

Butler Township Fire Commission

October 19, 2016

The Butler Township Fire Commission held a meeting on Wednesday, October 19, 2016 at 6:30 p.m. at the Butler Township Municipal Building, 290 South Duffy Road, Butler, PA 16001.

The following members were in attendance: Primary Member Joe LaDue from Station No. 3; Primary Member Ron Kastelic from Station No. 6; Primary Member Karl Kobil from Station #7; Citizen Member Bill O'Brien; Commissioner James Lokhaiser, Jr; Manager Ed Kirkwood, Assistant Manager Cheryl McNeill and Commissioner Dave Zarnick were also in attendance. Fire Marshal Larry Christy was absent.

There was a moment of silence, followed by the Pledge to the Flag.

Motion by Joe LaDue to approve the minutes of the July 20, 2016 meeting, seconded by Ron Kastelic. The vote was Station 3: Yes; Station 6: Yes; Station 7: Yes; Lokhaiser: Yes; O'Brien: Yes. Motion carried.

There was no public comment on agenda items.

Purchases

There was no purchase request from Station No. 3.

There was no purchase request from Station No. 6.

There was no purchase request from Station No. 7.

New Business

New member applications were presented: Trevor Leary, Tyler Leary and Joshua McCaslin for Station 3 and Nicholas Martin for Station 7.

Motion by Ron Kastelic to recommend approval of the new junior member application by Trevor Leary to Station 3. Seconded by Karl Kobil. The vote was Station 3: Yes; Station 6: Yes; Station 7: Yes; Lokhaiser: Yes; O'Brien: Yes. Motion carried.

Motion by Joe LaDue to recommend approval of the new junior member application by Tyler Leary to Station 3. Seconded by Ron Kastelic. The vote was Station 3: Yes; Station 6: Yes; Station 7: Yes; Lokhaiser: Yes; O'Brien: Yes. Motion carried.

Motion by Joe LaDue to deny the recommendation of the new member application by Joshua McCaslin to Station 3 due to the criminal history report and falsifying the application. Seconded by Karl Kobil. The vote was Station 3: Yes; Station 6: Yes; Station 7: Yes; Lokhaiser: Yes; O'Brien: Yes. Motion carried.

A discussion was held on the Nicholas Martin application concerning his previous membership with Station 3.

Motion by Ron Kastelic to recommend approval of the new member application by Nicholas Martin to Station 7. Seconded by Karl Kobil. The vote was Station 3: No; Station 6: Yes; Station 7: Yes; Lokhaiser: Yes; O'Brien: Yes. Motion carried.

Old Business

A discussion was held on the Red Book purchasing infraction by Mercer Road Volunteer Fire Department.

Commis. Lokhaiser asked station 6 for any documentation concerning the infraction. Commis. Lokhaiser questioned the amount of grant monies used for the purchase of the Hurst Tool. The amount of grant monies used was \$4,200.00. Commis. Lokhaiser asked when the letters were sent out to request donations for the Hurst Tool. An actual date was not known.

Joe Ladue commented that if the tool cost \$9,543.73 and the donations were \$4,200.00, then the cost to the department would have been \$5,343.73 which would put them over the \$5,000.00 threshold for approval. The check for the tool was dated February 25, 2016 which was before the Fire Commission meeting on April 20th, when the purchase request was made.

Alan Paul, Mercer Road VFD, commented that at the July meeting he presented information that was contained in the April minutes concerning the amount spent on the tool. He presented updated information stating that the tool was purchased for \$8,848.73. The additional \$695.00 was for a power supply adapter for the tool. This corrected amount would put the total out of pocket cost for Mercer Road VFD at \$4,648.73, below the spending threshold. Joe LaDue asked when permission was given to spend the money to purchase the tool. Alan Paul stated that according to the station meeting minutes, permission was given at the March 2016 meeting contingent upon approval of the Fire Commission at the April meeting.

Joe LaDue commented that according to the check, the tool was purchased on February 25, 2016, before approval was even given by the station. Alan Paul commented that at the Fire Relief Association meeting on February 8, 2016 permission was given to purchase the tool out of the Fire Relief Funds. The total amount spent out of pocket was less than the \$5,000.00 threshold so the tool was purchased. Joe LaDue stated that according to the Red Book any purchase over \$5,000.00, regardless of how it is funded, requires permission of the Fire Commission. A discussion followed.

Commis. Lokhaiser asked why Ken Lawrence, representing Mercer Road VFD, came before the Fire Commission in April requesting permission to purchase the tool after it was already purchased. Manager Kirkwood commented that Fire Marshal Christy received emails requesting that an investigation occur concerning the purchase. John Lutz, Mercer Road VFD, arranged to have financial records provided to the township concerning the purchase. Manager Kirkwood stated that Fire Marshal Christy and he met with Chief Keven Kelly prior to the April Fire Commission meeting concerning the purchase of the tool. Chief Kelly stated that the tool had not been purchased yet.

Additional discussion was held on where the funding was generated and the timing of the donations.

Alan Paul stated that the department probably did not go about the purchase correctly, but they are not accountants. They are firefighters trying to do right by the township and to use funds as equitably as possible. It is now in the Fire Commission's hand to decide the outcome.

Manager Kirkwood questioned why the funds were deposited into the general funds account when the purchase amount was taken out of the Relief Funds account. Alan Paul, again stated that they are not accountants and that a transfer of funds will be made.

Motion by Joe LaDue to proceed pursuant to the regulations established in the Red Book for the penalty phase for first offense of the violation infraction by Mercer Road Volunteer Fire Department. Second by Commis. Jim Lokhaiser.

Commis. Lokhaiser read from the Red Book, Section IX - Penalty Section, Subsection A - First Offense:

- 1. The Fire Commission will meet to take action and recommend to the Township to write a letter of reprimand, to be sent via certified mail and return receipt.*
- 2. Letter required from the offending Fire Chief and President to the Fire Commission stating that the regulations of the Fire Commission will be complied with in the future (fine will be doubled for not responding in writing within 10 business days after receipt of the letter). The correspondence shall be mailed to the Fire Marshal, who shall date stamp the receipt of the correspondence. The Fire Marshal shall immediately distribute copies of the correspondence to the other members of the Fire Commission.*
- 3. Withholding 25% of their annual allocation. Withholding of allocations can be carried over to subsequent years.*

The vote was Station 3: Yes; Station 6: No; Station 7: Yes; Lokhaiser: Yes; O'Brien: Yes. Motion carried.

Manager Kirkwood asked for questions or comments from any visitors.

Dave Bestwick, Butler Township Volunteer Fire District 3, asked for clarification on the policy for purchases concerning the \$5,000.00 threshold. It was explained that any purchase over \$5,000.00 requires approval of the Fire Commission. How the funding for the purchase is generated is irrelevant. A discussion was held on the wording of the Red Book concerning this issue and a request was made to amend the Red Book so that this interpretation is clear. A discussion was also held on increasing the threshold level for purchases. A proposed amendment will be drawn up and distributed to the Fire Commission. It will be presented for adoption at the next scheduled meeting.

Motion by William O'Brien and seconded by Joe LaDue, to adjourn the Fire Commission meeting at 7:20 p.m.