

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
October 9, 2018

Meeting called to order at 7:03 p.m. by Vice-Chairman Griffin

Invocation – MOS

Commissioner Hansen – Absent
Commissioner Griffin – Present
Commissioner Mere - Present
Commissioner Ducrou – Present
Commissioner Cook – Absent
Chief Larry Nisbet - Present
Office Manager - Theresa Sharp - Present
Attorney Ian Mann – Absent

Others Present: Some Public

Minutes – Review and Acceptance of the minutes of the September 10, 2018 Preliminary Budget Hearing. Motion made by Commissioner Mere to accept the minutes. Commissioner Ducrou seconded the motion. Vice-Chairman Griffin calls for questions or comments. Hearing none, he calls for any opposed and with none opposed, motion passed.

Minutes – Review and Acceptance of the minutes of the September 10, 2018 Board Meeting. Motion made by Commissioner Mere to accept the minutes. Commissioner Ducrou seconded the motion. Vice-Chairman Griffin calls for questions or comments. Hearing none, he calls for any opposed and with none opposed, motion passed.

Minutes – Review and Acceptance of the minutes of the September 25, 2018 Final Budget Hearing. Motion made by Commissioner Mere to accept the minutes. Commissioner Ducrou seconded the motion. Vice-Chairman Griffin calls for questions or comments. Hearing none, he calls for any opposed and with none opposed, motion passed.

Financial Report - Review & Acceptance of the September 2018 financials. Commissioner Mere moves to accept the September 2018 financials. Commissioner Ducrou seconded the motion. Vice-Chairman Griffin calls for questions or comments. With no questions or discussion offered, and none opposed, motion passed.

Fire Marshal and Administrative Reports (attached) – Chief Nisbet states “there is no Fire Marshal Report but after I complete the Administrative report, I will also give you an update of the Hearing Examiner Hearing today with regard to MW Horticulture.” He reads the Administrative Report into the record. Immediately following the conclusion of the report, he states “just to continue, today we had the Hearing Examiner’s Hearing on the County’s violations in reference to the

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hurricane debris pile that people have been talking to us about behind the homes and about where we had the fire. It started at 9:30 and was over at 4:00. I provided testimony on the Fire District's position on it and pretty-much told them we want the pile gone; I don't care how it gets out of here, we just want it gone. There's a couple different methodologies. MW Horticulture's experts want to cover the pile; let the dirt settle on it for the next 8 to 9 months, to allow it to cool down naturally, and then remove it. We have a strong position against that; because of the amount of fire that is still within the pile, and the effects of the smoke and the potential fire causes to the commercial and residential businesses around the pile in question. Our position is that we want them to use the dirt to support the suppression aspect and start on one end and start breaking it apart into smaller pieces, extinguish it and haul it away. The hearing examiner was listening and the County's position is they want it out of there in 2 months; MW Horticulture wants a year. I don't know how the hearing examiner is going to rule. I did hear her say a couple times she's leaning at 6 months, but we're working on under that. Furthermore, the resources that we committed on Saturday and Sunday and then again on Monday, On Captain Brunson's shift, to bring the fire under control, per your direction at the previous meeting, today we did issue them a suppression cost bill. That was sent certified." Commissioner Mere asks "for how much?" Chief Nisbet responds "\$21,000, a little over \$21,000." Commissioner Mere says "ok". Commissioner Ducrou asks if that covers our mutual aid. Chief Nisbet states "no, all the mutual aid companies were asked if they would like to be a part of this; they all declined because of the mutual aid agreement, they feel because we come help them, they said they were just returning the favor. My biggest concern on that was the aerials. North Fort Myers was a big help, and Chief Cambareri of San Carlos sent me a aerial truck the first day, and then he said he'd send it to me the second day, but City of Ft. Myers wanted to bring a ladder out, they said they wanted to come out and play. I guess they don't get to flow them that often, so they wanted to use them. Captain Brunson, he's sitting right here, this man worked a double, went home for a couple hours, came back in when the fire got to really breaking out, after being out there all that night, stayed with me, him, and Captain Underwood, Captain Swindle was out of town, and we pretty-much sat on that pile for the next 36 hours together. My Captains really stepped up. They're really working; they are over mulch. The main site is still 80% compliant in fire code, we're working with them on finishing up that aspect, but I need to speak with Ian about where we go from here. I would imagine the hearing examiner is going to, she's probably going to take a couple weeks to make a rule on this. She was hit with a lot of technical data." Commissioner Ducrou states "I thought the County was going to issue like a stop work". Chief Nisbet responds, "yeah, it had to go to hearing examiner first, apparently, that's what I was informed. So that's where they're at right now. My concern was, when we first started going to this, and I have no problem saying this on the record, there were a lot of things the County was supposed to do in conjunction with us, that they didn't do, and we had issued our fire code violations and the County was going to issue their violations, in conjunction with us, that didn't happen. And the last meeting I discussed, where Ian went with me, to the

