

Spring Hill Fire Rescue
Commission Meeting
October 24th, 2001

Present: Chairman Kanner, Commissioner Andrews, Commissioner Hollander, Commissioner Panozzo, Commissioner Martin, Chief Morgan, Chief Assistant Morrison, and Attorney Salzman

Call to Order

Chairman Kanner called the Commission Meeting to order at 7:15 p.m.

Invocation

Commissioner Panozzo gave the invocation.

Pledge of Allegiance

Chairman Kanner led the Pledge of Allegiance.

Chairman Kanner reported Joe Titone, full time Communication Officer, is moving up North. He presented Mr. Titone with a plaque for giving 12 years of good service on behalf of the Board.

Joe Titone stated that he appreciates the beautiful plaque, it has been a pleasure working for the Spring Hill Fire Department, and he will always remember it.

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 Andrews seconded the Motion

Chairman Kanner asked regarding the Billing Explanation on page 2 in the amount of \$1312.00 door repair what is that for?

Chief Morgan stated that is for new steel doors for fleet maintenance not for door repairs.

The Motion carried unanimously (4-0).

Report of Counsel

Attorney Salzman stated that the Board is aware that Jennifer Couch served them with an EOC complaint. Our insurance company who is now paying us to respond retained him and they have filed it on October 19th. He doesn't have a copy of the response, but he will make sure that the Board receives a copy. He reviewed it with the Chief to make sure they had all the information. What happens now is it gets assigned to an investor, and several things could happen. One thing that is likely to happen is that they will ask if we want to mediate the case early that is if Ms Couch would want too also. They have a program with the EOC, an informal mediation and they have solved many of cases that way. At some point, he and the Chief will be talking to the Board individually, but he has not received official litigation for them to discuss. Also, what could happen is that mediation is off the table. The EOC will make either a finding of for cause or a no cause finding, or they can end up just giving a right to sue. It was to his understanding that she has accepted the position with the Department, so hopefully we can resolve this in a short period of time. From a litigation stand point these cases usually go to trial and they usually go on for a year and a half to two years from the initial investigation. This is not that difficult a case. There are few witnesses that they may want to speak with, and comments that they made which are public record from the meetings.

Commissioner Martin asked what is a Shade Meeting?

Attorney Salzman stated that the sunshine law has meeting like these out in the sunshine. Then you have meetings that you are not out in the sunshine, which we do for union negotiations when they talk to them. Shade meetings are meetings between, when there is litigation you have an opportunity to meet with your counsel in a private meeting. The difference between that and a union negotiation meeting is we would have a court reporter present to take down everything that everyone says and at the conclusion of the litigation that becomes public record.

Chairman Kanner asked regarding the newspaper articles that had some comments made by some Commissioners, what is the opinion from Counsel on the legal stand point? Is there anything at all that they could have said or any member of this Board of Commissioners said that could have possibly jeopardized this case in anyway?

Attorney Salzman stated he read the articles and he does not believe that they said anything that jeopardized the case. He does not feel that there was anything in the newspaper that was discriminating based on Ms. Couch being female and pregnant. That was not the reason why she wasn't hired, she had not completed what we require for the physical exam. Everyone in that position had to complete a physical and once she was able to complete the physical she was offered the job, there wasn't any other reason then that. This was all clear from the meetings, which were public record and all the other information we have. This was all based on legitimate reasons nothing discriminatory.

Commissioner Hollander asked in regards to public records, is there a difference between people being privy to public record, and us giving our opinion on those public records?

Attorney Salzman stated that the idea behind public record is that these records come out to the public, commenting on public records depends on what the comment is. Then you would be giving your opinion based on public record and some documents might be public record to some people and some are exempt, certain tests are exempt and he wouldn't want anyone commenting on those. That fact whether records are public or not, it speaks for itself. He would rather it speak for itself then have people make comments.

Commissioner Hollander stated he agrees that we have a constitutional authority to say whatever we want, but there are bounds and reasonable things that we should do as commissioners.

Attorney Salzman stated remember you are an employer too. You may not individually be able to be sued, which is very rare for somebody to be individually sued on a Board, but the District can be sued and that is the Board's responsibility. That is why he cautions comments being made.

Commissioner Hollander stated that when the Commissioners give comments, either inadvertently or purposely, does the potential for these comments to become harmful to the case when presented to the jury in a possibly twisted manner.

Attorney Salzman stated that it makes his job harder if you say something that can be harmful to a case. In this particular case, as he said, he does not believe anything was said to cause any problems. You can make a comment and someone twists what was said and we end up defending that comment that may or may not be relevant to the case. Jurors are average people and you do not know what will turn them in a particular case. The facts of this case are clear, as to what occurred, and why the delay in the completion of the hiring process. There was nothing done showing discrimination. The Board members are elected officials and are going to make comments it is part of the job. However, fifteen years of practice his blanket comment to all his clients is that he prefer them not to say anything.

