

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
November 13, 2018

Meeting called to order at 7:00 p.m. by Vice-Chairman Griffin

Invocation – MOS

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

Others Present: Some Public

Minutes – Review and Acceptance of the minutes of the October 9, 2018 Board Meeting. Motion made by Commissioner Ducrou to accept the minutes. Commissioner Mere 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 October 2018 financials. Commissioner Ducrou moves to accept the October 2018 financials. Commissioner Cook 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 “the Fire Marshal’s report, I’ll have Captain Underwood when he gets back if the meeting is still going on, I’ll have him go over that; but most of the stuff we’ve been dealing with on the Fire Marshal’s side has been MW Horticulture. The Hearing Examiner ruled following our recommendation about 2 ½ weeks ago; we actually went out on November 7th and did a reinspection of MW Horticulture and found a couple violations that they were working on clearing or taking care of; and they’re currently working on the plan to remove the pile. There’s still fire in the pile but they have a plan and they’re starting to remove it and we’re supposed to go back in front of the Hearing Examiner on December 17th to see where their progress is from that point on, so... It’s going to take them a little while to get it out of there, but our hope is that they’ll have it completed some time shortly after the first of the year. I think that once they get going on it; the fire has reduced the material quite a bit, probably at least by half...” Commissioner Cook states “best thing that could happen to them wasn’t it?” Chief Nisbet states “in some aspects, yes, but the problem is it has created some heat and ember issues, it’ll be something that we need to watch; and I’ll instruct the Captains to run down there this weekend with the humidity dropping down and that cold front coming in, but right now they’re

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doing a good job of keeping it under control. Again, our hope is that they get it addressed, get their business within fire code compliance, so we can keep on rockin' on." Commissioner Ducrou asks "have they provided a schedule that they're going to haul off so many trailer loads a day, or..." Chief Nisbet responds "they were working on that, on getting some equipment and stuff, we have not gotten that yet. We're supposed to go back in two weeks to see how much they got squared away there. One of the things they asked us was if they could, there was some debris that was on the access point to the pile that they asked if they could haul out first so that they could put, I want to say a "sifting machine" that separates the dirt from the material so they can use the dirt, then re-use the dirt for suppression activity; we told them we agree to that because we didn't want some ignition in those piles along those properties anyway. And then they were bringing in some claw equipment; but I think they're planning on, at least in the short term, was do at least 4 truckloads a day. We'd like to see them do 10 truckloads a day, that is what we'd like to see them do, but the County is also meeting with them and I know DEP has also sent them a warning letter regarding the piles so...between the county, DEP and the fire district, we're all in the same boat with wanting the pile gone." Commissioner Mere asks "Have they said where they're hauling it to because 4 loads a day just doesn't seem like, unless you're hauling that stuff way out..." Chief Nisbet sates "I don't know; I believe that DEP told them they couldn't haul it to their other site, so it has to go to a different location; as far as that, I couldn't tell you. And again Commissioners, I don't want to get too far into those weeds, that's not my concern; my concern is that it gets in fire code."

Commissioner Cook states "Well were hoping that it's not in our fire district. That's what were hoping." Chief Nisbet agrees and states "honestly, if that pile was out in the middle of an open field out in the middle of nowhere and they wanted to cover it with dirt, I wouldn't care. But surrounded by houses and businesses, and the interstate, we just can't allow it to stay." Commissioner Cook asks "are they still grinding?" Commissioner Griffin states "yes". Chief Nisbet responds "I do believe they are; but that's not a fire code issue, that's a county code issue; as far as the grinding. The grinding is not covered under the fire code whatsoever."

Commissioner Ducrou asks "do we report it to the county as an observation when we go out there?" Chief Nisbet responds "every time that we have gone out there, there has not been any grinding activity taking place while we've been doing our inspections. I will say there's been a grinder on the property, but there has not been any grinding taking place when we've done our inspections." Commissioner Mere states "I'm curious about 1 thing, that property over on 31 that they had the big mulch pit that we had to go to a fire on several years ago, I've heard nothing from that; are they still, is that still an operational location? They are just basically keeping things in check where we don't get calls to it?" Chief Nisbet states "yeah, honestly, if they rotate their piles, and disperse the heat..." Commissioner Mere states "it's back to another proof, that when done right..." Chief Nisbet agrees "absolutely, there's not a problem. We had the one fire out there; and actually, that's in Charlotte County." Chief Nisbet reads the Administrative Report into the record. He invites questions. Commissioner Mere asks "any new updates on the

