

REGULAR ADJOURNED SESSION OF THE COUNTY COMMISSION OF BROOKE COUNTY,  
WEST VIRGINIA, HELD TUESDAY, October 6, 2020

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The County Commission of Brooke County, West Virginia met in regular adjourned session this 6<sup>th</sup> day of October, 2020 at 10:30 a.m. at the Courthouse.

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Present: Tim Ennis, President  
Stacey Wise, Commissioner  
Andrew J. Thomas, Commissioner  
Kimberly M. Barbetta, County Clerk

The Commission held their preliminaries before the meeting including a prayer and the pledge of allegiance.

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A motion was made by Andrew J. Thomas, seconded by Stacey Wise and unanimously passed to approve the minutes of the meeting held on September 29, 2020.

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This being the first regular meeting of the month of October, 2020 fiduciary matter were presented to the Commission for approval after being carried for in the absence of the County Clerk. The meeting will remain open until the end of the regular meeting and if no objections are filed will close at the end of the regular meeting. Commissioner Andrew J. Thomas abstained.

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A copy of the following correspondences was given to each of the Commissioner's for their review:

BHJ - Barb Zimnox presented a drawdown for the BC Pioneer Trail Project. In the amount of \$2,888.65. (Note\* the agenda referred to as FINAL drawdown it is NOT)

Commissioner Wise made a motion, seconded by Commissioner Thomas and unanimously passed to approval to re-opening of fund 024-Ambulance Fund II.

Andrew J. Thomas made a motion, seconded by Tim Ennis and unanimously passed to sign the Resolution regarding the WV Courthouse Facilities Improvement Authority. Proposed Elevator Project.

A letter from the State of West Virginia regarding the Coronavirus Relief Fund. Commissioner Wise submitted for CVRF Grant for the period of June 2020 it was reviewed and funding has been awarded by the Office of the Governor, in the amount of \$151,041.82. Great job Stacey

Commissioner Thomas made a motion, seconded by Commissioner Wise and unanimously passed to approve the removal of Katelyn White from the payroll at the Brooke County Animal Shelter effective 10/1/2020.

A letter from Brooke Hills Park Board President, Jeffrey VanCamp, Luke Diserio will be sending his letter of resignation into the Commission in the near future, although they are sad to see him leave, they fully understand. Therefore, they are recommending Rob Morris, Reasoner Funeral Home, to fill the vacated position. \*\*At this time we have not received a resignation letter from Luke Diserio.\*\*

Bob Fowler - response to Paul Luttamus Communications remarks at the September 29, 2020 Commission meeting. (See attachment #1) Mr. Luttamus replied to some of Mr. Fowlers statements, he also, wanted to make sure that he has the opportunity to bid on the 911 Communication Center. (See attachment #2) After a heated discussion the Commission stated the State SIRN System is the system of choice.

Minutes were received by Washington Pike PSD.

Commissioner Thomas made a motion, seconded by Commissioner Wise and unanimously passed to approve the Invitation to Bid - HVAC system. Bids are due by October 19, 2020 - opened October 20, 2020 at the Commission meeting.

Trick or Treat - **CONTINGENT** on Brooke County being GREEN or YELLOW status during Halloween. Saturday, October 31, 2020, 6pm - 8pm. The Sheriff has offered candy x-ray. Times to follow.

The Courthouse will be closed October 12, 2020. (Columbus Day)

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The above correspondence was ordered filed in the County Clerk's office.

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Invoices and vouchers were approved and the following checks were ordered written:

Payroll Withholdings	CKS - 25100 for \$298.58
General County Fund	001 CKS - 25101-25129 for \$189,559.99 25081 VOIDED \$1,000.00
Dog	003 CKS - 1517-1518 for \$601.00
E-911 Communications	007 CKS - 2418-2421 for \$7,635.00
Ambulance	025 CKS - 4813-4819 for \$156,859.16
Shelter Levy	030 CKS - 1138-1140 for \$21,399.51
Valuation Fund	056 CKS - 1572 for \$21,373.36
Small Cities Block Grant	100 CKS - 143 for \$100,000.0

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No further business to come before the Commission a motion was made by Andrew Thomas, seconded by Stacey Wise and unanimously passed to adjourn.