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county meeting, that was one of his concerns was “you’re leaving us out here in the open and you’re not doing your part” and the County Manager Roger DesJarlais said they were going to start doing their part, so that’s where they went to the hearing examiner on the violation of the pile being on property that’s not permitted, after the state of emergency had been lifted, and then of course, we had the fire that has now broken out, which, as a significant potential hazard that it is now, one thing that it did do; we estimated that we had 144,000 cubic yards of hurricane debris material, which is the rough math, that we used through surveyors; we now figure that after the fire and what we’ve seen in the settling, we’re probably somewhere between 75 and 80,000 cubic yards of material. So that’s going to definitely increase their timeframe. And some of our tactics, we can..., some of the stuff I let burn, and other areas we put it out if it was affecting adjacent property. The 2 properties we were concerned about, one was an elderly woman’s trailer, on one end of the property, and Nortech Boat storage facility where we had multiple million-dollar boats sitting in that facility. Those were our two primary...” Commissioner Mere states “besides the chemicals and everything else.” Chief states “no, not many chemicals in that building.” Commissioner Mere continues “They’re not doing any of the glasswork there?” Chief Nisbet states “no, not really, that’s where they do a lot of their finishing work. At least, we didn’t see any of that. The one lady, actually she was pretty happy with our operations, actually she’s pretty feisty, she’s 83 years old, she was a prison guard in Miami-Dade back in the 70s, so she’s pretty tough; and she’d have no problem giving you the what for too. She’s pretty open. My gut feeling says that this will all be resolved within 6 months, that’s where we’ll be at.” Commissioner Mere asks “did they not take into consideration that 6 months puts us into April which is...” Chief Nisbet responds “that was a huge point of discussion because our position is to separate the pile; pull it off, put a little bit of dirt on it, wet it down, get it cooled off, load it in trucks, haul it out and dump it where ever it needs to go, to a landfill, we don’t care, take it to whoever you want to take it. Their position was, if they disrupt the pile, they are going to cause an ignition, which we don’t dispute that, there will be some initial ignition, but nowhere near the magnitude we’re at now because we’ve already got dirt on the pile that we used for suppression activity; and also, we have a lot less of a fuel load in there. The big reason we’re pushing to do this now is the drought index, where its at, the fuel moisture where it’s at, coming out of rainy season, typically higher humidity values this time of year compared to April, May, June; we would much rather disrupt it to move that pile now and take whatever concerns come along with it now, than have to do that by letting it sit, because, in our opinion, if we let it sit and leave it covered, when we break it apart, it’s still going to catch on fire anyway. So, we would much rather take on that potential risk or hazard now and get this thing out of here...” Commissioner Mere asks “so could we make the recommendation to the County Manager, or not the County Manager, but the Hearing Examiner, for 4 months, that would put us at least having it done by February, before we really get into that high season.” Commissioner Ducrou states “our position was 2 months.” Chief Nisbet agrees “yeah, the County’s position was 2 months, 60 days; and we’re still on board with the county.”