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project on Pritchett Parkway?” Chief Nisbet responds “they are continuing to work, they’ve filed for the permit for the pool, I think they’re just waiting on 1 thing, and they were in the process of permitting the sales center and some models.” Commissioner Cook states “Looks like it has just stopped over there, didn’t it; completely stopped.” Chief Nisbet states actually when I went in there the last few weeks...” Commissioner Cook states “well, I don’t know about the last **few** weeks, but...” Chief Nisbet states “yeah, the last 2-3 weeks, especially the Pritchett Parkway area, a lot more sidewalks have been put in, a lot more fine tuning of the dirt and we’re waiting on the hydrant system to be officially approved. Apparently, it’s been flushed but all the hydrants are still covered. We’re waiting to find out what’s going on so we can go in there and tag them down so we can flow them ourselves.” Vice-Chairman Griffin 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 – MW Horticulture.

Old Business – Chief Nisbet states “yeah, we’ve already talked about that. We’re going to continue to maintain vigilance on them. We’ve talked to the attorney several times regarding that and if they don’t continue to make improvements or they don’t continue to address the pile in a timely manner, the county is going to impose fines and deal with that; and if we feel they’re not doing their due diligence then we can do a stop work order. And they’ve been noticed on that and that’s been sent to them more than one time. The other thing too is, we sent them a suppression bill over \$21,000 for the fire we had about a month and a half ago; their attorney did contact me and ask me if the company could make payments on that; and I said short-term, I felt that was within my authority to do that so I said absolutely, and the next question was, well do you think your Board would reduce the fine? I told him that was something we would have to take up at a later date, but until I see some true action, I’m not interested in that, whatsoever.” Commissioner Cook states “that’s what I was getting ready to ask, that \$21,000, you already gave them a bill, I was wondering what happened with that.” Chief Nisbet states “right now, they haven’t paid anything, and I think we’re getting close to the 30-day mark. We’ll re-invoice them again, plus we have a reinspection, every time we go out there for a re-inspection now, they’re getting a bill for re-inspection as outlined in our prevention costs.” Commissioner Cook asks “do you have an interest charge on it after 30 days, anything like that in there?” Chief Nisbet states “no, I have not.” Commissioner Cook reiterated “nothing”. Commissioner Ducrou states “I think if you’re going to split it up and let them go over a 6-month period, I’d charge them interest on it. It’s expenses that we have out of pocket that...” Chief Nisbet states this is the first bill that we’ve sent, beside the foam we used on the railroad track that one time when they said how much is your foam and they paid it... I haven’t really thought about that,

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unless you have any concerns with that..." Commissioner Cook states "not me, it makes them look like they need to pay in a certain amount of time; right now, they don't. Right now, it's open ended; they can pay whenever they want." Chief Nisbet states "Well, no, I did tell their attorney that I wasn't going to go over 6 months." Commissioner Cook asks "yeah, well, what happens if they do?" Chief Nisbet states "we lean the property." Commissioner Cook states "that's all they've got to worry about. There could be other liens on there now."

Commissioner Ducrou states "it's not their property." Attorney Mann states "that's my impression from the All-Hands meeting that we had at the County Administration Building when this started, with the one attorney representing the landowner, and his philosophy of "if it all blows up we're suing everybody", because their concern is the harder we push, the harder the county pushes, the greater the likelihood the business owner says ___ all your houses and walks, and leaves the problem behind. So my conversations with the chief on the bill were, the fact that they asked about a payment plan I took as a good sign because if you have no intention of paying, why would you ask about a payment plan, so, yeah, we'll be happy to work out a payment plan." He suggests to Chief "maybe it's time to follow up with their attorney on that and say "ok, let's work out the details of said payment plan and when can we expect the first check?"

Commissioner Cook states "well, there's a way we could say "all right, we could take 80% if you pay it in 30 days...that kind of payment. That kind of payment, that's what I'm saying. Some incentive to pay it now and not drag it out for 6 months." Chief Nisbet states "and that's what I'm saying Commissioners and that's why I didn't bring it to you before this because I thought that's kind of in my area of responsibility to set that up with them, my biggest thing is I want to get the place into compliance so if I say hey I'll help you out for 6 months, you can give me two grand a month or give me five grand up front, whatever, however it lays out as long as they're paying it off within 6 months, if you get me into compliance, it's a win-win. Actually, we even reached out to our mutual aid departments and asked them if they wanted to be a part of the suppression costs and they all said no because we come to them so much and help them out whenever they need it, that they felt that..." Commissioner Ducrou states "we could still bill them and they could give us the money."

