

STATE FIRE COMMISSION MEETING
• Inn at Charles Town • Charles Town, WV •

April 8, 2016

The official business meeting was called to order at 09:06 a.m. by Chairman Carl Sizemore.

ROLL CALL:

Commissioners Present

Dave Camp, Carl Eastham, Doug Estep, Grant Gunnoe, Phil Hart, Tom Keefer, Doug Mongold, Jim Oldaker, Ted Shriver, Carl Sizemore, and Virgil White.

Commissioners Absent

Robert Miller and Vic Stallard.

APPROVAL OF MINUTES:

Commissioner Mongold made a motion to accept and approve the minutes of the February 19, 2016 meeting. Commissioner Eastham seconded the motion. The ayes and nays have been taken on a voice vote, the motion passed.

CHANGE IN AGENDA:

Commissioner Sizemore made a modification to the Agenda and requested to move ahead to one new business item ... Consideration of Recognition of South Morgan County VFD Member, Kody Harmison.

Fire Marshal Ken Tyree and Chairman Commissioner Sizemore spoke before the group and gave notice to the ever important job performed by so many. Fire Marshal Tyree spoke about an incident that occurred on March 9, 2016 in the area of Morgan County, WV.

Mr. Tyree stated that an emergency call was reported of a grass fire on Pound Court. Units responding were advised the fire was endangering a structure. When units arrived, they discovered a brush and residential structure on fire. Firefighter Kody Harmison, a three year member of the department, pulled a line from a tanker and was attempting to extinguish the structure fire. Firefighter Harmison realized the homeowner had disappeared and heard someone calling for help from inside the structure. Firefighter Harmison donned his self-contained breathing apparatus and entered the structure. Upon entering Firefighter Harmison saw a semiconscious adult male victim struggling to crawl on the floor. Firefighter Harmison dragged the victim to a window in the living room where he was turned over to the EMS Unit standing by and later flown to the burn center in Washington, DC. Because of Firefighter Harmison's brave and heroic actions, the victim is alive today. Mr. Tyree and Commissioner Sizemore presented Firefighter Kody Harmison with a Certificate of Heroic Duties and Appreciation before the audience.

COMMITTEE REPORTS:

• Fire Department Services Committee

Commissioner Mongold read the Committee Report from Meeting – April 7, 2016 as follows:

Call to Order

Commissioner Mongold called the meeting to order at 10:03 a.m.

Roll Call

Members present: Mongold, Oldaker, Camp, Gunnoe, Sizemore and Hart.

Quorum reached.

Commissioner Mongold asked to have Denise with the Jefferson County Fire Prevention Unit speak regarding the evaluation and policy. Denise spoke and thanked the Commission for coming to Charles Town and allowing Jefferson County the opportunity to be of service to the Commission. Denise and Assistant Fire Marshal Bradley Scott spoke regarding the policy and wording changes. Mr. Scott stated he has no issues revolving around Denise’s and Jefferson County’s requested changes. Questions arose among Commissioner in regards to the wording and if it voids the ability for partakers to withdraw the MOU and Jefferson Co. detailed the plan and working with any such requests. Commissioner Camp voiced concern that the individuals lose their rights and Denise stated that they work very well with one on one and levels of accountability.

Counsel Connolly questioned Jefferson County Fire Prevention Unit wording and if that paragraph is necessary. Denise spoke and said that wording can be changed to set good examples and support the volunteer system.

Commissioners discussed the wording change. Counsel Connolly suggested presenting a final draft to the full commission in June during the Committee and Commission Meetings, perhaps eliminating the first sentence.

Assistant State Fire Marshal, Bradley Scott presented the Committee with the following applications for Fire Officer I and II.

| | | |
|----------------|------------------|-----|
| Justin Knotts | Star City | FO1 |
| Raymond Knight | Boothsville | FO2 |
| Louis Comas | City of Fairmont | FO1 |
| Brian Starn | City of Fairmont | FO1 |

Assistant State Fire Marshal Bradley Scott passed around the aforesaid applications for Commissioners to review.

Commissioner Gunnoe made a motion to recommend approval of all the aforesaid applications, second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Mr. Scott further presented a list of departments that needed to be recertified after coming out of the 180 day period and are as follows...

