



# Pinellas Suncoast Fire & Rescue

304 FIRST STREET  
INDIAN ROCKS BEACH, FLORIDA 33785-2508

(727) 595-1117 FAX: (727) 595-5879  
www.psfrd.org

FIRE CHIEF  
SALVATORE A. D'ANGELO III

**MINUTES**  
**APRIL 18, 2017**  
**WORKSHOP AND REGULAR MEETING**

**Held at the Indian Shores Municipal Center**  
**19305 Gulf Blvd., Indian Shores, FL 33785**

**WORKSHOP MEETING CALLED TO ORDER AT 7:06 p.m.**  
**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Commissioners answering roll call were Chair Joe Bruni, Vice Chair Lou Snelling, Secretary/Treasurer Larry Schear, Commissioner Laura Martin, and Commissioner Gardella. A quorum was present with Chair Joe Bruni presiding. Attorney Jeff Albinson, Fire Chief Sal D'Angelo, and Finance Director David Martin were also present.

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**SERVICE PIN AWARD - Firefighter/EMT Joshua Coley, 5 Years of Service** - Chief D'Angelo recognized Firefighter/EMT Joshua Coley for five years of dedicated service to PSFRD.

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**ADDITIONS OR DELETIONS:** None.

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**DISCUSSION ITEMS:** None.

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**ADJOURNMENT**

The meeting was adjourned at 7:09 p.m.

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**REGULAR MEETING CALLED TO ORDER AT 7:09 p.m.**

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**ADDITIONS OR DELETIONS TO AGENDA:**

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**MONTHLY BUSINESS:**

1. Approval of Minutes: March 21, 2017 Workshop and Regular Meetings

**Discussion:** None.

**A motion to approve the minutes of the March 21, 2017 Workshop and Regular Meetings.**

**MOTION: COMMISSIONER GARDELLA SECOND: COMMISSIONER MARTIN**  
**All in favor, motion passed unanimously.**

2. Treasurer's Report: March, 2017

**Discussion:** Secretary/Treasurer Larry Schear stated that he had only an abbreviated report to make. He explained that the District is on track in terms of budget and expenditures, and the unallocated expenses account ratio is 23.3%.

**A motion to approve the March, 2017 Treasurer's Report.**

**MOTION: COMMISSIONER SNELLING SECOND: COMMISSIONER GARDELLA  
All in favor, motion passed unanimously.**

3. Correspondence: Secretary/Treasurer Schear read a letter from Representative Chris Latvala to himself for his recent trip to Tallahassee for the FASD conference.

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**REMARKS FROM THE AUDIENCE:**

**Carol Britz** – 466 20<sup>th</sup> Avenue, Indian Rocks Beach – Ms. Britz read dialogue from prior meeting minutes between Chief D'Angelo and Bill Thomas. She expressed concerns about the three additional firefighters that had been hired if six have to be laid off. She added that new hires have a right to know the truth so they can plan for their futures. Ms. Britz stated that she feels poor management decisions related to legal and consultant fees are the cause that personnel potentially may be laid off, and added that the District should be in a "hiring freeze" rather than a "hiring frenzy."

**Bill Thomas** – 470 20<sup>th</sup> Avenue, Indian Rocks Beach – Mr. Thomas explained that he read a cost study report from 2008 that discussed consolidation and contracting out and asked if anyone who worked for the District in 2008 could confirm if any of the cost saving suggestions in that study were implemented. [Nobody present at the meeting worked for the District in 2008.] Mr. Thomas suggested that it be reviewed and perhaps the District should "start over." He added that he wants everyone to work together, as many residents will not be able to live in their homes if they have to pay the ad valorem tax.

**Jerry Newton** – 438 Harbor Drive North, Indian Rocks Beach – Mr. Newton expressed his concerns for the District and its residents, and stated that he has questions regarding ethics, leadership, and financial management. He said that he assumes "undercurrents within the department must be corrosive." Mr. Newton suggested that personnel might not feel loyal or secure and that they should be looking for other employment based on management decisions. He suggested that PSFRD listen to its customers to accomplish its mission.

**John Pfansteil** – 448 Harbor Drive South, Indian Rocks Beach – Mr. Pfansteil discussed an article published in the Tampa Bay Times regarding PSFRD's legal fee expenditures. He specifically referenced the costs associated with the Holiday Inn lawsuit, and stated that the lawsuits were not mentioned in past meeting minutes and that PSFRD was not being transparent. Mr. Pfansteil suggested these funds could have been used for firefighters' salaries or equipment. He said that litigation should come after meeting face to face, and the July 19, 2016 meeting minutes stated that Chief D'Angelo never met with Mr. Keierleber.