Commissioner Mere asks "do you have to have their approval to bill for their cost; the mutual aid cost?"

Chief Nisbet states "I have to have their agency on board." Commissioner Ducrou states "you would at least have to know their amount because you don't know specifically what they have..." Chief Nisbet agrees "yeah, I don't know their personnel costs, like the aerals, I can figure because that's \$150 an hour, but I don't know their personnel costs." Commissioner Ducrou asks "man, how does an aerial that costs a million dollars you only bill \$150 an hour?" Commissioner Cook states "yeah, pretty cheap aint it?" Commissioner Ducrou states "yeah, pretty cheap." Chief Nisbet states "a pumper is \$76 an hour, that's wet; with fuel. Hearing None he calls for new business."

Commissioner Mere states "That's based on..." Chief Nisbet responds "that's the FEMA rate." Commissioner Cook states "I wonder if we could start renting them and not buying them." Chief Nisbet

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responds “that’s the disaster rate, that’s why we always use the FEMA rate. It’s the cleanest rate. It’s the GSA rate. The government rate that they charge for disaster responses and all that stuff. We use that rate because it is a nationally recognized schedule per hour. So that’s it on MW Horticulture; so if it’s all right, I’ll go into the next thing and that’s BLS Enhancement MOU. Inside your packet, a few years ago I discussed a plan in coordination with Lee County EMS that would give us the ability to carry certain life-saving drugs on a BLS status without going the ALS route. Epinephrine for allergic reaction, Nitroglycerine for a cardiac patient, aspirin, Narcan for drug overdoses, and Albuterol updrafts for breathing difficulty. There’s also going to be oral glucose and a couple other things in there. As we started to move forward with this, we ran into some difficulties state statute wise and based upon the county’s COPCN Ordinance because BLS agencies aren’t licensed and how that would press forward. I figured it was dead; but Lee County EMS actually stayed on top of it. They got the legislative changes through in this past legislative session. They’ve reworked the COPCN process to where we can enter in a Memorandum of Understanding with the County to provide these credentialed BLS services under their license. Which was originally the intent anyway. So, once you get a chance to look at this MOU, which it’s not a very long one, it’s only 2 pages; if you guys approve it, the next step of this would be the County Commission would approve it. We would set up some training and training the trainers with Lee County EMS personnel and they would train all of our Full-Time Firefighter/EMT staff. I’m only doing full time right now, I’m not taking this out to the volunteers because I have to have some controls over it, and the first 6 months is a beta test to make sure it works. They want Bayshore and Fort Myers Shores to be the beta test agencies. If this works out, then down the road it could be some enhanced services. On our end, the cost is the drugs, and any training costs that we might have. Training costs, I don’t foresee anything because EMS is going to bring their mannequins; I’m going to work out a deal of going in there and doing some ICS training and classes for them and we’re going to barter that aspect of it. But as far as the drugs, one of the other changes that we wanted to get through was through the state BLS they call for a ___ well a Narcan bottle injector is \$450. An Epinephrine auto injector is almost \$350; so, what we were able to do was to get authorization that we could do a Narcan kit which is \$40 and we can do an Epinephrine vial which is the 1 to 1,000 IM kit, that we can purchase for \$7. So, EMS wanted to make sure it was cost effective so, right now, rough math, between \$70 and \$100, per unit, to put this in service for us to be able to carry the medication that we would need to do these life-saving interventions; and if I don’t have to remind the board, one of the things that pushed this to the forefront was a call that actually happened in Bayshore on Henderson Grade that was an allergic reaction that the gentleman got stung by a wasp, was on the phone; and it was such a severe reaction that he collapsed while he was on the phone with 911 and when our unit arrived on scene he was breathing 4 times a minute. And if Medic 19 had not been here with us in station, he would have died. So, that was our push to say hey, it’s covered in the EMT curriculum; how can we start doing this? And that’s where it