- Anthony Creek
- Levels
- Summersville
- Kermit
- Roberts Ridge
- Gandeeville Harmony
- Fort Ashby
- War
- Boothsville

Commissioner Sizemore made a motion to recommend recertification of following ... Anthony Creek, Levels, Summersville, Kermit, Roberts Ridge, Gandeeville Harmony, Fort Ashby, War, and Boothsville, second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Mr. Scott furthermore, provided the following list of Departments that need to be recertified noting perfect evaluations (certificates will be issued)...

- City of Williamson
- Alum Creek
- Belington
- Washington District

Commissioner Sizemore made a motion to recommend recertification of following ... City of Williamson, Alum Creek, Belington and Washington District, second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

Next agenda item discussed was the Jefferson County Boundary / Dispatching Dispute. Denise spoke regarding the meeting and progress made in the communication efforts between dispatch and Fire Prevention Unit along with the Chiefs of the VFD involved. Denise spoke about Chiefs concerns, staffing being available and etc. There is a module called Response Plan – which is what many of the chiefs are wanting. It's not necessarily available for Jefferson County right now, but looking in to that. Some new technology a little ahead of the County but all hope that working together will elevate the process. Dispatch is not using a map that has boundaries. There are 7 departments / units that make up Jefferson County. Commissioners questioned what they use and why it's used rather than what is set by the Commission? The discussion was in depth and long.

Deputy Director for the 911 Center, Christopher Cross spoke regarding the system used and what it does and doesn't do. Quickest route doesn't recognize boundary lines. Commissioner Gunnoe and Counsel Connolly stated that the dispatching system currently implemented has been done so without approval. Without approval of the Commission. Counsel and Gunnoe stated the risk of liability is huge. Gunnoe questioned who made this move and discussed. Stephanie Grove the County 911 Administrator spoke. Gunnoe stated before all this was signed off on or approved it was changed and really is not acceptable. A system is put into place for the Fire Departments and Chiefs. Gunnoe stated it should not be done until the Fire Departments and Commission approved it.

Counsel Connolly explained that this body established the hard coded boundaries for the Fire Departments. Gunnoe explained the 911 Dispatching unit has implemented a system that is not approved and has increased the liability risk.

Chief Morgan spoke and addressed the Commission on the letter written. His immediate concern and the concern of the additional 5 Chiefs that signed the aforesaid letter. Mr. Morgan stated the issue at hand isn't so much boundaries as what it is the apparatus being dispatched. Mr. Morgan detailed some issues and provided specific incidents that cause concern.

In-depth discussion was made surrounding the quickest routes, staffing of stations and etc. In conclusion both parties feel through the continued communication, discussion and planning a resolution can be met.

Commissioner Mongold suggested letting the involved parties continue to work together. It will be discussed again during June Commission meeting.

The Committee heard from Chris Conroy, Vice-Chairman of the Jefferson County Emergency Service Agency. Mr. Conroy presented a list of questions to the Commission on clarifying what powers a fire board and/or a county fire association has, what statutes apply, and if the fire board should be included into determining response areas.

Counsel Connolly explained that proposed legislation from the State Fire Marshal hopes to clear some of these issues up. He went on to say that the local fire department is the authority having jurisdiction to determine operational guidelines as well as administrative guidelines. Counsel Connolly explained that Chapter 7 Article 17 essentially gives a fire board the power to set a fee schedule to be approved by the County Commission, to collect fees, and to determine disbursement of fee revenue to the local departments.

The County Association may work together for the betterment of the local departments. Nothing in those statutes gives JCESA the authority to dictate operations, boundaries, or anything more than those powers conferred in statute.

Commissioner Oldaker made a motion to adjourn at 11:23 a.m., second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner White made a motion to accept the committee's report, seconded by Commissioner Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

• Sub Committee Recruitment and Retention

Commissioner Hart reported from the Sub Committee Recruitment and Retention Meeting – April 7, 2016 as follows:

Chairman Commissioner Hart concluded that the Sub Committee Recruitment and Retention did not hold a Committee Meeting, but would rather correspond one with another via email and plan to meet during the June 2016 Committee Meetings. The cause for such was scheduling due to proceeding meeting(s) overlapping.

• Legislative, Codes & Regulatory Committee

Commissioner Shriver read the Legislative, Codes & Regulatory Committee Report from Meeting – April 7, 2016 as follows:

Call to Order

Chairman Commissioner Shriver called the meeting to order at 11:33 a.m.

Roll Call

Members present: Shriver, Camp, Oldaker, Keefer and Sizemore on behalf of Miller.

