

**WV STATE FIRE COMMISSION MEETING**

1207 Quarrier Street, 2<sup>nd</sup> Floor

Charleston WV 25301

August 23rd, 2023

The official business meeting was called to order at 9:02am by Chairman Grant Gunnoe

ROLL CALL:

Commissioners Present

Steven Byers, Dave Camp (phone), Carl Eastham, Doug Estep, Edward George , Grant Gunnoe, Phil Hart (phone), Brian Jones (phone), Doug Mongold, Jim Oldaker, Ted Shriver, Virgil White and Marshal Tyree.

Commissioners Absent

Thomas Keefer

Legal Counsel Brandolyn Felton-Ernest and Staff members Deputy Chief Bailey, Deputy Stewart and Assistant Fire Marshal Scott are present as well.

APPROVAL OF MINUTES:

Commissioner White made a motion to accept and approve the minutes of the August 4<sup>th</sup>, 2023 Fire Commission Meetings, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote, the motion passed.

UNFINISHED BUSINESS:

**1) Consideration of FDC2023-013 (Bethany Pike VFD)**

a) Hearing on FDC2023-013 (Bethany Pike VFD)

Chairman Gunnoe explained the reason for the meeting.

Chairman Gunnoe asked who was present for Bethany Pike Volunteer Fire Department.

William DeGarmo identified himself as a member of the VFD.

Bob Minger identified himself as Board President and member of the VFD.

Legal Counsel swore in all potential witnesses.

Chairman Gunnoe asked ASFM Scott to begin his statement.

ASFM Scott began with a timeline of the events regarding Bethan Pike that have led up to the current hearing.

Chairman Gunnoe asked if the SFMO had ever received any response from the VFD in writing. DSFM Stewart stated that the only item received was a letter responding to the original complaint earlier in the year.

Chairman Gunnoe asked DSFM Stewart for his statement. DSFM Stewart began with reviewing the Statement of Charges that have been issued against Bethany Pike VFD. After item 13, Commissioner Eastham asked if SFMO staff had followed up verbally with the County Firefighters Association. ASFM Scott stated that they had.

DSFM Stewart continued at item 14. Commissioner Mongold asked if the FD had made any corrections at all. DSFM Stewart stated that the SCBA issued appears to have been corrected. Commissioner Mongold asked if the VFD had reached out to the SFMO to relay that information, DSFM Stewart stated no.

Commissioner Mongold asked about apparatus owned by the VFD. DeGarmo explained that they had bought a used fire truck, but it had many issues and would need repair. Commissioner Mongold stated the importance of a Fire Department having working apparatus.

Commissioner Mongold asked about calls being dispatched. DeGarmo explained the current arrangement and how calls were dispatched prior to the closure of the VFD.

Chairman Gunnoe asked about membership. DeGarmo stated they had 11 members.

Chairman Gunnoe asked about the Chief of the Department. DeGarmo stated it was Daniel Keener.

Commissioner Estep asked where Chief Keener was. DeGarmo stated that Keener is not allowed to be around the VFD because of a pending financial investigation.

Commissioner White asked if either DeGarmo or Minger are line officers. DeGarmo stated that he was currently a Lieutenant.

Commissioner White asked about dispatching again. DeGarmo and Minger explained that they are dispatched for medical, but they do not respond to all of them.

Commissioner Mongold asked about possible consolidation with neighboring departments. Minger explained that they had tried that in the past, but it did not work out.

Commissioner Eastham asked about the sale of the old fire truck. Minger explained that it was sold without a board vote. DeGarmo explained that a member of the VFD (Williams) sold the truck on behalf of the VFD. DeGarmo continued that it happened without other members having much of a voice.

Commissioner Estep asked if the sale of the truck cleared the debt of the VFD. DeGarmo stated that it did not. Minger agreed.

Commissioner Estep asked about other debt. Minger stated that it was previously arranged into a consolidated loan. DeGarmo stated the overall debt is very little.

DSFM Stewart continued to explain the statement of charges at item 14. 10.2.b.

Discussion began again on current coverage and dispatching situation.

Commissioner Byers asked about mutual aid agreements and who may have signed those. Minger stated he does not know who signed them.

Commissioner Eastham asked DSFM Stewart about item 14. 10.2.i. DSFM Stewart explained that when Bethan Pike VFD had lost their workers comp coverage for non-payment, that ASFM Scott had spoken with Brooke county 911 to make arrangements. ASFM Scott confirmed that he had spoken with Christina at Brooke county 911 to make the arrangements for coverage for the area of Bethany Pike VFD.

DSFM Stewart continued at item 14. 10.2.j. and explained them in detail.

Commissioner White asked DSFM Stewart about current workers compensation coverage. DSFM Stewart stated that he had not been shown any current coverage. Mr. DeGarmo explained that there had been a mix-up when they switched companies and that they do currently have workers compensation coverage.

Commissioner Eastham asked about training records. Mr. DeGarmo stated that they would have to gather those up. That they had a flood in their main office and had lost some records. They will have to reach out to the Wheeling PST office to obtain copies.