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started to roll.” Commissioner Mere asks “how many kits would we need?” Chief Nisbet states I’d put one on Engine 131, Engine 132, and the brush truck. I would need 4, so it would cost with reserve stock and everything, we’re looking at about \$1,000.” Commissioner Cook asks “a kit’s a one time use only?” Chief Nisbet agrees. Commissioner Mere asks “is there a shelf life?” Chief Nisbet confirms “everything is probably about 2 years. And it’s the level of pre-hospital care enhances.” Commissioner Mere asks “is it a similar product to what EMS carries on their buses or what?” Chief Nisbet responds “it’s the exact same thing EMS carries.” Commissioner Mere asks “is it something that if we see we have a supply of stuff that we haven’t used that’s a year old, that we can change it out?” Chief Nisbet responds “no, I’ve already had that conversation.” Commissioner Ducrou asks “if we use it on scene, they won’t replace it like anything else?” Chief Nisbet states “no, because they’re using LeeSar now and the way they restock it and because of the way that certain billing is done now, on the transport; I don’t know, this is one of the things I was told the can’t give us the medication for a restock and bill the patient if they didn’t actually administer it to the patient.” There’re multiple conversations between board members now. Commissioner Cook asks Commissioner Ducrou if we can bill it and Commissioner Ducrou states we cannot. Commissioner Ducrou states anything we use on scene they replace for us. Chief Nisbet agrees, O2 masks and that, they can; not meds. And, he elaborates, “all the ALS agencies they’re not swapping out meds on scene either. They’re responsible for their own meds also. I did have the attorney look it over. He felt it was ok, didn’t see any issues with it.” Commissioner Ducrou asks “has it got any control issues where it has to be locked up?” Chief Nisbet says “no, no narcotics; very straight-forward, I think six or eight meds tops; and really the only two that really we could have any QA issues with would be the nitro, if somebody gave the nitro without checking pressure first or an erectile dysfunction drug; or they gave the epi to a patient that was already tachycardic. Both medications are pretty user-friendly.” Commissioner Ducrou asks “this won’t fall under the medical director though?” Chief Nisbet replies “under the medical director/Lee County EMS, yes. That’s what the MOU would be.” Commissioner Ducrou states “ok, so it’s not, you said it would be under Lee County EMS. It’s still going to be under the Medical Director, like everything is now for your EMT.” Chief Nisbet acknowledges “correct. It’s just one of the things because it would be a credentialed; our EMTs would become what is referred to as credentialed EMTs. Another aspect of the training is they’re going to get IV training even though we won’t be carrying IV equipment initially, the ability for us to be able to assist with IVs in the field and all that. They have a curriculum that they train to credentialed EMTs. I did talk to the DVP about this; because this is an enhancement in responsibility; it is a little bit of a change in working conditions that they currently do. We both agreed let’s go through the beta test and talk about it at the table next year. Because some of the agencies are already taking about incentives and I think that’s fair, but I asked if we could do the beta test first and make sure that, number one, we keep doing this, or that they don’t discontinue doing this; before we start talking about it in the contract.”

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Commissioner Ducrou states “you’re not going to use it much, it’s just one of those things where you train on it more often because it’s a specialty.” Chief Nisbet agrees, adding “and then we have to provide 3 trainers and 2 of the engineers have already stepped up and said they’ll be trainers.” Commissioner Ducrou states with a chuckle “and provide half of your department as trainers.” Chief states “actually it will be a third here soon.” Commissioner Cook states “it sounds good.” Chief Nisbet states “so Commissioners if you want to approve this, I just need a motion.” Commissioner Cook moves to accept the MOU for BLS for Emergency Medical Services. Commissioner Ducrou seconds the motion. Commissioner Griffin asks “so we’re bound by this for 5 years?” Commissioner Mere points out that we can get out of it with 90 day notice. Vice-Chairman Griffin calls for any opposed and with none opposed motion passed. Commissioner Ducrou asks Chief if there have been any further discussion about having a medic on the engine. Chief Nisbet states “no, I think with Medic 19 being stationed here, that would probably be difficult right now. They’re dealing with Medic shortages right now; right now, a lot of agencies are dealing with medic shortages. A lot of departments right now are offering single cert paramedics to come in and then they send them to fire school. It’s a big issue. I know the other 2 or rather 3 engines that they supply medics to they’ve been browning them out occasionally because they’ve had to move that medic to a transport unit.” Commissioner Ducrou states “not the airport yet.” Chief Nisbet states “that will probably be the last one they brown out.” Commissioner Cook asks Commissioner Ducrou “oh, there is one there?” Commissioner Ducrou responds “only because it was killing their response times on paper. It’s not that they have a lot of calls. So, it was killing their average.” Vice-Chairman Griffin calls for any other old business. Commissioner Mere asks if we have an update on our new hire. Chief Nisbet states we started the process last week, we had 7 individuals take the written exam, and the oral boards, of those 7 we took the top 4 scores to move on to the Chief’s interview, which is going to be next week. Commissioner Cook asks if 7 passed the written or 7 took the test. Chief Nisbet states we had 7 take the test and we did a straight score; we didn’t do pass or fail. We took Commissioner Ducrou’s recommendation, we just took the C-pat for the physical agility because we didn’t want to open up ourselves to the potential on that, and then the 3 Captains did the oral board test. Which they had to answer 25 questions in the oral board process. It was laid out in the point system. We just took the total number of points that everybody got and ranked them accordingly.” There is some discussion about welding questions presented in humor. Chief Nisbet states “there were some agency specific questions because this was a volunteer promotional process to promote from volunteer to paid staff so that’s how we look at it. So, there were some questions that were agency specific involving the play book, standard operating guidelines... I will tell you that one of the candidates surprised the Captains. You could tell this individual studied because in the last question, they asked if there was anything you want to add; and he went right on down through the trucks whether it was bought on a grant, pump size, tank size, how much hose was on it, equipment,