**Nancy Obarski** – 708 Beach Trail, Indian Rocks Beach – Ms. Obarski submitted "a formal appeal of the readings and the adoption for the final ballot question for the ad valorem referendum." She stated that Kelly Cisarik had informed the Board of the "total lack of information available to the public" before the second reading and approval of Resolution 2016-02 on May 17, 2016, yet they moved forward regardless. Ms. Obarski stated that the Commissioners "totally ignored" their duties under FS 189.069, as it requires web-based public access to meeting materials seven days before each meeting. She added that the first reading of Resolution 2016-02 was incorrectly done at a Workshop Meeting on April 19, 2016 instead of at a Regular Meeting. Ms. Obarski also said that she has an issue with the first and second readings of Resolution 2016-01 being read at two meetings on the same day.

**Kelly Cisarik** – 448 Harbor Drive South, Indian Rocks Beach – Ms. Cisarik stated that she had questions regarding the capital projects fund and the Commissioners should address them tonight. She explained that she e-mailed David Martin the questions the Thursday prior, and she forwarded that e-mail to the Commissioners earlier that day. She said she would like to know why the fund balance has decreased \$200,000 since October 1. She read a segment from the Charter regarding expenditures of impact fees.

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**REPORTS:**

1. **COMMISSION:** Secretary/Treasurer Larry Schear stated that he attended a FASD meeting recently and learned how laws are passed. He encouraged others to learn about the process as well.

2. **ATTORNEY:** Attorney Jeff Albinson proposed some revisions to the Commissioner By-laws. He asked the Commissioners to review them and discuss at next month's meeting. He added that there were minor changes referencing the agenda and public input, but nothing being done previously violated any applicable laws.

Attorney Albinson stated that Mr. Hoofnagle's lawsuit regarding the referendum is moving forward. He explained that the judge denied PSFRD's motion for summary judgement, which means that the court decided that there were some issues of fact. He explained that Mr. Hoofnagle had hired a new attorney not too long before the hearing, and that attorney raised facts that had not previously been raised, which is why the summary judgement was denied. Mr. Hoofnagle's attorney asked for an opportunity to bring his own summary judgment motion and the judge allowed it. The motion has not been filed as of yet, but the lawsuit is ongoing.

Attorney Albinson discussed that the lawsuit with Pinellas County regarding EMS funding is ongoing and they are currently working on setting a mediation date.

Commissioner Gardella asked what the next step in the referendum lawsuit is. Attorney Albinson explained that Mr. Hoofnagle's attorney could file a summary judgement motion in time the court allotted, and then the next step is that it would be set for trial. He added that not many cases get decided on summary judgment in state court.

3. **CHIEF'S REPORT:** Fire Chief D'Angelo discussed that he and Commissioner Schear were not in attendance at the last meeting due to attending legislative day in Tallahassee.

Chief D'Angelo stated that he met with the bargaining agent from Local 4966 for the first step in the union negotiations, as the current labor contract expires September 30, 2017. The Local's initial proposal is for a 3% step increase for operational personnel. Chief D'Angelo stated that he will keep the Commissioners updated as negotiations move forward.

The Chief stated that the District will be replacing the currently obsolete portable radios. He explained that each radio is approximately \$4,600 and eight new radios will be purchased with impact fee funds.

Chief D'Angelo gave an update on the Fire Prevention Bureau. In his overview of calendar year 2016, he discussed community CPR and first aid classes held, annual and new construction inspections, regularly scheduled activities, including the monthly book reading at Oakhurst Elementary School, training drills, as well as events and ceremonies within the District. He explained that Inspectors Hill and Eiss are also responsible for the reinstatement of PSFRD's Honor Guard and the Community Emergency Response Team (CERT) program. He added that PSFRD recently participated in a County-wide mock Emergency Operations Center (EOC) drill that included two days of educational lectures by members of FEMA, and he thanked Commissioner Schear for also participating in the drill. The inspectors are also members of the Pinellas County Fire Marshal's Association and Florida West Coast Fire Association, and are always continuing their education, to include fulfilling the credentials to maintain their certifications, and Inspector Hill recently became a State of Florida arson investigator. The Chief stated that the District has also been updating Memorandums of Understanding with its jurisdictional partners in regard to EOC hurricane planning. He said that Inspector Hill has continued working with Treasure Island on their inspections and plans review process. He said that Treasure Island has recently hired a new fire chief and they will be setting up a meeting in the near future to discuss if the relationship will continue. Chief D'Angelo stated that they have been working through code enforcement issues with Mahuffer's in Indian Shores and have had some very positive meetings. He added that they recently had their first code enforcement hearing, and there should be a resolution by the end of the month. In an effort to automate more fire prevention activities, the Chief said that they are looking at software for the inspectors to begin using to streamline certain processes. Chief D'Angelo discussed that PSFRD has been working on new public education literature that should be disseminated to residents in the near future.