Members absent: Miller.

Quorum reached.

Approval of Agenda

Commissioner Camp made a motion to approve the agenda, second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Delegation

None.

Old Business

Consideration of Home Inspection School Opening to be operated by David Haught. Commissioner Shriver asked if Mr. Haught was in attendance, it is noted he was not. Brief discussion was made that Counsel and the WV SFMO have been in review of documents and communication needs to be made to Mr. Haught regarding his request. Commissioner Camp made a motion to table the discussion for further review and contact with Mr. Haught to the June Commission Meeting, seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Legislative

Counsel Connolly spoke and reported that Bill 4060 did pass and was signed by the Governor. A filing must be made no later than May 11th, of which Counsel and Staff sees no problem in achieving. Counsel Connolly stated that the commission will establish the effective date. Counsel Connolly suggested with the Home Rule Board meeting in July, perhaps it would be in the best interest if the effective date is prior to that Home Rule Meeting ... suggesting June.

Counsel Connolly stated that Chapter 29 Article 3 – did not pass. Commissioner Shriver suggested making some adjustments. He spoke about the article and its purpose being energy related.

New Business

Jefferson County Administrator Stephanie Grove spoke and addressed the Committee. She distributed information labeled Senate Bill No. 224 that was presented to the Legislation but did not pass. It is her request for getting assistance and support of the dual services in West Virginia. Mrs. Grove spoke that finances are separate and she provided detailed circumstances revolving around such. She suggested the Legislative proposal again, perhaps make some modifications on what was previously proposed or make amendments to what they currently have and that have been approved.

Her request is if Commission has any contact with legislation that they speak and support. She needs assistance in helping them (Legislation) understand the fees and the request for the assistance. Commissioner Shriver discussed that the Commission as individuals cannot lobby for particular causes. Some of the associations that some of the commissioners make up can however as a commission whole, they cannot.

Adjournment

Commissioner Oldaker made a motion to adjourn at 12:20 p.m., second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

The full Commission discussed the effective dates mentioned aforesaid. Commissioner Shriver recommended WV Code 87-1; State Fire Code Effective Date July 1, 2016; WV Code 87-4; State Building Code Effective Date August 1, 2016; and WV Code 87-7; Building Code Officials Effective Date June 1, 2016.

Commissioner Mongold made a motion to accept the committee's report with the proposed effective dates, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

• Training Committee

Commissioner White read the Training Committee Report from Meeting – April 7, 2016 as follows:

Call to Order

Chairman Commissioner White called the meeting to order at 1:37 p.m.

Roll Call

Members present: White, Eastham, Estep and Sizemore on behalf of Stallard.

Members absent: Stallard and Miller.

Quorum reached.

Approval of Agenda

Commissioner Eastham made a motion to approve the agenda, second by Commissioner Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

Unfinished Business

Training Listed Classes Revision / Chart: Commissioner White began discussion in regards to the chart that was distributed via email to the Commissioners and other Training Agencies. There was discussion made and a slight misunderstanding regarding what was asked to be reviewed and updated. After in depth discussion it was decided that the WV SFMO Staff and Training Agencies will continue to review and make changes to the chart and plan to revisit the topic during the June Training Committee. Further discussion was made that the list would include all classes offered by Agencies rather than just the CORE minimums.

New Business

Jefferson County Board Vice Chair – Discussion Involving Standards for the State of WV: Mr. Christopher Conroy spoke in regards to this during the Fire Department Services Committee.

Staff / Council – Commissioner White asked Counsel Stephen Connolly about any update regarding Legislation and Training. Marshal Tyree spoke and mentioned Legislative Rule 87-2 and 87-3 that will begin being brought to the Committee and Commission attention in June. Rules that haven't been touched or reviewed in a certain amount of years could potentially be removed. Marshal Tyree and Counsel Connolly detailed some insight and perhaps suggested that some of the rules may be able to be dissolved.

Further discussion surrounded the new requirements for rules and the potentially costly fees associated with the new requirements. Some of which aren't really known at this point but more details will be forthcoming during the June and later Committee and Commission Meetings.

Questions arose in regards to adding Training Agencies. Counsel Connolly briefly reflected on rulings for such and reported that he can check into the matter with more detail and report back to Chairman White.