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Tim Ennis, President

Teste:

Kimberly M. Barbetta, Clerk

Attachment #1

October 5, 2020

*Kenneth R. Fowler  
48 Brady Lane  
West Liberty, WV 26074  
bobfowlerwv@gmail.com  
304-479-5003*

To the Brooke County Commission and the Citizens of Brooke County:

Last week a letter was submitted to the commission regarding the new radio system for the Brooke County First Responders. In the letter there were several misleading conceptions that I feel need clarified. This information are the facts of what has happened regarding the radio system in Brooke County. My experience with the current state radio system began in 2008 when I became the EMA director for Brooke County. As EMA director, I traveled all over the state and by doing so I had the opportunity to meet with other EMA directors from around the state and to discuss the problems with the radio systems that they may have encountered. At some point, Ohio County First Responders determined that the best option for them was to join the state radio system called the SIRN System. At that time, the EMA director of Ohio County gave Brooke County EMA a few

radios that were left over from a project. At that time, four Motorola 1500 radios were installed in the Brooke County Dispatch Center to allow Brooke County EMA, EMS, Fire and Law Enforcement to communicate on the SIRN System. In that time, the state of WV installed a 300-foot tower on McKim's Ridge to extend the SIRN System into the Northern Panhandle, microwaves were installed during that time to allow hospital to hospital communications throughout our region. Equipment was purchased by the state to allow our First Responders to be able to talk on the SIRN System, however due to our proximity to Allegheny County and the Pittsburgh area, the state could not obtain frequencies for that tower. The state tried to negotiate the purchase of frequencies from a local vendor, but due to the pricing, the state was unable to purchase any of these frequencies. Although, there were not available frequencies from the McKim's Ridge tower, Brooke County EMA used the SIRN System on a regular basis using a Motorola mobile radio by means of the West Liberty tower with almost 100% coverage. It was my belief at the time and based on information I received from attending a SIRN Committee meeting in Kingwood WV that any radio authorized to be on the SIRN System would work as well as a Motorola radio. Soon after that meeting, I applied for a Homeland Security Grant to provide radios for Law Enforcement and Ambulances. The grant was approved for several thousand dollars which allowed for the purchase of mobile radios for each officer along with base stations for each of those entities and mobile radios and a base station for the ambulance service. After installing Kenwood radios, we found that they, in fact, did not work properly on the state SIRN System. Our vendor was contacted multiple times and Kenwood sent in specialist; however, the performance was never comparable to that of the Motorola radio.

On August 1, 2019, I retired from my position as the Director of Brooke County EMA and EMS. It seemed at that point the communications started to deteriorate from the Brooke County Dispatch Center and the responding entities of Brooke County. In the early months of 2020, the Brooke County Commission contacted me and asked that I assist in the development of a new radio system in Brooke County. The radio systems were having multiple problems, the tower on Coss's Lane was disconnected interrupting service between the Ambulance and Dispatch. Multiple problems were found on the law enforcement radios, which after an internal investigation was deemed due to aging equipment and interference of communication from the keying up of another radio when an officer tried to talk. It should be noted that the interference never occurred during a communication that may have put an officer in danger. This determination was made by Chad a representative of Luttamus Communications, myself and an outside company that was hired to monitor the system. During that time that issues with the radios persisted, the state resolved the frequency problem with the McKim's Ridge tower. Once the state made the determination that they could resolve the issue with the McKim's Ridge tower, the problems with the Legacy System seemed to become worse.

Due to the continuing issues with communication between the Brooke County Ambulance Service and Dispatch, a UHF trunking system was offered by Luttamus Communications as a trial in the ambulance service. The ambulance service would pay a fee to utilize the system. The fee was \$50.00 per radio and agreement was reached with the Brooke County Commission to use the UHF system. The only part of the system that was not complete was the Bethany Area. After installation and utilization of the UHF system, complaints were being made that communication between the Ambulance Service and Dispatch was not working properly. Some of the problems were as follows: the radio at station II shut off and an antenna was removed from Station I's radio. It was believed by some that this was an intentional sabotage of the UHF system by ambulance personnel. After reviewing the camera at Station 2 it was determined that this was indeed not factual. As far as the antenna issue, that is still unknown. The facts are the UHF system was not working properly as I witnessed myself on the occasions that I worked shifts on the ambulance. Another issue with the UHF trunking system offered by Luttamus Communications was the loss of interoperability. The importance of the interoperability is a vital part of the SIRN system, allowing communications between entities throughout the State in an event such as mass flooding or of recent the potential for riots in the Ohio Valley. One of the more direct effects of not having interoperability is the southern fire departments that respond into Ohio would not have communication Ohio County on the UHF trunking system. Furthermore, the ambulances would not be able to communicate with the local hospitals or Medical Command on the UHF trunking system. Also, Homeland Security

funding will only cover the cost of P25 radios, which is what is available on the SIRN system.