Chairman Kanner asked in this particular case, is there anything short of actually saying this person wasn't hired because she was female or pregnant that could have or could jeopardized this case?

Attorney Salzman stated probably not. In this particular fact pattern someone would have to say there has been a private vote saying we are not going to hire a person because of their sex or being pregnant and that would have had to be an agreement upon a group of Commissioners.

Commissioner Martin asked Attorney Salzman for a copy of the response from the EOC.

Attorney Salzman reported that he does not have the copy with him, but he will get it to the

Board. The investigator will contact the Chief directly and other potential witnesses that they have. This could be thirty to sixty days from now it depends on the investigators schedule.

Chairman Kanner asked if that response was public record?

Attorney Salzman reported yes it is public record.

Chief Morgan stated he will get him a copy for the response for the Board.

Chief's Report

A. Budget Amendments

Assistant Chief Morrison stated that there are two budget amendments for two projects from last budget year that has not yet been completed. The doors at the rear of station 3 and the emergency generator, both of those purchase orders were written months ago. The door manufacture is having a hard time getting the doors and the generators are on order. The Board directed them to research in which to use impact fee money. The County Commission approved that sixty days ago, they received legal advice that they can spend the impact fee money. The money was in last years budget and it wasn't spent so it becomes part of the carry forward for this year. We called the County to go ahead and get the process done and reallocate that money. The County is in the process of changing their financial software so they cannot do any reports in a new budget year. The County is having a hard time implementing their new system. We guessed that the estimated cash balance forward would be \$895 thousand dollars. The balance cash forward is currently a little less than a million two. The budget has not been closed out and will not be closed out until March, when they actually figure out what we ended last year with. One reason why that figure is higher then what we were budgeted is because we didn't spend the money on the doors or the generators. There are two courses of action; one is to do a budget resolution which is bigger then a budget amendment, it is changing the bottom line in the county budget, the other is to do nothing and just buy the generator and doors and install them. In March when they close out last year's budget they will officially change the budget to reflect that money as ours and then the Board could do a budget amendment and move the money to pay for these projects. The only thing that we were asked to do by the budget office is to withhold other capital projects in order to pay for these. Our suggestion would be the \$30,000 or a little over that, is budgeted for the MSA replacement project that \$38,000 he can not perceive being ready to go by March. We do not spend that money, which could work for the Emergency Generators. Under the construction we suggested that the hurricane shutters for the building be delayed so that we can buy the doors. They want to allocate those funds for the other two projects. This has been an on going thing to find out the right way to do this and when they came up with this suggestion this is the easiest way.

Commissioner Andrews asked if that can be put in writing?

Assistant Chief Morrison stated he is going to put it in writing back to them. The conversation was a conference call and he had asked George Zoettlein the budget director, for his input and he said we really don't even need that.

Commissioner Andrews stated that in March when they say you can't do that he wants something in writing.

Assistant Chief Morrison stated we will have something in writing.

Chairman Kanner asked in regards to this issue, is Amy Gillis involved?

Assistant Chief Morrison stated he had numerous conversations with Amy on this project.

Chairman Kanner stated after he and George decide which way to go, maybe he should run it by Amy because he feels that her office has the final say.

Assistant Chief Morrison stated he can do that, but he doesn't feel it is necessary.

Chairman Kanner stated if he just send her a copy that would be fine.

B. Discussion of Salary for Part Time Communication Officers

Chief Morgan stated that at the last meeting he would come back to the Board with information regarding part time Communication Officers salaries. The new contract which does not effect the part timers calls for a starting salary of \$10.41 an hour for the new Communication Officers. The current part timers that just came on board in July were at \$8.15, because that was the old starting salary. Bruce Beausoleil, who has been here was full time and changed to part time is making \$9.26 The recommendation is to move the part timers to \$10.41, then an annual increase if any, would be at the Board meetings at budget time.

Motion

Commissioner Andrews made a Motion to change Part Time Communication Officers salary to \$10.41 an hour to reflect the starting hourly wage of the new contract.

Commissioner Panozzo seconded the Motion

The Motion carried unanimously (5-0).

C. Discussion of hiring Full Time position BFC Secretary/Billing Assistance

Chief Morgan stated that they had budgeted for a full time Board Secretary and also part of that time that person would be for billing assistance. It was in the budget and approved by the Board. Currently we have a person on contractual services and wanted to see if the Board was interested

at this time to make that position full time. With the recommendation that they would still have to go through with the background check and full medical and physical before we can move this position to full time.