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Commissioner Mere states “ok, so they know what we would like to see.” Chief Nisbet states “I would say that the hearing examiner was, my gut was, she is probably going to give them 6 months, that’s just my gut feeling here, she was pretty straight-forward. I’ve actually dealt with the hearing examiner before when she was the County Attorney when she was in charge of Impact Fees, Donna Marie Collins; a very reasonable, fair woman. In fact, I expect her to contact me. We are in complete disagreement on some of the findings from their Industry Experts that testified today. They had one industry expert that testified today about putting the dirt on the pile and stuff, that this was the best thing, the best practice, and it did all these things to the pile...and we told them, ok, if that’s the case, supply us with the supporting documentation or literature and the science that backs that up. To this date, we still haven’t gotten it.” Commissioner Ducrou states “yeah; packing it down like that is not going to cool it off.” Commissioner Griffin agrees, as does Chief Nisbet. Chief Nisbet states “everything I’ve read on it, it’s a smoke abatement.” Commissioner Ducrou states “yeah, it’s an exterior insulation, inside, thermally, it’s just going to get hotter.” Chief Nisbet states “the other thing one of the experts said was that because the pile was so hot, that when we sprayed water in there that the hydrogen and the oxygen separated adding more fuel to the fire.” Commissioner Ducrou chuckles. Chief Nisbet continues, yeah, at 1200 degrees. Actually, there’s where I was not exactly political when I got asked about that because I think I used the word “horses___” with that. So, I had to re-clarify; I said if it was magnesium on the fire with a temperature of 3600 degrees, I could buy that argument. But not for wood. The problem with water and these large mulch piles is the fuel load, it’s not the amount of heat, it’s the fuel load. It’s the amount of compacted material.” Commissioner Ducrou agrees “it is, and it’s the surface tension of the material that you’re fighting, you don’t get absorption.” Chief Nisbet agrees. Commissioner Griffin states “I was told by somebody that Don Ward, is he still with the City of Fort Myers?” Chief responds “I couldn’t tell you.” Commissioner Griffin continues “he’s got quite a bit of information on those mulch piles, a lot of studies and stuff, because of the issue they’ve had over there; if you need information.” Chief Nisbet states “and this is one of the things we discussed today, is we talked about Forestry Resources in the City of Fort Myers, and they’ve had fires, but their fires have been extinguished and remedied fairly quickly; but recently, they haven’t had a whole lot of fires because they’ve gotten it under control.” Commissioner Griffin agrees “because of the rule. They did all the studies and...” Chief Nisbet states “and here’s the thing, the main site over at MW right now, at least at last inspection, was 80% in compliance. If they maintain that, we’re going to continue to work with them to get them to 100% compliance. Do I expect additional fire in the MW Horticulture Facility, yes; it’s a horticultural recycling facility, it goes with the territory. But, if they stay on top of their piles, they turn them and practice the prevention aspects, I’m looking at a 1-hour event compared to a multi-hour or multi-day event like we had with this hurricane debris.” Commissioner Ducrou states “it seems like, from what I heard from their representative on the news, was, unless they get the ability to grind, they can’t do their job. Is that their position on both sides?” Chief Nisbet states “they’re still hanging up on that, and

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apparently there was some conversations going on with Commissioner Hammond's office, this was coming out of hearing today, that there were some conversations going back and forth with MW Horticulture and Matthew Spillman who now works for Commissioner Hammond, that they were going to give them a temporary ability to grind. Well the problem is, and from what I picked up today was, County Commissioners can't do that because it goes through zoning and it's zoned residential and they can't make a change like that without doing a zoning change; I mean there's a whole legal aspect of it, that they can't do that. So, to be fair to MW Horticulture, that might have held them up, at least for a few months, addressing that pile, because they wanted to grind it. And realistically, I know why they wanted to grind it, because they want to use the material and they want to sell it." Commissioner Griffin agrees, "they're in business." Commissioner Ducrou asks "how they're dealing with the other side? They're not grinding that". Chief Nisbet states, "I would believe they're grinding it." Commissioner Mere states "Because they have a tough grinder there, do they not?" Chief Nisbet states "they have a tough grinder there." Commissioner Ducrou asks "well, why is there a tough grinder outside if they don't have the permit to use it?" Chief Nisbet states "that's a county issue, Sir. The fire code doesn't cover that. And they're aware of it; the County is aware of it. It's a mess, that's probably the best way to put it. But, I think today, we made it very clear that we want it gone; the county made it very clear, they want it gone, MW Horticulture stated they wanted it gone; I think the biggest thing now is how we're going to get it gone, but I've already heard after the hearing I've heard from Mark, the other husband of the owner and he's going to start working on our recommendations immediately, and to see where it is, and I told him. listen, I said, if you get me 25% gone, or 30% gone, and we extend the period of time that we give you, and again, my position as the Fire Chief here has always been I want code compliance, not to go to battle with businesses over code if I don't have to; but I will. That's where we're at here. And this is the first business where I've actually had to dig in as deep as I have on this one. Captain Underwood has done an outstanding job with this facility as the Fire Marshal and code recommendations. He sat with me for 8 hours down there today and watched me get grilled for an hour and a half on the, I guess you'd say, the stand on the fire code and differences of opinion between their experts and what we're going to do. And finally, it just came down to "hey listen, they can tell you all they want to, I'm the Authority Having Jurisdiction, Bayshore Fire & Rescue, and if we want it done a certain way, that's the way we want it done. And that's where it stops." Commissioner Ducrou asks "did anybody testify or were there any studies as far as the heat index as compared to mulch or materials that's been ground compared to non?" Chief replies "no, that didn't come up in the discussion today." Commissioner Ducrou states "I'm just saying, if that's, there's got to be an in for us to stop the grinder..." Chief Nisbet states "from our experience from what I've seen, the processed mulch vs. the debris; the unprocessed debris pile, a mulch pile, a processed pile is a lot easier for us to deal with than an unprocessed pile." Commissioner Ducrou states "yeah, after it's caught fire. But I'm thinking heat-wise, is a mulch pile more apt to have issues because it's a smaller material, its