Due to the issues with the radios, the Brooke County Commission started looking at alternatives to correct these problems. On 5/29/2020, the Brooke County Commission and I met with the Ohio County Commission to discuss different options for a new radio system for Brooke County. At this meeting, a discussion was held regarding the possibility of exploring the state SIRN System for Brooke County. After that meeting, the Fire Department radio system went down and was down for twenty-four hours due to a phone line pulled out of a jack. There were also continued problems with the law enforcement radios. As far as the phone line being out of the jack, I would think that a system dependent on a phone line, checking for continuity of the phone line would be the first thing that was checked.

On 6/4/2020, the Brooke County Commission requested that an evaluation of the UHF system offered by Luttamus and the SIRN System be compared. Andy Nickerson, Stacey Wise, and I spent several hours evaluating and documenting the coverage provided by both systems throughout the county. During this evaluation, even though the Luttamus System was not completed in the Bethany Area, it was determined that the Luttamus System would have 100% coverage in that area. We realize that may not be realistic, however, we were trying to be fair to both systems. The evaluation determined that without the McKim's Ridge tower, the SIRN System had nearly a 100% coverage with a Motorola mobile radio. With the Motorola portable the coverage percentage without the McKim's Ridge tower was approximately 70%. The Luttamus System provided approximately 70% portable coverage but had limited coverage in Windsor Heights and the Cross Creek area.

The evaluation results were presented to the Brooke County Commission. The decision was made to remove the Luttamus System radios from the ambulances and replace with the Motorola mobile radios. That afternoon, the SIRN System radios were installed in all the of ambulances, however, there was a problem with dispatch being able to hear on the system, therefore, they switched over and used the EMA frequency until the problem was resolved. The second problem that occurred was the automatic feature of the radios revert to a home channel, which in the ambulances at that time was Brooke County EMS. Once this problem was corrected, the SIRN System has worked without any issues that I am aware of since. Once the decision was made to go with the state SIRN System, discussions were held with Fire Departments, First Responders, and Law Enforcement regarding their needs for radios and equipment. During the process of determining the needs of the Fire Departments, First Responders, and Law Enforcement, the McKim's Ridge tower was activated by the state SIRN System. After this, another evaluation of coverage was completed, and the Motorola mobile have 100% coverage and 99.9% coverage with a portable. Once the needed amount of equipment was determined an agreement was made between the Brooke County and Ohio County Commission to purchase the equipment directly from Motorola allowing for a substantial discount for Brooke County. The monies for the equipment was financed at 0% interest by the Ohio County Commission.

I have worked for Brooke County since August of 2002 and during this time, I developed a relationship with each First Responder, Fire Department, and Law Enforcement Entity in Brooke County. I also continue to serve Brooke County on the ambulance as a Paramedic when needed. The Commission asked me for my assistance in making a decision regarding the purchase of the radio system based on my knowledge and my desire to do what is best for the First Responders, Fire Departments, Law Enforcement agencies and the citizens of Brooke County. The insinuation that I made the decision to choose a radio system that is less than safe for all involved is not only ridiculous, but offensive. This was not a decision that was made by me personally, nor was the decision personal.