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what calls it goes to... they were pleasantly surprised." Captain Underwood states "he also recited our Motto and Mission Statement." Commissioner Cook states "that's pretty awesome." Commissioner Ducrou asks "one of the volunteers? Did you ask the same questions to everybody, volunteer or not?" Chief Nisbet states "we only looked at volunteers. It was an internal process." Commissioner Cook asked "so are we going to get 3 out of that 7?" Chief Nisbet responds to the affirmative adding "my slam-dunks left me. But I'm pretty happy with what we're looking at right now. In the mix we have 4 volunteers that have been here for quite some time, one that is a combat veteran, we actually have a good group to look at. I'll be doing Chief interviews next week after I get back. Then from there we'll do our conditional offers of employment pending background check and physical. We did revise our start date from January 26th to January 16th to coincide with our payroll period." Commissioner Ducrou asks "do you guys do background checks on the volunteers?" Chief responds "local internal. Lee County Sheriff's Office, State driver's license DOT checks." Commissioner Ducrou asks "how does it differ from the one you do for employment?" Chief Nisbet responds "they are very similar, there's not much difference." Chief Nisbet offers Captain Underwood to provide any additional information regarding MW Horticulture. Commissioner Cook states "we're good; you gave us a lot of information." The addition that Captain Underwood makes is "The Hearing Examiner gave them a 45-day time frame to see where the progress was at, and how the operation was working based on our recommendations as to how they were to remove it. And then the hearing examiner is going to look at it again and then either extend that time for another month or two or tell them to stop and let it degrade. What they want it to keep it covered and let it deteriorate internally. So, the hearing examiner will rule again on that on December 17th." Commissioner Ducrou asks "so, nobody's come up in the hearings with specifics as far as you need to pull this much out on a daily basis, to have decent progress?" Captain Underwood and Chief agree that was not in the order. Commissioner Ducrou feels that should be discussed and defined. Chief Nisbet states "we had to walk very carefully on this because the hearing was based on the County's violations. They were not based on the fire code violations. We were only there to testify what was going on with the fire code and the issues we have. But it's on the County's violations so, the County is going to have to dictate what they feel is appropriate." Commissioner Mere adds "and an end date as to when it has to be in compliance or what." Captain Underwood assures "I can tell you that if the County gives them 6 or 8 months for it to sit there and let it rot, that won't fly with either us or DEP. DEP just sent them out a warning letter because they are required to size reduce, which is grinding or processing or remove it within 6 months. That pile is well over 6 months, DEP sent them a warning letter based on that, and several other DEP regulations that they are violating with that pile." Commissioner Ducrou states "they have fire code violations, right?" Captain Underwood affirms. Commissioner Ducrou states "then I don't understand why we don't have a dog in the fight, I thought..." Captain Underwood states we do, we supporting the County's stance with the