WVFSE – Mr. Mark Lambert spoke and said that WVU Occupational Medicine will be providing free physicals to all first responders including Fire Fighters, Law Enforcement, EMS and Search and Rescue. Such will take place May 9 – 12th from 8:00 a.m. to 6:00 p.m. Interested individuals can call 304.293.3693 to schedule.

RESA / WV Dept. of ED – Public Safety EXPO is scheduled for May 4th – 7th in Charleston, WV.

WVSFA – Mr. Glen Whittington spoke. Just reminded all there will be a couple regional fire schools taking place in the fall.

Misc. Comments / Questions

None.

Adjourn

Commissioner Estep made a motion to adjourn at 2:19 p.m., second by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham made a motion to accept the committee's report, seconded by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.

• Disciplinary Committee

Commissioner Eastham read the Disciplinary Committee Report from Meeting – April 7, 2016 as follows:

Call to Order

Chairman Commissioner Eastham called the meeting to order at 2:28 p.m.

Roll Call

Members present: Eastham, Hart, Shriver and Sizemore on behalf of Stallard.

Members absent: Stallard.

Quorum reached.

Approval of the Agenda

Commissioner Shriver made a motion to approve the agenda, second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to go into executive session at 2:32 p.m., second by Commissioner Hart. The ayes and nays having been taken on the voice vote, the motion passed.

The Disciplinary Committee came out of executive session with Commissioner Shriver making the motion, seconded by Commissioner Hart at 3:25 p.m. The ayes and nays having been taken on the voice vote, the motion passed and they resumed the regular meeting.

New Business

Commissioner Shriver made a motion to recommend a 90 day extension to correct deficiencies with every 30 days an update from the Department(s) for 2015-056 Elk District VFD and 2015-057 Tri Towns VFD. Second by Commissioner Hart with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to find probable cause on 2016-007, 2016-011, 2016-012, 2016-013, 2016-014, 2016-015, and 2016-019. Second by Commissioner Hart with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to recommend a 180 day extension to correct deficiencies with every 30 days an update from the Department(s) for East Fork VFD, Hanover VFD, Mozart VFD, Waverly VFD, Deerwalk VFD, Oceana VFD and Selbyville VFD. Second by Commissioner Hart with all the ayes and nays having been taken on a voice vote, the motion passed.

Previously mentioned motion was amended by Commissioner Shriver to find and include probable cause on 2016-016. Seconded by Commissioner Hart with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to recommend initiating the complaint process and begin decertification process on Greenbrier Valley Rural VFD, second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to recommend the Commission table the discussion involving 2016-033 – Montcalm Consent Order / Decertification, noting that Montcalm VFD will update the WVSFMO as soon as possible, but no later than 30 days from date of Full Commission Meeting. Second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to adjourn at 3:31 p.m.; second by Commissioner Hart with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham made a motion to accept the committee's report, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

• Operations Committee

Commissioner Gunnoe read the Disciplinary Committee Report from Meeting – April 7, 2016 as follows:

Chairman Commissioner Gunnoe stated that the Operation Committee did not hold a Committee Meeting, but would rather would like for the Staff to provide their full reports now. Commissioner Gunnoe detailed the Jefferson County Tour and Dinner. He thanked the entire Jefferson County Staff. Commissioner Gunnoe reflected on the tour and how well maintained the stations were. He quoted that the tour was a great opportunity for the Commission to see and witness what great work is being done within the County of Jefferson.

Deputy Fire Marshal Allan Casto spoke for Fire Department Services. Mr. Casto broke down the division into 3 sections within Fire Department Services (Regulatory and Licensing, Public Education and Fire Department Services). Mr. Casto briefly detailed the duties included within each section of his Division.

Marshal Casto provided the following Regulatory and Licensing Section Numbers for the period of February 1, 2016 to April 1, 2016:

Total Licenses Issues: 586
Total Certifications Issued: 53
Total Applications Processed: 710
Total Permits Issued: 140

Marshal Casto provided the following Regulatory and Licensing Section Numbers for the period of January 1, 2016 to April 1, 2016:

Total Licenses Issues: 797
Total Certifications Issued: 79
Total Applications Processed: 999
Total Permits Issued: 146

Marshal Casto detailed that the Regulatory and Licensing Section have gone live with on-line Electrician License Renewals as of April 1st.

Deputy Fire Marshal Joe Leake spoke for the Fire Inspection and Plan Review Division. Mr. Leake described the Divisions job duties in brief detail.