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been ground down into a finer..." Chief Nisbet responds, "I think it is, I think when it really gets to it is pile size." Commissioner Griffin states "it depends on if its green. If it's completely dead and dried out, it's not as susceptible to spontaneous, but if there's any green stuff they processed, and that's one of the problems they had with the city over there with their mulch plant." Chief Nisbet states "and that was one of the issues we dealt with when you talk about pile size, is, the county ordinance is 35', but the fire code is 25'; so, we have to get them to come down to 25' on their processed and unprocessed materials. Now, their one pile they have, they call their sifting pile, which a majority of it is dirt with a minor amount of organic in there, I told them I was ok with that one being 35'. It's not gonna', even if we have an ignition, it's not going anywhere. It's just a big pile of dirt for the most part. I was ok with that one being 35', but all the other processed and unprocessed piles, they have to be 25'. And again, our biggest issue with this raw debris pile are it doesn't meet the set-backs from the other properties, it was at 47', now, on average it's at 22' because its' reduced that much material, but it still doesn't meet the 100' set-backs. Once it gets into fire code compliance, beside it being on a property that's not zoned to be on, that's going to be our only issue at that point and the hazard that produces to the other properties around. Again, it's going to become more of a county issue. But I do thing we're going to be coming to a conclusion to this issue." Commissioner Ducrou states "to this chapter". Chief Nisbet agrees. Commissioner Griffin states "well I'm sure when they get this bill they're gonna' frown on that." Commissioner Mere states "I think it lets them know that we're serious about this too. We've had enough." Commissioner Ducrou states "I'm surprised the water company is not wanting to bill. Chief Nisbet states "and they very well might. There are times they call us and ask "hey did you guys train today? We've got 10,000 gallons we can't account for." They want to make sure they don't have any leaks or stuff like that. And I'll bet that meter was rockin' because at one time we were flowing 3,500-4,000gpm for a while because we had brush trucks pumping out of the lakes and we had aerial devises in the air and deck guns in operation." Commissioner Ducrou states "those aerials running like that; the extended volume period of time where you collectively in a day, how many gallons you went through..." Captain Brunson states "the first day we were flowing between 700 and 800gpm off of that for 6 or 7 hours straight." Chief Nisbet adds "yeah, we pumped it so long we got the low fuel light." Commissioner Ducrou states "yeah, I think the water plant would wig out." With the discussion waning, Commissioner Mere states "2 questions, who'd we get the card from? We got a thank you card..." Chief Nisbet states "oh, this was a lady that was up on 31, actually just inside the Charlotte County Line, they are a horse rescue. And they had a horse down that they needed help getting up, so they called Susan Lindenmuth from Estero and said they needed help, so we were just clearing off another call so I had the engine go up there with me. The sad thing was, this horse was so emaciated that 4 of us were able to pick it up. But from what I understand, the horse is doing fine now, we got it up, got it moving, and it's doing well. And also if I can talk about Susan for a minute, going back to the fires that we had on Saturday, when I realized we were getting into a pretty big deal, and we were