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public safety hazard as well, that's why they gave them the time frame. And we can't expect them to have it out of there overnight, so we've got to have some kind of time frame, because the county allowed them to dump there in the first place; but we're not in support of the 6-8 months for it to degrade before they start moving it out of there." Commissioner Ducrou states "with 4 trucks a day, it seems like you won't have any substantial movement." Captain Underwood states "no, they've got, based on a few days after the fire, from the 3D survey they had to have, about 50,000 cubic yards of debris there, and I would say that's probably dropped quite a bit." Chief Nisbet states "They started with 144,000." Commissioner Ducrou states that "running that dozer on top of it is going to make it look a lot smaller any way." Captain Underwood agrees "it's compacted quite a bit." There's still more discussion on the health and safety concerns for the residents and businesses in the District. Also, how you can't get it extinguished since you can't get to the center to get water on it so it will continue to burn and irritate. The District's attorney states "what's going to happen when the county's hearing officer reviews this again, December 17th; you have three agencies involved in this. You have us, DEP and the County; The County right now is taking the lead in terms of, let's say, the harshest forms of enforcement stance. DEP and we, for the moment, are standing by, ready to step up more aggressively if necessary. If the County, at that review hearing, if the hearing examiner says "ok, you're making a good faith effort, we're going to give you another 3 or 4 months to get it done; that's when the Chief here has to decide, potentially in consultation with the Board, no, sorry, the fire issue is still of a concern; we're not waiting and letting the county decide because the public nuisance isn't that great, we're still concerned about safety. Everything that I've seen so far, the District is within our authority now to issue a stop work order saying stop taking in any new material until all of this is resolved. We've been trying to strike that balance once again for fear that the business owner just walks away. How long do we tolerate that and the 4 trucks a day looks like they are trying to maintain the impression that they are trying to make it go away, but they're trying to let the fire do as much work as it can for them, to save them the expense of running all those trucks. So, there's no right or wrong answer here, it's all a balancing act. Everything I've seen right now is, from the legal standpoint, the more aggressive we get, the more likely we are to get drawn into a legal fight in court with these folks, which costs the District money, so my recommendation, based on the county's recent positions and their standings at the review coming up is; let's see if they continue to make some progress and as long as the Chief isn't overly concerned that the neighboring houses aren't in imminent danger of burning down..." Commissioner Ducrou interjects "or the health of the people around for all the smoke..." Attorney Mann continues "yeah, the smoke is an issue in and of itself, just as a health concern, and that's something I guess you have to assess when you're on site, driving through the neighborhood..." Commissioner Griffin adds "DEP I think would be involved in that." Captain Underwood states "they are now." Everybody is talking at once again. Chief Nisbet states "and just to remind you Commissioners, for the longest

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time, we were the only agency that was actually raising a stink and trying to do something about this until we actually went to a meeting that Ian was taking about earlier, about when we got all the powers to be to have this meeting and I called the county out and said hey, you said you were going to write a letter along with us; what happened to the letter? And they said, well it didn't go out. And when I asked why, I didn't get a straight answer, and that's when he (Attorney Mann) went to work them." Attorney Mann states "my impression is the county was waiting on us to take the lead. The first call I got on this from Assistant County Attorney, I've lost track on how long ago it was, but it's been a while, that they were kind of wanting us to take the lead, and my conversation was, now wait a minute, you guys were the ones that told them it was ok to violate your code and create the problem. So pushing back on that got them to step up a little more to try and make some effort to fix the problem without us having to put out the expense and headaches to deal with it." Captain Underwood states "even if we issue a stop work order, they're not bringing in any material on this site, as it is, we can issue a stop work order on their other site which is adjacent property that is all owned by the same owner, but it's going to stop them from bringing material on that site, it's not going to do anything to address..." everyone is interrupting everyone again and no-one's thoughts are finished. Chief mentions something about bringing in an air curtain incinerator to where they actually burn it on site but use this curtain incinerator which causes it to burn clean. But they have to get a big one." Commissioner Ducrou says those work good. Captain Underwood states they discussed it with them but they deny they work well as they've used them before. They don't like them. I even asked DEP to help them out and give them a variance to use that equipment and they said nope, we're not going to, we don't like them and they caused too much problems at their south yard. Engineer Lemieux states their employee told them they want the ash as they can just sell that for more money as it is higher quality for the soil mix. It's all revenue to them. Commissioner Ducrou states "my whole issue with the stop work order is if they want to have a business, then they'll clean it up, the stop work order will just encourage them to do it faster, when they realize that we're not screwing around with them, and if they want to close shop, the easiest convenience, they'll close shop, and either way, it won't get any worse from that point." Commissioner Griffin asks "if they just pack up and leave, how can they not be responsible for any of that?" Captain Underwood and Attorney Mann both state the property owner would be. Attorney Mann continues "and the property owner is the one who's threatening to sue everybody who's allowed this problem to brew over time instead of properly regulating it. And I'm not telling you we'd lose any of the litigation, I'm just saying that's litigation that might go on for months if not years and no one knows how much expense. The county created the problem by giving them the waiver, the county should have been more detailed in their agreement with this business owner and said we're going to grant you the waiver, you're going to help us out by taking all this material in, but you're going to make money out of that process because you're not taking it for free, so you're going to make plans now for how you'll deal with it

