

Upper Captiva Fire & Rescue District  
4511 Hodgepodge Lane  
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Serving the Community with Pride  
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## SPECIAL Executive MEETING MINUTES

Tuesday January 16, 2024

2:30PM

Location: Fire Station

### COMMISSIONERS & STAFF PRESENT:

Room:

Commissioners: Duncan Rosen, Van Hammond, Bill Fry, Mike Filipczak.  
Chief Jesse Cottrell  
Melanie Everett (Attorney Cole, Scott & Kissane P.A.)  
Kristy Cole (Court Reporter)

Via Zoom:

Maggie Mooney (UCFRD Attorney)

### MINUTES:

#### 1) Call to Order: Commissioner Rosen

Chairman Rosen called the meeting to order at 2:30PM. Attorney Mooney opened the meeting and explained the purpose of the Executive Session, to discuss the pending lawsuits by Jason Martin and Brian Dubrasky. Byrnes moved, seconded by Filipczak, to move into Executive Session, **approved 4-0 at 2:35PM**

#### 2) PUBLIC MEETING SUSPENDED:

Chairman Rosen read from a prepared script that stated:

"The subject of the meeting shall be confined to the topics allowed by Florida Statutes. It is anticipated that the session will last approximately 1-2 hour. Those who will attend the session in person or through electronic means include the following:

Fire Commissioners:

Duncan Rosen  
Van Hammond  
William Fry  
Michael Filipczak

Captain Jessie Cottrell

The district's legal counsel:

Maggie D. Mooney,  
Melanie H. Everett

A certified court reporter will also be in attendance during the entire Attorney-Client Session. A transcript of the meeting will be made and will become available as a public record upon conclusion of the pending litigation. At the conclusion of the Attorney-Client Session, this special meeting will be reconvened in an open, public session. If formal Fire Commission action is needed relative to either of the pending lawsuits, such action will be taken at the re-opened, public portion of the special meeting.

It is **2:40 PM** and we will recess for 2 minutes and reconvene at **2:50PM** to allow members of the public and staff to exit from the room and exit the public meeting zoom log-in before we move into the Attorney-Client Session. For those individuals participating in the Attorney-Client Session proceedings via zoom, we have circulated a separate zoom log in for the Attorney-Client portion of the Session. After the Attorney-Client Session is completed, the public portion of the Board meeting will be reconvened and reopened with the original public meeting zoom log-in.”

- 3) **EXECUTIVE SESSION** (No Public Attendance): A verbatim transcript was created and will be a public record after each lawsuit is completed.
- 4) **PUBLIC MEETING RESTART**: Chairman Rosen stated “We are reconvening and I am reopening the special meeting in the District’s Fire Station at **4:10.**” There were no Board decisions to announce to the public.
- 5) **MEETING ADJOURNED**: 4:15PM, approved 4-0.

Ron M. Campbell; and  
The District's Fire Chief Jesse Cottrell.

A certified court reporter will also be in attendance during the entire Attorney-Client Session. A transcript of the meeting will be made and will become available as a public record upon conclusion of the pending litigation. At the conclusion of the Attorney-Client Session, this special meeting will be reconvened in an open, public session. If formal Fire Commission action is needed relative to either of the pending lawsuits, such action will be taken at the re-opened, public portion of the special meeting.

It is **10:05AM** and we will recess for 2 minutes and reconvene at **10:10AM** to allow members of the public and staff to exit from the room and exit the public meeting zoom log-in before we move into the Attorney-Client Session. For those individuals participating in the Attorney-Client Session proceedings via zoom, we have circulated a separate zoom log in for the Attorney-Client portion of the Session. After the Attorney-Client Session is completed, the public portion of the Board meeting will be reconvened and reopened with the original public meeting zoom log-in."

3) **EXECUTIVE SESSION** (No Public Attendance): A verbatim transcript was created and will be a public record after each lawsuit is completed.

4) **PUBLIC MEETING RESTART**: Chairman Rosen stated "We are reconvening and I am reopening the special meeting in the District's Fire Station at **11:32AM**." There were no Board decisions to announce to the public.

5) **MEETING ADJOURNED**: Move by Byrnes, seconded by Filipczak; meeting adjourned at **11:34AM, approved 5-0.**

6)

**7) Equipment Replacement:** Chief Jesse Cottrell

Chief Cottrell presented detailed cost analysis of current transportation of staff via Pineland Marina/Island Girl Ferry and projected cost of purchasing a new transport boat from the County Commercial Docking facilities on Pine Island, Maria drive. Analysis included projected Operational savings of \$40K/year and further off-set by sale of Department equipment either unused or damaged by Ian of \$50K (first year savings of \$90K total). Request by Chief Cottrell to purchase a Pilot House type boat up to \$100K.

Motion by Commissioner Fry to authorize purchase of such a boat.

Second by Commissioner Hammond.

The vote passed 4-0.

**8) Annual Road Trimming:** Chief Jesse, Commissioner Hammond

Commissioner Hammond presented 3 bids for annual roadway clearance vegetation trimming by local contractors. Bids Received:

Shally's Seashells Property Management LLC: \$48,125

Cowboy Landscaping: \$33,330

Sherman Cottrell: \$16,000

Commissioner Fry proposed we delay final selection to allow for time to investigate with Legal Counsel if it would be possible to recover cost of trimming vacant lots from owners via direct billing and/or liens on properties. Board agreed and Road Trimming will be finalized at the January 19 regular meeting.

**9) Assignment of a Board Representative for Mediations: All**

Board re-confirmed Chairman Duncan Rosen to be the departments official representative for the Brian C. Dubrasky v. Upper Captiva Fire Protection & Rescue Service District mediation.

Motion by commissioner Fry to appoint Chairman Rosen as board representative for all legal matters against the department.

Second by Commissioner Hammond.

Vote passed 4-0.

**10) Request for special shade meeting mid January:** Commissioner Hammond

A Special Shade meeting will be held on Tuesday January 16 at 2:30 in the Fire House for the board to be briefed by the Legal Team regarding the Dubrasky lawsuit. The meeting will start with a public meeting, then adjourned to the Shade portion of the meeting (closed to the public). Public meeting will be resumed at the conclusion of the Shade meeting to formally adjourned proceedings. Transcripts of Shade meetings will be made public once the legal proceedings have been finalized.

**11) Public Input on agenda items** None

**7) Next Regular Monthly Meeting Date:** 19 January 2024 at 10:00 a.m.

**8) Adjourn ~11:15**