

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING  
April 11, 2017

**Meeting called to order** at 7:00 p.m. by Chairman Hansen

**Invocation** – Chairman Hansen

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

**Others Present:** DVP Swindle

**Minutes** – Review and Acceptance of the minutes of the March 14, 2017 Board of Commissioners meeting. Motion made by Commissioner Mere to accept the minutes. Commissioner Griffin seconded the motion. Chairman Hansen calls for questions or comments. With no questions or discussion and none opposed, motion carries.

**Financial Report** - Review & Acceptance of the March 2017 financials. Commissioner Griffin moves to accept the March 2017 financials. Commissioner Mere seconded the motion. Chairman Hansen calls for questions or comments. With no questions or discussion, and none opposed, motion carries.

**Fire Marshal and Administrative Reports** (attached) – Chief Nisbet reads the Fire Marshal and Administrative reports into the record. Mid report with regard to the MDA Boot Drive, Chief Nisbet looks to Captain Swindle for an updated ranking in the drive. Captain Swindle confirms the rank is fourth in the county. Commissioner Hansen, in humor, asks why we weren't first. Chief states we weren't going to beat Lehigh. Lehigh's blowing everybody out of the water. Captain Swindle states "we only have one intersection". Commissioner Hansen states "That's our issue, isn't it". Captain Swindle agrees; it is. Commissioner Hansen states we need to go down to 31 too. Captain Swindle states we beat a lot of people. He continues "San Carlos, South Trail, and Estero. A lot of big departments, we beat." Chief Nisbet states "People were really generous this year. Commissioner Hansen states "Good!" Chief continues his administrative report and invites any questions. Hearing no questions offered, Chairman Hansen calls for Petitions/Public Input.

**Petitions before the Board/Public Input** –None

**Union Petitions** - None . Hearing none, Chairman Hansen calls for any Old Business.

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**Old Business** – Chief Nisbet states he has none. Chairman Hansen polls Commissioners for any old business they may wish to discuss; and hearing none calls for new Business.

**New Business** – Chief Nisbet states he has two items –

- “First on the Agenda, because we now have to post our agenda 10 days before the meeting, I would like to add where Commissioner Items is, Chief’s Items so that way if I have to walk something on or I need to bring something forward that needs immediate attention, there’s an area in the agenda that addresses that.” Chairman Hansen states “so you’re going to make number 13 Chief’s Items and number 14 Commissioner Items?” Chief Nisbet responds “we can do that or we can make number 13 Commissioner Items and number 14 Chief’s Items. It doesn’t matter to me either way.” Chairman Hansen states “we like talking about you first.” Chief Nisbet states “Ok, so we can do that but I will need a motion to accept that for the agenda commissioners.” Commissioner Griffin moves to accept. Commissioner Mere seconded the motion and with no further discussion and none opposed the agenda modification is accepted.
- Chief Nisbet moves on to Resolution 2017-01. Chief Nisbet states “I actually drew this up prior to receiving the State of Local Emergency the Governor declared today which also encompasses the entire state. But within the District I felt we needed to address burning of materials that doesn’t fall under the Florida Forest Service Guidelines. Florida Forest Service has control over all burning of pile burns, land clearing, Silva culture, those items they’re lead agency; however, they leave you to yard debris, trash burns, recreational fires, the fire districts control; and my opinion, even though we don’t have a county wide burn ban, we need to ban all burning in the district whatsoever, due to conditions, with the exception of cooking fires and what I mean by cooking fires is charcoal grills and gas grills and propane type stoves. My recommendation is, in the resolution I have that we leave this in place until conditions improve to where I feel that we can release the burn ban either through your direction or at my convenience. Commissioner Hansen asks “My question is how we let the people know that we put this in place?” Chief Nisbet responds “we will post it on the website, we will also post it on the Face Book page, we are also going to post just a “Burn Ban” sign at Lawhons, C&C Feed, some of the businesses around the area.” Commissioner Hansen asks “it’s not something that we have to let Wink and all them know?” Chief Nisbet states “No, but we probably will once we get this in place; actually the Charlotte County Chief asked for a copy of this because he knew we were walking this on tonight, he asked for a copy also because they are looking at some language also; but once the County enacts, I think with this executive order from the Governor, under Section 5, may alleviate that area we can’t get past right now, depending on what the County Attorney interprets that as, we may have a county-wide burn ban pretty quickly. “ Commissioner Mere asks “is there any type of enforcement that we can do