Chairman Kanner asked if he was recommending a lateral transfer?

Chief Morgan stated that was correct.

Commissioner Panozzo asked how is that contractual person doing in the billing department?

Chief Morgan reported that Helen Gennusa, the Billing Assistant, said that she is very impressed how Joan Chiofalo has picked up the billing and Cindy Synder Administrative Office Supervisor, said the Minutes are coming along well also.

Motion

Commissioner Panozzo made a Motion to transfer over the contractual Secretary/Billing assistance to full time position.

Commissioner Hollander seconded the Motion

Chief Morgan stated as with all hiring it is contingent upon the hiring policy process.

The Motion carried unanimously (5-0).

D. Presentation of Operational Plan

Chief Morgan passed out the "Operational Plan" booklet.

Chief Morgan stated he would give the Board a brief overview of the document, it is rather comprehensive and he did not want to get into every detail tonight. He will go through the different sections and then they could decide whether they want go over it tonight or look it over and set some future discussion. Section One gives an overview of what the document is for and the contents. Section Two is the History taken from the Website, and some history of the demographics of our District itself and the list of our facilities, and accomplishments that they have done in the last five years. Section Three gives an overview of the population of the District and the County. Also stated in this booklet is that the County does not keep statistics on our District. Section 4 which he felt was one of the most important Sections, is the growth of Hernando County. The first page in Section 4 is the housing completions in 2000 and 2001 the majority of them are in Spring Hill area. Another page in Section 4 is the age group projection they are in the 65 and over age population, and will double. This will affect their EMS service because the majority of our calls are EMS with medicare type patients. Section 5 gave some information as to the number of incidents they are running, and how many each unit is running

per shift. Also some fire losses, just a history over the last three years that were \$10,000 and over and the majority of them were single family residents and very few commercial fires. Section 6 deals with the budget the first page gives the tax value by year. Between the years 1994 and 2000 there was less than 6% increase in all the years. This past year there was a 10% increase due to construction. On another page for the ambulance billing you can see a drastic increase in the past year and that is due to the efforts of the billing staff and the way we do billing. Section 7 is a copy of part of the Capital Improvement Plan that they received two years ago. The last Section is some items that they need to be aware of and to deal with. The first one is about Communication Division and about the bill code called NFPA 1710, which they are still working on. With projected growth of the population increase of residents ages over 65, the EMS incidents are expected to increase. In order to meet future demands for service the District needs to study the need for an additional rescue unit and eventually another station. In the events over the past month it is important for the Board members to realize our firefighters must be prepared to handle any and all types of emergencies. One of the ways to do this is to continue the training of the Technical Rescue Team and to add the responsibility for hazardous material to that team. This would be accomplished by hiring a Training Officer. This needed position should also take on the responsibility as special operations. He felt that should be a Chief Officer position. He understood the resists of some members of the Commission to add a Chief Officer to the Department. At the minimum, this position should be a Captain rank. The new officer would not be used for anything other than his prior duties and administrative assignments. The NFPA 1710 could have a serious impact on our District, while we are not under any obligation to follow National Fire Protection Association codes, this does establish an industry wide standard that we may wish to follow. This can be accomplished by adding additional personnel to existing stations. This will be an important responsibility of the Board of Fire Commissioners to decide how to handle the future communication division. This decision is not in the near future, but Commissioners should be contemplating the move that will have an important impact on the budget. He asked that the Board review the information and decide whether they would want to discuss any details regarding the information they were given.

Chairman Kanner stated that he would like the Board to take the booklet home and look it over and then decide if they would want a workshop or not.

Commissioner Andrews stated that this is not meant to be derogatory towards this department in any manner, but he asked only because he is the administrator of the Department. Was the Chief aware that the County Emergency Management Director up to this day, according to his information, has not attended any of the Local Emergency Planning Council meetings, and has not been part of the Regional Hazardous Material Team coordination effort that has been put on state wide by the LEPC?

Chief Morgan stated that he did not know that and was glad that he brought that up, because he needs to bring something else to the Board's attention. The Emergency Manager appeared before the Board of County Commissioners after this document was prepared. One of the Commissioners brought up the need for a Hazardous Material Team in Hernando county. During

this discussion one of the Commissioners asked him to put together a plan within two weeks to come back to the Board to create a Haz-Mat team.

Commissioner Andrews reported that in 1991 there was a considerable amount of discussion in this county about hazardous materials, one Board member at that time declared there were no hazardous materials in Hernando county. We do have gas stations, pool supplies, and people using things like comet, clorox and chlorine in their homes, he was a little confused there. The County Commission at that time took a very strong stance against spending money. We need to ask for the input and activities of the Emergency Manager Director of this County about taking an active role in the LAPC as being on one of the largest fire departments in this County we need to question that. All the other districts are active and Hernando County is not.