Commissioner Byers asked about call volume regarding first due area versus second due. Mr. DeGarmo stated that he would not know the numbers. Commissioner Byers asked if he could guess on a percentage of how many calls are in their first due area. Mr. DeGarmo stated maybe 30%.

Chairman Gunnoe asked how many square miles the first due area of Bethany Pike VFD is, Mr. DeGarmo did not know. He asked if SFMO staff knew. DSFM Stewart and ASFM Scott estimated that it was probably no more than a 2-3 square miles.

Chairman Gunnoe asked if they knew how many miles it was to the next closest Fire Department. Mr. DeGarmo stated maybe 3-5 miles, that he did not know for sure.

Commissioner Estep asked about the possible costs to repair the current engine. Mr. DeGarmo stated that it may be cheaper to get another one.

Mr. DeGarmo stated that the truck is currently as Keystone equipment for repair and they are waiting on estimates.

Mr. Minger stated that they previously had someone else working on it, but that person said they could not fix it.

Chairman Gunnoe asked how much they paid for it. Mr. DeGarmo stated they paid \$15,000 for it.

Commissioner White asked if they had any current apparatus in service. Mr. DeGarmo stated that they only had a tanker truck in service, but the tanker does need pump repairs. Commissioner Mongold asked if the truck would pass pump test. Mr. DeGarmo stated that it would not.

Chairman Gunnoe started to begin reviewing the items on the Statement of Charges with Mr. Minger and Mr. DeGarmo one by one.

Commissioner Shriver asked if Mr. Minger and Mr. DeGarmo can give, or are allowed to, any information or testimony on behalf of the department.

Chairman Gunnoe reminded Mr. Minger and Mr. DeGarmo that they have been sworn in by counsel and that they should only speak to any thing that they know to be truth and factual and not speculation.

Marshal Tyree asked Mr. DeGarmo if anyone else was with them or maybe waiting outside. Mr. DeGarmo stated that there was not.

\*Mr. DeGarmo makes a phone call to someone asking if they sent any kind of rebuttal back on the Statement of Charges. \*

DSFM Stewart advises that the receipt from USPS shows that the Statement of Charges was picked up on July 3<sup>rd</sup>.

\*At 1000 hours Chairman Gunnoe puts the meeting in a break so that Mr. DeGarmo can make phone calls and gather information. \*

\*Meeting was reconvened at 1008 hours\*

Mr. DeGarmo begins to start reviewing the items in the Statement of Charges.

As Mr. DeGarmo starts addressing item 14 10.2.a, Marshal Tyree asks for him to clarify. Mr. DeGarmo states the only thing done in that section is SCBA testing and Hydrostatic testing.

Mr. DeGarmo begins to speak about calls dispatched. Mr. DeGarmo explains that if they do not leave the station for a call then they do not write the call up for a report.

Discussion continued on various business aspects of the department and that the department has been trying to have regular business meetings at least monthly. These meetings are not regular but scheduled as people are available.

Commissioner White asked if they had policy on what defines an active member. Mr. DeGarmo stated that they do.

Commissioner Eastham asked if the 11 members included the Chief. Mr. DeGarmo stated that it does.

Motion by Commissioner Eastham to go into executive session for legal advice with counsel. Second by Commissioner Mongold. Motion passed. The Commission went into executive session at 1030 hours.

Motion by Commissioner Eastham to come out of executive session. Second by Commissioner Mongold. Motion passed. The Commission came out of executive session at 1047 hours.

Chairman Gunnoe noted that no votes were taken during executive session and that they only discussed legal matters with counsel.

Chairman Gunnoe asked if any Commissioner would like to make a motion.

Commissioner Mongold made a motion that based upon the evidence presented today, the Statement of Charges, the testimony presented, that the Commission moved forward with decertification of Bethany Pike Volunteer Fire Department. Further, that all emergency vehicle permits from department vehicles and private vehicles be returned to the State Fire Marshal and give counsel approval to write the order up on the decertification and give the Chairman the final approval to sign the order. Motion was seconded by Commissioner Eastham. Chairman Gunnoe asked if everyone understood the motion and were there any questions. No questions. The motion passed.

Chairman Gunnoe informed Mr. Minger and Mr. DeGarmo that legal counsel would write up the final order and it be shared with the Department. He also advised them that there is an appeal process.

Chairman Gunnoe stated that the next Fire Commission meetings will be October 5<sup>th</sup> and 6<sup>th</sup> at the Summit Bechtel Reserve in Fayette County.

Commissioner Mongold made a motion that the State Fire Marshal staff follow up with Brooke county 911 to make sure arrangements are in place for dispatching units to the area formerly covered by Bethany Pike VFD. Second by Commissioner Eastham. Motion passed.

#### NEW BUSINESS:

None

#### TIME AND PLACE OF NEXT MEETING(S):

October Committee Meetings - 10:00am Thursday, October 5<sup>th</sup>, 2023, at Summit Bechtel Glen Jean WV. Commission Meeting 9:00am Friday, October 6<sup>th</sup>, 2023, at Summit Bechtel Reserve Glen Jean WV.

#### ADJOURN:

Commissioner White made a motion to adjourn, seconded by Commissioner George, motion passed.

Meeting adjourned.

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