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going to need a PIO fairly quickly, she lives up off of 31; I called her up and said "hey are you available" and she said "yeah" and she came in to help us out, and she was there with us for 8 hours, took care of a lot of the media aspect for me and took care of that information. I've already been in contact with Chief Vanderbrook, and he's expressed that if we need her help, she's more than welcome to help us out." Commissioner Mere's poses his second question "and I also noticed that we're doing for the 3 full times on the SAFER side, are we just keeping this internal or are we opening this out?" Chief Nisbet responds "we're doing it internal at this time. That's the way we've always tried to do it. We look at our volunteers first, because they're putting in the time, and then if we get to the end of our application period in November and we don't; we're going to make sure that we have enough depth to look at, if we don't then we'll open it up." Commissioner Ducrou asks "do those volunteers still go through the same hiring process..." Chief Nisbet states "they have to have a C-PAT; they have to have everything anybody in Lee County does; but this year the Captains have asked me that we do our own written, our own physical combat challenge type thing, and we're going to that this year; we've already got everything set up". Commissioner Ducrou states "on top of the C-PAT?" Chief Nisbet states "yeah, a lot of the departments now are doing that." Commissioner Ducrou states "yeah, but I think that the catch that you'll find with that is all your guys have to do it every year if you're going to use that as a hiring standard. If somebody doesn't pass that and you say "well we can't hire you for that", they'll come back on you and say "unless you guys do it every year, you can't make me do it". Chief Nisbet states "I'll look into that. Commissioner Ducrou continues" because we had the same thing at the airport and we had to do it every year until it just went away completely." Commissioner Griffin states "the city did too. Same thing." Commissioner Ducrou states "legally you don't want to, it's just an issue you don't want to get into." Chief Nisbet admits "I get it, and honestly, that's been our discussion that we don't want to have any issues with our hiring process." Commissioner Griffin states "it could be just the way you word that for what it's being done for." Commissioner Mere asks "did we ever do any type of an event for our door that we got from Firehouse Subs?" Chief Nisbet responds "No, they didn't ask to do one. It's always available if they ask, but they didn't ask to do one. They said "Hey, congratulations, send us some pictures" and I sent them some pictures and called it done. But I can tell you right now, that door has gotten some use since it's been here. These guys have been using it, they love it. We probably haven't even taken it to its full potential yet, with the angle iron and all. I know they moved the jamb." Captain Brunson agrees "yeah, we had to do some adjustments on it." Chief Nisbet continues "It definitely..., and the fire academy when they got done with the last co-op training they had a whole bunch of pieces of wood they had manufactured for their door that they weren't going to use and were going to throw away, they gave them to us, so we've got plenty of resistance to work with." Commissioner Mere states "Bonita's got one, Curtis says they absolutely love it, same thing; training on it is just awesome, so." Chief Nisbet states "getting good with a haligan bar is definitely a mastery that every firefighter should have." Commissioner Mere agrees "and it's a challenge for them." Vice

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Chairman Griffin asks if that is it for the administrative report and with Chief Nisbet's agreement, he calls for Petitions Before the Board.

Petitions before the Board/Public Input – Hearing none he calls for Union Petitions.

Union Petitions – Hearing none Vice-Chairman Griffin calls for Old Business. He calls for New Business.

Old Business – Hearing None he calls for new business.

New Business –

- **Authorization to draft on the Line of Credit if needed** – Chief Nisbet states we are just asking for permission to draw on the Line of credit IF NEEDED, if something major comes up before we start getting our Ad Valorem taxes in, but he doesn't anticipate needing to do so. Commissioner Mere moves to authorize use of the Line of Credit if needed. Commissioner Ducrou seconded the motion and with all in favor, motion passed. Vice Chairman Griffin calls for any other new business and hearing none he calls for Commissioner Items.

Commissioner Items – Hearing none Vice Chairman Griffin calls for Public Input

Chief Items – Chief Nisbet takes the opportunity to Re-introduce Ryan Gralinski our new Engineer who returns to us from Pine Island to fill the vacancy. He states we are happy to have Ryan back and states Captain Brunson has been wearing him out in training and states "he got a lot of pump training on Saturday (referring to the MW Horticulture fire). The Board welcomes him back. Vice Chairman Griffin calls again for Public Input.

Public Input - As there's no public input offered, Vice Chairman Griffin entertains a Motion to adjourn.

Adjournment – Commissioner Ducrou moves to adjourn. Commissioner Mere seconds the motion and with none opposed meeting is adjourned 7:32p.m.