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with this?" Chief Nisbet responds "actually the District's enforcement is limited, however, because we have the state of Florida's Declaration of Emergency, it actually gives us some authorization to do this with some enforcement capability. So what I would probably do is defer that to the Sheriff's Office and let them do the enforcement. If we have a burn ban in place county-wide, it's a second degree misdemeanor; so that might now actually fall under the Governor's declared State of Emergency. But our enforcement aspect right now would be we call Florida Forest Service and they would do a Notice of Violation. Now through a previous resolution of the board, depending on the offence and the person, that could actually accompany suppression costs, where we could charge them for suppression of an illegal fire or an illegal burn. I think that a majority of people are already not burning; I just wanted to prevent somebody from having an accidental fire and having a catastrophic day. I will tell you we dealt with an individual up off of Williams Rd. who was burning some material that shouldn't have been burning. Lewie dealt with him first, then Captain Underwood had to go up there and deal with him, and he wasn't, shall we say, the nicest to the crews, so we notified Forestry to come out. They did a Notice of Violation after they saw the materials they were burning, they notified DEP and the Sheriff's Office, and they came out and before the end of the day, that gentleman was looking at a pretty big bill. Our aspect will be mostly educational, when we go to a place the first time, we're going to explain we have a burn ban in place, we're going to put their fire out, we're not going to allow them to extinguish their fire once this is in place we will put their fire out, and tell them there is no burning right now until further notice, and if we have to go back again, we'll start kicking it up to Notice of Violation and if we have to, we'll get the Sheriff's Office involved. Chairman Hansen calls for any other questions on the Resolution. Hearing none, Commissioner Griffin moved to adopt the Resolution 2017-01 reading the complete title of the resolution. Chief Nisbet interjects here that our council has reviewed and approved the aforementioned resolution. Commissioner Mere seconded the motion and Chairman Hansen calls for any further questions or discussion and hearing none calls a vote. With all in favor and none opposed Resolution 2017-01 passes unanimously. Chief Nisbet add s "With the Governor's State of Local Emergency that he has issued, as of right now, there's not a funding mechanism attached to it as there is in hurricanes, I believe it's going to be tied to specific fire events, I would say if our activity continues to increase, they'll probably establish what they call a complex here for Lee County, or Lee/Collier; usually what they do is use a ranger so it'll be Caloosahatchee Complex. Once they do that, then there is a specific incident to tie into that and it'll be addressed and there will be refunds attached to it; however, the state emergency management office has told us to start doing our documentation on 214s effective today. And we may actually be able to go back to the Collier County fire Lee/Williams fire and get some recoup on that; we just don't know yet. The other part of this State of Emergency that you've just

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approved; and I've already spoken with the DVP regarding it, depending on activity and how busy we get, we may end up having to suspend certain areas of the contract, mostly the vacation aspect, to where we have to keep people working and have to cancel leave. I don't want to do that; it's not my intention to do that, but if conditions warrant, we will have a discussion as to how we will work that out. Because we are chewing up some overtime right now. And just so you know, I'm staffing 4 people right now, all day, every day; up until 7:00 at night, so if I have a vacancy spot or if someone calls out, or somebody doesn't come in, we're filling a firefighter overtime spot for 12 hours from 7 to 7. If we don't have something major break out by 7 then that individual will go home; if not, then we hold them for the rest of the shift. Commissioner Mere asks "how far is that throwing us out of our budget?" Chief Nisbet responds "Oh we're at 75% of our overtime budget already. We were doing really, really good until about 4 weeks ago. And then if FF Gralinski is going to be out for a while, that's going to put a firefighter out on short term disability for a while, so..." Commissioner Hansen asks, "That being kidney, that wasn't work related?" Chief Nisbet responds "not that I am aware of; I haven't gotten any information or indication that it was." With no further questions or comments offered, Chairman Hansen calls for Commissioner items.

**Commissioner Items** –With no Commissioner Items offered for discussion, Chairman Hansen calls for Public Input.

**Public Input** – As there is no Public presence Commissioner Mere asks when the Board is going to get their new IDs. Chief Nisbet states "I was thinking about that the other day as I drove past San Carlos and as soon as I can get some pictures and stuff, we'll do it. It's just kind of fallen down on the priority list. I've got to do the full time people too." Chairman Hansen states "we need those so we can direct traffic in a hurricane." He laughs and as there is no public input offered he calls for motion to adjourn.

**Adjournment** - Commissioner Mere moves to adjourn. Commissioner Griffin seconded the motion, and with none opposed, meeting adjourned at 7:16p.m.