Sincerely,

Kenneth R. Fowler

Attachment #2 (Paul Luttamus)

*Brooke County Commission (Oct. 6th, 2020 meeting)*

**I was going to mail this letter as a follow up to your September 29th meeting. However, when I saw Bob Fowler was going to be on the agenda, I decided to attend this meeting in person to address the issues that should concern every citizen of Brooke County, WV. Please allow me to quickly make the following statement and I can provide copies to you and all interested parties in this commission meeting.**

**After your Commission Meeting of September 29, I went back and reviewed documents I previously shared with you regarding the inventory of P-25 radios in use by not only by Brooke County Sheriff, Police, Fire, EMS and First Responders.**

**As you will recall, when you received grant money from Homeland Security and you purchased approximately 408 radios. I have enclosed a copy of the inventory, which included radios purchased from Luttamus Communication's & Security, and the majority radios from my competitor.**

**My understanding is that these radios have been operating just fine on the existing Ohio County Tower System (subject to range and coverage, due to lack of towers in certain areas of the county), and that these radios will continue to operate on the Ohio County Network consisting of just two (2) Radio Towers in Brooke County.**

**Further, it's my understanding that many of the radios you purchased with grant money were never put fully put into service because the Ohio County System did not work in the North End of Brooke County; In fact, I was recently told some of these radios are still sitting in boxes and were never used. They are in the Brooke County EMA office. Did Brooke County really need to purchase all the new radios to use Ohio Counties Two Tower Radio System when the County already purchased approximately 408 existing radios? If this is true, it seems like an unnecessary expenditure of taxpayer money, which could have been used for the 911 Center Radio Console and adding Two Additional Towers and Repeaters to the Ohio County System. Our Propagation studies show you will need additional towers for Brooke County First Responders to have Portable Coverage. Luttamus Communications & Security's point in telling the Commission this is to illustrate yet again the likelihood of possibly utilizing this money to purchase repeaters, and 911 equipment through a local dealer like my company, Luttamus Communications & Security, but only if the Commission has not actually signed a purchase order for radios. As a Brooke County Taxpayer, I do not understand how you get 0% financing from Ohio County, because they are NOT a bank for Brooke County! Is it fair for the Ohio County Taxpayers to use this money for Brooke County? It also bothers me, as a Brooke County Citizen and Business Owner that you signed a 5-year service contract with Ohio County who does not service radios and means you will have to travel to Ohio County for service, maintaining, and programming, which will take the first responders out of the county for a minimum of 2-4 hours for each trip to Wheeling WV. According to first responder agencies, they do NOT want to travel to Wheeling, as 75% of Brooke Counties population is North of Wellsburg!**

**Thanks again for the opportunity to speak at your recent meeting. I remain interested in quoting on your 911 Center as you publicly stated I accept your decision, but I am concerned about Portable Coverage in Brooke County, and I am upset because you did not allow a local company to compete for your business. I believe in supporting local businesses in Brooke County.**

**My Best Everyday**

**Paul Luttamus  
President**

**RADIO LIST**

WEST LIBERTY VFD

Manufacturer	Model	Portable/Mobile	Serial Number
Motorola	Minitor IV Fire Pager	Fire Pager	136WEE259G
Motorola	Minitor IV Fire Pager	Fire Pager	136WEE2BLI
Motorola	Minitor V fire Pager	Fire Pager	136WME3989
Motorola	XTL5000	Mobile	5850GP2864

Radio User	Alias	Security Group	Radio User Type	Data	Radio Number	Serial Radio ID
BRK	BTHVFD E27	BROOKE	IVD		B4900028P	220501
BRK	BTHVFD E29	BROOKE	IVD		B4900032M	220502
BRK	BTHVFD MOB 1	BROOKE	IVD		B4C00086M	220503
BRK	BTHVFD PU	BROOKE	IVD		B6B10261M	220504
BRK	BTHVFD NEW	BROOKE	IVD		B8810436	220505
BRK	BTHFD P 11	BROOKE	IVD		B51000111	220551
BRK	BTHFD P 12	BROOKE	IVD		B5100012P	220552
BRK	BTHFD P 13	BROOKE	IVD		B5100013P	220553
BRK	BTHFD P 14	BROOKE	IVD		B5100014P	220554
BRK	BTHVFD P 15	BROOKE	IVD		B5100015P	220555
BRK	BTHVFD P 16	BROOKE	IVD		B5100016P	220556
BRK	BTHVFD P 17	BROOKE	IVD		B5100017P	220557
BRK	BTHVFD P 18	BROOKE	IVD		B5100018P	220558
BRK	BTHVFD P 19	BROOKE	IVD		B5100019P	220559
BRK	BTHVFD P 20	BROOKE	IVD		B5100020P	220560