



CITY OF BETHLEHEM

OFFICE OF OPEN RECORDS

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

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www.bethlehem-pa.gov

December 22, 2020

Via Email: eig1@lehigh.edu

Mr. Edward J. Gallagher
49 W. Greenwich Street
Bethlehem, PA 18018

RE: Pennsylvania Right to Know Law ("RTKL") Request

Dear Mr. Gallagher:

Your request under the Pennsylvania Right to Know Law was dated and received on December 18, 2020. You seek "an email about dissention and low morale in the Fire Department from a concerned citizen to firefighter Robert Brooks" that was discussed at the December 15 City Council meeting.

Your request is granted in the form of the email from Mr. Brooks that forwarded the attached document titled "Fact Checking the Fire Chief" from "Concerned Citizen." However, please note that certain information has been covered or redacted pursuant to 65 P.S. § 67.708(b)(6)(i)(A) of the RTKL:

(6) (i) The following personal identification information:

(A) A record containing all or part of a person's Social Security number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal email addresses; employee number or other confidential personal identification number.

The City believes that it has fulfilled your request; however, if you wish to appeal this decision, you have 15 business days from the date of this letter in which to mail your written appeal to: Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA 17120-0225. You can also send your appeal via facsimile (717-425-5343) or email (openrecords@pa.gov) as a Microsoft Word or PDF attachment. Appeals filed via e-mail including attachments exceeding 4MB warrant a phone call to the Office of Open Records to obtain prior approval to send such a large data file by email. All appeals must contain the following: (1) a copy of the RTK request; (2) a copy of the Agency's response; (3) all grounds why you believe the request seeks a public record; and (4) address any ground stated by the agency for the denial.

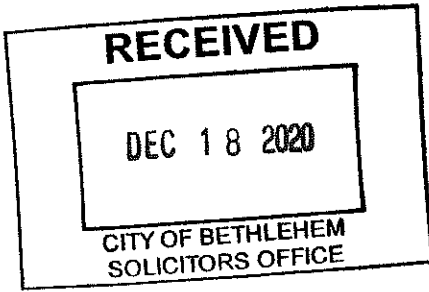
If you have any questions, please feel free to contact my office at (610) 865-7011.

Very truly yours,

A handwritten signature in black ink that reads "Tad J. Miller".

Tad J. Miller
Open Records Officer

Enclosure



pennsylvania
OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 12/18//20_____

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

REQUEST SUBMITTED TO (Agency name & address):____
City of Bethlehem, 10 E. Church St., Bethlehem, Pa.
18018_____

NAME OF REQUESTER:____
_Edward J. Gallagher_____

STREET _____ ADDRESS:_____
49 W. Greenwich St._____

CITY/STATE/COUNTY/ZIP(Required):
Bethlehem, Pa 18018_____

TELEPHONE (Optional):_610-691-2456_____ EMAIL
(optional):_ejg1@lehigh.edu_____

RECORDS REQUESTED: **Provide as much specific detail as possible so the agency can identify the information. Please use additional sheets if necessary*
At the December 15 City Council meeting Councilwoman Crampsie Smith reference an email about dissention and low morale in the Fire Department from a concerned citizen to firefighter Robert Brooks and which, it sounds, was shared with Council. Cf. <https://www.youtube.com/watch?v=h3f4sLjROJE> at min. 1:37:02

- DO YOU WANT COPIES? YES NO
- DO YOU WANT TO INSPECT THE RECORDS? YES NO
- DO YOU WANT CERTIFIED COPIES OF RECORDS? YES NO
- DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100? YES NO

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****
**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

FOR AGENCY USE ONLY

OPEN-RECORDS OFFICER:
 I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:

-----Original Message-----

From: president735 [REDACTED]
Sent: Tuesday, December 15, 2020 3:49 PM
To: Callahan, Bryan G; Colon, Michael G; Smith, Grace; Negron, Olga; Reynolds, J William; Van Wirt, Paige; awarldron@bethlehem-pa.gov; City Clerks
Cc: stvp735; secretary 735
Subject: Fwd: Fact Checking the Fire Chief

CAUTION: This email originated from an external source. Do not click links or open attachments unless you trust the sender.

Dear Sirs and Madams,

This email was sent to the my email address this afternoon. After checking the information on it and finding it to be factual, we thought we would be doing the vast majority of the citizens of Bethlehem a great disservice by not forwarding it to you for you to read. We have heard comments from council to the fire chief such as, "you are the expert" "I would not ask the chief to tell me how to teach so I will not tell the chief how to run a fire department, I trust his judgement." It is disheartening to hear such things when we as firefighters sit and listen, knowing much of what you were told to be false. We ask that you reconsider your stance on the staffing cuts until you are truly able to understand exactly what this will do to our department and how it operates. The moral is at an all time low and could really use the councils backing. Thank You for your time on the matter, I hope you all have a happy holiday.

Robert R Brooks
First Vice President IAFF Local 735
53 E Lehigh St Suite 735
Bethlehem, Pa. 18018
Phone [REDACTED]
cell [REDACTED]
Fax [REDACTED]
email [REDACTED]

----- Forwarded Message -----

From: "Concerned Citizen" <[REDACTED]>
To: "Robert Brooks" <[REDACTED]>
Sent: Tuesday, December 15, 2020 3:25:48 PM
Subject: Fact Checking the Fire Chief

Fact Checking the Fire Chief's Budget Address

Please see attached.

Fact Checking the Fire Chief

The following statements were made by Fire Chief Warren Achey during his 2021 budget presentation to Bethlehem City Council on November 9, 2020.