Chief Morgan stated that Mr. Appleby has interest in it and one of the questions he answered at the meeting, was why they have no training for hazardous material was because the Board cut the money out when it was put in for training. Mr. Appleby put \$25,000 in for training the last two years. He will approach Mr. Appleby and find out.

Commissioner Panozzo asked if the Haz-Mat team wants the three departments involved in this?

Chief Morgan stated yes the three career departments.

Commissioner Panozzo stated he just wants to make sure we are involved in this because it will be taking this out of the general tax fund and Spring Hill department pays 65% of the bill. This department better be involved in the training and equipment and input, etc.

Chairman Kanner asked that while we are on hazardous material is training on this Anthex up to date?

Chief Morgan stated that some information was published, it was reliable information of how they can be protected. They brought Dr. Newhauler in to give some information from a physicians point of view and they taped it to give the members information. We are as up to date as we can be.

Unfinished Business

Commissioner Martin asked about checking with the Attorney Generals office regarding the ALS and BLS transports?

Assistant Chief Morrison stated that the Attorney Generals job is to try and spend as little money as possible and our job is to try to get as much as possible. They can do ALS procedures and Medicaid says you did them but they were not needed. They will do better each year because we are actively working as an organization in this state to change the hold that Medicaid has on those funds.

Chairman Kanner stated keep in mind that the state law says we can not run an ALS vehicle as a BLS unit.

Assistant Chief Morrison stated to find a state law that defines what ALS procedures are because that is where they have us.

Chairman Kanner asked Attorney Salzman if it is correct that they are not suppose to take that engine out without a paramedic on it because it is a ALS unit?

Attorney Salzman reported that was correct.

Chairman Kanner stated that yet they want to charge us for BLS calls.

Assistant Chief Morrison stated that was correct.

Chairman Kanner stated that he wants to challenge this issue.

Comments of Commissioners

Chairman Kanner stated to the Chief that he was proud of the Crew on the scene that occurred regarding a major motor vehicle crash. They had that scene running as smooth as silk in a matter of minutes.

Commissioner Martin stated he was at the waste transfer station and for the general education of the public they had a hazardous material amnesty turn in on Sat. October 27, from 8:00 am until 3:00 pm. Thanked Assistant Chief for working on some incidental regarding the map from the County Planning Department. He also asked the Chief if he received any feedback on the badges for the commissioners?

Chief Morgan stated he is trying to locate some, that is being worked on. In regards to the windshield, it has been though the process of VFIS we just haven't received the check back.

Commissioner Martin asked about the workshops in regards to getting policy issues addressed which we put on hold in the Spring.

Chairman Kanner stated for the Board to bring in their calendars at the next meeting so they could set up some workshops for a policy review.

Commissioner Martin stated he would like to thank the Chief for getting the information together for the Boards operational plan.

Commissioner Hollander had nothing to report.

Commissioner Panozzo had nothing to report

Commissioner Andrews had nothing to report

Open Forum

Commissioner Martin asked if Assistant Chief Morrison or Lt. Ferriero had any feedback regarding their experience in New York?

Assistant Chief Morrison stated that Lt. Ferriero and himself appreciate the time the Board gave them and they considered it a privilege to get to go to New York. They were on the FDNFYIAFF Firefighter Support Team. They worked in the logistic center, our main functions were keeping two members of the clergy at a temporary morgue that was set up at Ground-0. They also assisted counseling teams from different parts of the world that were counseling teams. They came in and helped the firefighters that were working the pile cope with the job and also went to the stations to help the firefighters that survived. New York is a great city, he learned a lot and felt a lot. He has learned some lesson up there that he will be able to use here.

Lt Ferriero stated he also wanted to thank the Board for the time off. He had an opportunity to find a spot for the money they raised. They met a retired gentlemen that lost his brother to the tragedy and he told him of the money that they were proud to have raised and they wanted to see the money go to a good spot. There was a lot of hurt on these firefighters faces in which they they set up a fund for the widows and children of these 24 firefighters that they had lost in this particular station. This is where they found a perfect spot for their check and they were very grateful for this money. He will never forget the feeling he had when they left there. He asked Jennifer Farrell to print a new paper article, in order to show the people that the money that they raised went to a good cause.

Motion

Commissioner Martin made a Motion to adjourn the meeting.

Commissioner Andrews seconded the Motion.

The Motion carried unanimously (5-0)

Adjourn

Chairman Kanner Adjourned the Commission Meeting at 8:30 p.m.

Robert Kanner, Chairman

Joan E. Chiofalo, Board Secretary