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in the future when we tell you ok, sorry, you have to stop. The business owner was more than happy to take all this material in, generate all the extra income, and put no thought into what are we going to do; well no, let me take that back; it appears to me, they put a lot of thought into it. The thought was "we're going to get so big that they will have to waive the zoning requirements and let us switch from being a transfer facility only to an on-site processing facility and then try to get a permanent zoning change out of it. And they're still doing everything from a business owner's perspective to do everything as slowly and cheaply as they can to not get in any further regulatory problems and appear to be complying; and they are making progress to reducing the problem. It would be nice if they worked a little bit faster, but the decision that the Chief and the Board here, theoretically have to make, it's ok, as long as we're moving in the right direction, do we complain about whether they're moving fast enough, and potentially cause them not to move in the right direction." Chief Nisbet states "my recommendation right now would be to wait to see what happens on December 17th."

Commissioner Cook inquires when the \$200 fine per day is supposed to be imposed that was stated on the news. Captain Underwood states that was if they didn't start moving product by November 7 it was going to be \$200 a day fine up until the next hearing and then at the next hearing the examiner would further review the process at that point." Commissioner Cook states "I like how she said they were just doing the county a favor by taking all this debris. What favor did they do the county? They were paid to take it. They didn't do it for free." Attorney Mann states they did, the County needed a place to put all this debris after the hurricane. Thank you for your assistance, but you're going to be paid for the service you're providing. And they just needed to put some of that cash aside to deal with it." Chief Nisbet states and that was one of our major issues we had with this whole process is; before a piece of property brings in a business, has a zoning change, gets approved; the first thing that happens is we get a request form the county; hey this is what we're proposing in your district, and when MW Horticulture first came in, it was originally applied to zoning as a transfer station to take product in, to take product out, to move it down to the south yard. That was originally what it was and we signed off on it. We said yeah, we didn't think it was going to be that big of a deal, we didn't have any indications that that was going to be. It has morphed into this processing site which is not by zoning, again, that is a county zoning issue, but the temporary site south of the lake was approved and given variances without even consulting the fire department. Never heard a word about it until we looked over there one day and there was a mountain of debris." Captain Underwood states "yeah, the end of January we responded to a call on Howe, drove into the driveway there and looked up and there was a mountain there. And we started digging into it and I started having meetings with them in January ". Commissioner Ducrou asks "how did that breakdown occur if we always get it, and that one miss us?" Captain Underwood replies "because it was just a temporary "hey you can use this temporarily" and it was in a letter from county." Commissioner Ducrou asks "Was that from Irma". Reply is affirmative and he gets it because of the state of emergency. Captain

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Underwood explains that there were numerous sites scheduled for the raw debris for the hurricane that turned out not to be available; but he goes on to explain that all the county debris was ground into mulch and hauled in and all this raw debris came from state DOT and their own private contractors and other agencies, not Lee County. There's a lot of discussion of the various sources and forms of debris brought in and how it was supposed to be handled and what they weren't supposed to do. But it remains they get 80% of their revenue from intake and they got paid to take it all. Vice-Chairman Griffin calls for anything else in old business and hearing none, calls for new business.

New Business –

- **Swearing in of Commissioners** –Chief Nisbet formalizes the oaths of office.
- **FY 2017/2018 Budget Amendment** – Chief Nisbet briefly covers the amendment stating we were over in personnel cost but over all we are able to carry forward an additional \$88,686.03 to Reserves. Commissioner Mere moves to accept the amended budget. Commissioner Ducrou seconded the motion of adoption of Appropriation Number one and with all in favor motion passed. Commissioner Mere moves to adopt Resolution 2018-07 amending the final budget for 2017/2018. Commissioner Ducrou seconded the motion and with none opposed, motion passed.

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

Chief Items – None

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

Adjournment – Commissioner Ducrou moves to adjourn. Commissioner Cook seconds the motion and with none opposed meeting is adjourned 7:55p.m.