Fire Chief Achey referring to call volume during the beginning of the pandemic:

Fire Chief Achey: *"We went from an average of maybe 8,10,11 calls per day down to 1. For a number of months."*

FALSE

BFD Emergency Responses: (2019 average: 13 calls per day.)

March 2020: 270 (Average: 8.7 per day)

April 2020: 243 (Average 8.1 per day)

May 2020: 288 (Average: 9.29 per day)

June 2020: 289 (Average: 9.63 per day)

July 2020: 324 (Average: 10.45 per day)

Fire Chief Achey: *"There was nobody in business so there was not even any automatic fire alarms."*

FALSE

The Bethlehem Fire Department responded to 221 automatic fire alarms between March 1, 2020 and June 1, 2020.

Fire Chief Achey: *"I anticipated that everybody being at home there might be some more residential structure fires, more cooking and things like that related. That didn't happen."*

FALSE

There has been approximately 30 working structure fires in Bethlehem in 2020.

Fire Chief Achey: *"All of our high-rises now are sprinklered."*

FALSE

Both the Bartholomew House on Elm Street and the Bodder House on Leibert Street are 6-story non-sprinklered buildings. These buildings are greater than 75 feet in height, meeting NFPA's definition of a high-rise building. Both buildings contain 65 residential units, housing a primarily elderly population.

Councilperson: *"For 2020, has there been a need to call out for additional manpower?"*

Achey: *"I don't have the exact amount, but, uh, going back on an average 25, 25 times a year, uh, there was call outs. That's down to about 2,3,4 times a year."*

MISLEADING

In 2020, the Bethlehem Fire Department has responded to (26) 2-alarm fires and (2) 3-alarm fires.

Prior to switching to Northampton County dispatch, a request for a 2nd Alarm initiated the fire department's callout procedure. The current policy does not initiate the callout for off-duty personnel until the 3rd alarm is requested. This means that fires that previously required the need for off-duty personnel are now handled by on-duty personnel exclusively. The practice increases the risk for firefighter injuries and leaves the city protected by only 2 or 3 firefighters while all other on-duty firefighters are committed to fighting a serious fire.

Fire Chief Achey: *"It gives us four additional firefighters than what the NFPA says a 14 at a structure fire a residential structure fire."*

FALSE

NFPA 1710, the Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments states:

5.2.4.1 Single Family Dwelling Initial Full Alarm Assignment Capability.

5.2.4.1.1* The initial full alarm assignment to a structure fire in a typical 2000ft² (186 m²) , two-story single-family dwelling without basement and with no exposures shall provide for the following:

(9) Total effective response force with a minimum of 16 (17 if an serial device is used)

Fire Chief Achey: *“NFPA is a recommendation, uh, it’s not a law. Uh, and they really just talk about the number of firefighters that’s needed to gather in a certain amount of time. I believe it’s 5 minutes.”*

FALSE

NFPA 1710, the Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments states:

5.2.2* Staffing. The number of on-duty fire suppression members shall be sufficient to perform the necessary firefighting operations given the expected firefighting conditions.

5.2.2.2.1* On-duty members assigned to fire suppression shall be organized into company units and shall have appropriate apparatus and equipment assigned to such companies.

5.2.3.1 Engine Companies. Fire companies whose primary functions are to pump and deliver water and perform basic firefighting at fires, including search and rescue, shall be known as engine companies.

5.2.3.1.1 These companies shall be staffed with a minimum of four on-duty members.

Note: The Bethlehem Fire Department currently staffs their Engine Companies with 2 or 3 personnel.

The following is an excerpt from Fire Chief Achey’s discussion with Councilman Callahan regarding the fire department’s emergency medical responses.

Fire Chief Achey: *“The Fab 5 was the closest to what we could get to.”*

Councilman Callahan: *“Does that include overdoses?”*

Fire Chief Achey: *“The fire department is going to overdoses, yes.”*

MISLEADING

The “FAB 5” QRS call types are:

1. Cardiac Arrest
2. Respiratory Arrest
3. Unconscious
4. Electrocution
5. Drowning

Unless the call is coded by the dispatcher as an UNCONSCIOUS, the fire department is not dispatched to 911 calls reporting an overdose.

Councilperson: *“Do you think from a public safety standpoint, do you see a negative impact, or has there been any feedback from, whether it’s your department, whether it’s EMS, in terms of seeing that a change in dispatching impacts things negatively?”*

Achey: *“No.”*

FALSE

Bethlehem Firefighters Local 735 has discussed the negative impact of the “FAB 5” dispatch model with Fire Chief Achey on several occasions. The City’s business administrator was present for one of these meetings.

Fire Chief Achey: *“The county will dispatch us on other calls if it’s serious and a mutual aid ambulance is coming into the city with a considerable delay, they’ll dispatch us regardless.”*

FALSE

No such policy exists. In regards to emergency medical calls, The Bethlehem Fire Department is automatically dispatched to the “FAB 5” only. Other responses are by request, made by Bethlehem EMS for fire department assistance.

History of the BFD’s manning levels:

On December 7, 1995 manning levels increased from (18) to (20) on-duty personnel.

On January 1, 2009 manning levels increased from (20) to (22) on-duty personnel.

In 2011, an arbitration ruling eliminated the minimum manning clause and the BFD began unofficially operating with a minimum of (18) on duty personnel.

Conclusion:

Bethlehem Fire Chief Warren Achey deliberately misinformed members of city council in order to justify eliminating 4 firefighter positions from the 2021 budget.