Chief D'Angelo took a moment to also recognize the operations personnel. He explained that his firefighters know how he feels about them and that he would never mislead them. He stated they have his respect and he knows he also has theirs.

Secretary/Treasurer Schear acknowledged Chief D'Angelo for helping run a very successful fire drill in the Indian Shores Municipal Building recently. Chief D'Angelo thanked Secretary/Treasurer Schear for bringing this up and discussed the success of the drill.

Secretary/Treasurer Schear asked if Fire Ops 101 will be held again. Chief D'Angelo stated that he is the Incident Commander for Fire Ops 101 and it will be held in May. He encouraged residents to attend who might be interested in learning what firefighters do every day. The Chief will send information out once it is finalized.

Commissioner Gardella asked, in regard to the Union's wage proposal, what the increase was last year. Chief D'Angelo explained that there was no increase last year, and the year before there was a 3% across the board.



**ACTION ITEMS:**

**17-03 Commissioner By-laws Revision**

**Discussion:** Attorney Albinson stated there is no standard regarding when the By-laws must be amended, but reviewing them once every one to two years is sufficient. He stated that he made a few minor changes to help with clarity. The Commissioners' seat numbers were clarified; language regarding new Commissioners and the annual elections of officers were edited for clarity; a passage was added that states it is the desire of the District to comply with applicable laws regarding notices; and, a passage was added to indicate that it will be the effort of the Board, through the Chair, to facilitate public input.

Attorney Albinson segued into discussing Action Item 17-05 and discussed the updated template of the agenda. Commissioners Gardella, Schear, and Martin agreed that the updates helped with clarity. Chair Bruni asked for public comment on both Action Item 17-03 and 17-05, as both were discussed simultaneously.

**Kelly Cisarik** – 448 Harbor Drive South, Indian Rocks Beach – Ms. Cisarik stated that she feels the Board is moving in the right direction regarding public comment and requested that, after each agenda item, to ensure that the Chair asks if there are public comments for that item. Attorney Albinson stated that is exactly what he included in the language. Ms. Cisarik discussed that the 2015 By-laws revision was not signed, and the 2009 version was still on the website until she brought it to the Commissioners' attention in January. She added that, in the last section of the By-laws, it allows for a revision with a quorum and a single vote and she does not feel that is a good policy, and continued to say that she believes a revision should be passed as a resolution with two readings.

**Nancy Obarski** – 708 Beach Trail, Indian Rocks Beach – Ms. Obarski inquired as to when the 2015 By-laws on the website were adopted. Attorney Albinson stated that he believes it was in December 2015. Ms. Obarski stated that there is not a signed version on the website.

**Ed Hoofnagle** – 2 5<sup>th</sup> Avenue, Indian Rocks Beach – Mr. Hoofnagle stated that some agencies post their by-laws for 30 days to allow for documented public comment, while some agencies involve a citizen on the review committee. He discussed that PSFRD's By-laws make reference to the fact that FS 191.005, Section 286 are to be in effect, which requires that citizens have an opportunity to be heard, which is their protected right in the Constitution, and any actions that the Chair may take to limit a citizen's opportunity to be heard could have negative consequences. Mr. Hoofnagle suggested that the By-laws include the correspondence process, as it is unclear whether all correspondence is read or only correspondence that the District chooses to read. He added that he knows correspondence was sent to the District but was not read. Mr. Hoofnagle stated that the By-laws should identify ramifications to Commissioners for failure to comply with Florida Statutes, as he feels that various Statutes have not been complied with, which will come out in subsequent meetings.

