a problem.

Chairman Kanner stated it would be just for this particular issue. Do to the fact that Commissioner Andrews has already turned in his application.

Attorney Salzman reported the Board can change whatever policy they adopt.

Commissioner Hollander stated he is not saying he would not change the motion, he just wanted to remind the Board that it was in there for a reason. They have a serious problem, and if comes to the point of him having to make that motion, he would rather do it for the right reasons and the right way. If the Board wanted him to modify it as a consensus and that will solve the problem, he would be glad to do it.

Commissioner Panozzo stated he does not want to see Commissioner Andrews penalized, he put an application in, and he qualifies, he should get a fair shake. His concern is the Chief. His hands are tied when Commissioner Andrews is in the same room for the interview process.

Thomas Marasciullo, Business Owner of Spring Hill, stated he has never been to a meeting before. However, in his opinion, if the Chief did not choose Commissioner Andrews for the job, there are four other members on the Board to oversee any retaliation. As far as, changing the policy in the middle, he would have taken that on a personal level also. If he qualifies for the job, then they should look at him as an applicant not as a Commissioner sitting on the Board. If he does not get the job, it should not reflect on the Chief, business should just go on as stated.

Chairman Kanner called for a recess at 8:10 p.m.

The Commission Meeting resumed at 8:40 p.m.

Chairman Kanner read the letter that Commissioner Andrews handed him stating his resignation from the Board of Commissioners. Attached is Commissioner Andrews letter.

Motion

Commissioner Hollander made a Motion to accept Commissioner Andrews' resignation.

Commissioner Panozzo seconded the Motion

The Motion carried unanimously (3-0).

Chairman Kanner stated that took much courage, and he wished Dennis Andrews luck. As far as, the policy that Commissioner Hollander brought up, this is an issue that needs to have a workshop as soon as possible. He asked the Chief to set up a workshop as soon as Commission Martin returns.

B. Processing of Assistant Chief Applications

Chairman Kanner stated they need to come up with a format of how to process the thirty-four applications. He recommended that the Chief and Staff remove any applications that do not qualify. He suggested having an Ad hoc committee as they had in the past. This committee would review the remainder of the applications, after the interviews narrow them down to the three best applicants. These three applications will be brought back to the Board for the final decision.

Commissioner Hollander asked who would be on the committee?

Commissioner Panozzo asked how about having a couple of civilians on the committee?

Chairman Kanner stated that is not a bad idea. He would like Chief Morrison to represent the Chief's Office, Lt. Ferriero representing rank and file, himself representing the Board. All they need are two civilians, because he would like to have a panel of five. He would be a non-voting member unless he would have to break a tie. He asked Chief Morrison how he felt about having an As hoc committee?

Chief Morrison stated he does not have a problem with having an Ad hoc committee.

Commissioner Hollander asked Counsel if this is how they usually handle this issue?

Attorney Salzman stated that is one way of doing it. The other way it can be done is to select Chief's from different departments and ask them to review applications. There can be other ways, but whatever the Board would be comfortable with.

Commissioner Hollander stated he liked that idea, because he is all in favor of peer review.

The Board discussed some issues regarding whom they felt should be on this Ad hoc committee.

Chairman Kanner passed the gavel to Commissioner Panozzo.

Commissioner Kanner made a Motion to form an Ad hoc committee including two civilians. Frank Colletti and Nick Morano, if they accept.

Commissioner Panozzo then passed the gavel to Commissioner Hollander and seconded the Motion for discussion. If they had Chief's from other departments to review the applications, would they also interview the applicants?

Attorney Salzman stated they would rank them, and return them to the department in a rank fashion, say 1-25 then maybe decide to interview the top 10. The applicants can come in for a workshop, and either an Ad hoc committee interview them, or the Board. Then they can decide whom to hire for the position.

Chairman Kanner stated it may be more work for everybody that way.

The Board further discussed the issue of the committee.

Commissioner Hollander stated to do the committee how it was stated. However, have it filter through the Chief, so they know they have reviewed it first.

Chief Morrison stated that to get ranking from other Chief Officers from across the state makes good sense to him.

Attorney Salzman stated that they should let the Chief Officers rank them and have them submitted to the Ad hoc committee. Then they can decide how many applicants they want to look at from the list. They can narrow it down, and bring it back to the Board with whatever candidates for the Board to interview.

Commissioner Panozzo withdrew his second motion.

Chairman Kanner withdrew his motion.

Motion

Commissioner Kanner made a Motion that Chief Morrison find three Chiefs to review all the applications. Then bring the applications back in rank series to an Ad hoc committee. The Ad hoc committee consists of, Chairman Kanner, Chief Morrison, Lt. Ferriero, Frank Colletti and Nick Morano if they accept. The Ad hoc committee will decide how many applicants they want to interview and bring the final three back to the Board for a vote.

Commissioner Panozzo seconded the Motion

The Motion carried unanimously (3-0).

The gavel was passed back to Chairman Kanner.

Comments of Commission

Chairman Kanner stated it is not a secret that he and Dennis have been, and hopes he can say, that they still are friends.

Commissioner Hollander stated he would like to give his sincere thanks to Commissioner Andrews for what he has done. He also thanked the Board for the way the process went as for the applicants.

Commissioner Panozzo stated he would like the workshop as soon as possible for the policy and procedures for the Board.

Chairman Kanner stated he will notify the Chairperson of the County Commission that they have to advertise.

Open Forum

Lt. Ferriero stated he would like to thank the Board for doing a tremendous job on such a delicate issue. He thanked Dennis Andrews for the time that he spent on the Board. He personally wished him the best of luck in the process.

Motion

Commissioner Panozzo made a Motion to adjourn the meeting.

Commissioner Hollander seconded the Motion.

The Motion carried unanimously (3-0).

Adjourn

Chairman Kanner Adjourned the Commission Meeting at 9:07 p.m.

Robert Kanner, Chairman

Joan E. Chiofalo, Secretary