Commissioner Gardella asked Mr. Hoofnagle if he was insinuating that correspondence sent to the District was not read at the meeting, to which Mr. Hoofnagle stated there was. Secretary/Treasurer Schear stated that he had not had time to appropriately review Ms. Cisarik's e-mail, and was not aware that it was sent to affect this particular meeting. Ms. Obarski spoke and stated that Mr. Hoofnagle was referencing an e-mail that she had sent to Kimberly Fugate to circulate to the Chief and Commissioners. Ms. Fugate confirmed that the e-mail was sent to the requested recipients. Attorney Albinson explained that, historically, the correspondence portion of the meeting was to read commendations or good deeds of the firefighters or other employees so the Board was made aware of things that they might not otherwise be aware of. Additionally, Attorney Albinson explained that items read as correspondence will usually identify specific firefighters, typically by name, so that they may be recognized. He added that it has never been meant as a form for airing every item of correspondence that comes through the District. Commissioner Gardella suggested that could be done through the public comments portions of the meeting. Attorney Albinson agreed, and said or it could simply be distributed to the Commissioners for their review. Ms. Cisarik spoke at this time and stated that she had her correspondence with her if they would like to read it. Chair Bruni asked Ms. Cisarik when her e-mail had been sent, to which she replied that it was sent one day prior, and then to the Commissioners that day. Chair Joe Bruni said that he had not yet had the opportunity to read it, to which Ms. Cisarik replied that he should read his e-mail. Secretary/Treasurer Schear stated that he only printed the e-mail 10 minutes prior to the meeting, and Chair Bruni stated that they will hold off until next meeting.

Ms. Cisarik said that the first e-mail she sent was April 14th and was sent to David Martin and Kim Fugate. Ms. Fugate stated that she had responded and acknowledged her e-mail, and had informed Ms. Cisarik that they would begin working on her request. Ms. Cisarik added that she had sent another email to Mr. Martin with a list of questions. Secretary/Treasurer Schear clarified that he had just realized Ms. Cisarik's e-mail was sent the day prior, April 17<sup>th</sup>, at 4:47pm. Chair Bruni stated that he is not trying to prevent Ms. Cisarik from corresponding with the Board, but is asking that it be done in a timely fashion so that the Commissioners have plenty of time to review it.

**17-04 Impact Fees  
(Resolution 2017-02)**

**Discussion:** Attorney Jeff Albinson stated that he has already completed the second reading of Resolution 2017-02, but since all Commissioners were not present at the last meeting, he read the resolution again in its entirety. Chief D'Angelo added that his recommendation is to conduct an impact fee study every five years. Secretary/Treasurer Schear read Schedule A, Section 4, Paragraph C aloud. He explained that recently there was an issue where this section was not followed and an occupancy permit was issued without the fee being paid, and he would like to know if there is a mechanism to avoid a repetition of that situation. Attorney Albinson said not that he is aware of. He explained that since the Certificate of Occupancy is issued by a separate government entity, the District is unable to control whether or not they issue a certificate; however, typically it is a cooperate effort and that provision has been honored by the issuing agency. He stated that, if it happens in the future, the District would need to resort to seek to collect the fee in some other manner. [At this time, there was a call for public input.]

**Nancy Obarski** – 708 Beach Trail, Indian Rocks Beach – Ms. Obarski stated that she is aware that there are restrictions on how the District can spend impact fees. She asked if David Martin could explain if the funds are being kept separate, and if anything in the last year has changed in regard to that. Mr. Martin stated the funds are kept in a separate account. He added that there have been no impact fee expenditures, and the only thing that has taken place this year is the impact fee study. He explained that expenditures are limited to new apparatus, communications equipment, and new facilities. Chief D'Angelo mentioned that he had a meeting tomorrow with 10-8 [apparatus vendor] regarding Truck 28 and moving forward with the new apparatus. He added that, through the parameters set forth by the Insurance Services Office (ISO), PSFRD is required to have two aerial devices, as well as with three fire class A pumpers. He said that the ISO report is available for review. Chief D'Angelo added that PSFRD is still awaiting a response on the FEMA Assistance to Firefighters Grant. He discussed that grant funding is not a revenue stream, but the District does regularly look for alternate funding sources.

**A motion to adopt and enact Resolution 2017-02, as read.**

**MOTION: COMMISSIONER SCHEAR SECOND: COMMISSIONER MARTIN  
All in favor, motion passed unanimously.**

**17-05 Meeting Agenda Format Revision**

**Discussion:** This was discussed during the Attorney's Report.

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There being no further business to come before the Board, the meeting was adjourned in due form at 8:42 p.m.

**APPROVED:**

**ATTEST:**

  
Joseph V. Bruni, Chair      Date Approved 5/16/17

  
Kimberly G. Fugate, Executive Assistant