Marshal Leake provided the following Fire Safety Inspection & Plans Review Division Numbers for the period February and March, 2016:

- 1335 Inspections Conducted
- 273 Plans Reviewed
- 49 Occupancy Permits Issued
- 465 Licenses Checked

Marshal Leake provided the following Fire Safety Inspection & Plans Review Division Numbers for the period January thru March, 2016:

- 1930 Inspections Conducted
- 333 Plans Reviewed
- 73 Occupancy Permits Issued
- 714 Licenses Checked

Fire Marshal Tyree spoke on behalf of Deputy Fire Marshal Jason Baltic for Investigations. Marshal Tyree detailed the work of fires, explosion, firework mishaps, assisting in Inspection Division and Fire Department Services. He explained the Investigation Division handles all criminal aspects of a fire, making arrests and assisting other law enforcement agencies when requested.

Fire Marshal Tyree recognized the Jefferson County Service staff again for the services they provided for the Commission and Staff the evening prior. Mr. Tyree thanked the entire Morgan County Fire Department men and women that accompanied Firefighter Harmison for his heroic recognition.

Marshal Tyree spoke regarding the bills that have passed during the last couple months in Legislation and those include 4060 which is the Building Code Officials and Building Inspectors rules they use along with Fire Codes. Marshal Tyree stated these rules are put into place to keep the community safe.

Mr. Tyree stated that the Home Rule Board met earlier this week. It is his understanding that Bridgeport will come out from underneath the direction of the Commission. Clarksburg made mention and also wanted to come out as well. Such could have an impact on the Commission and State.

Marshal Tyree stated that House Bill 2852 passed. This bill is the Fireworks Bill and has been signed by Governor Tomblin. Per this bill the public will be allowed to purchase and sell fireworks within the state of West Virginia. Marshal Tyree spoke that the staff and Counsel continues to work diligently to develop guides for the safety of such. It will be a significant impact and the SFMO will continue to monitor and development.

In addition, Mr. Tyree noted that Senate Bill 619 did pass. It will affect the Commission and the WVSFMO in regards to accommodating rules. Rules that are not looked at, reviewed and updated could be automatically removed if not done so every so often. Commissioner Shriver reflected on this and questioned if a rule can be revisited or must it be recreated. Counsel Connolly and Marshal Tyree reported that the rules would have to have minor changes or adjustments. Marshal Tyree noted that

there is some wording that allows the rules to be spaced out and doesn't require the immediate attention for all 13 rules.

On other notes, Fire Marshal Tyree noted that the clandestine ruling passed resulting in charges being a felony if found and resulted in a fire. Marshal Tyree also made mention of the Electrician's rule and suggested the Commission and SFMO look at these and keep those rules within the care of the WVSFMO.

Mr. Tyree spoke and noted that no budgets have been passed to date. Over the course of the next 4 to 6 weeks it will be looked at. Marshal Tyree stated the SFMO is making preparations for any negative effects it could have on the agency or others throughout the state. Naturally, Mr. Tyree spoke, as a whole, we want to secure and protect what we have. The programs we have and how the agency receives its revenue is important. Mr. Tyree noted the WVSFMO is a special revenue agency and the only general revenue received from the State and citizens is that for the Public Education Program. Mr. Tyree is hopeful that the budget will be reviewable and prepared to facilitate by June.

Fire Marshal Tyree spoke that Policy and Procedures are in effect. He noted the Dress Code Policy, 3002 and 3002a has been submitted to the DOP and is under review. With that, a few updates will need to be made to the policy. It will be Mr. Tyree's intentions to get those submitted for review and approval. Mr. Tyree spoke that there was no social medical policy in place and that too will be submitted for review and approval.

Marshal Tyree made mention that he attended the Oil, Natural Gas, and Pipeline Safety meeting. A survey will be created and sent out to all Departments within the State to make an assessment of need. Another Committee Meeting will take place in June and Mr. Tyree will reflect that during the Commission meeting in August.

Online renewals have gone out per Marshal Tyree. In addition, effective April 1st, 2016 the WVSFMO stopped accepting cash onsite.

Mr. Tyree spoke on staffing at the SFMO. There are currently 6 vacancies. Mr. Tyree noted one of the Public Educators resigned last week, and a few Inspectors have transferred.

Mr. Tyree made mention of the upcoming Public Safety EXPO to take place in May. Early bird registration ends April 16th, 2016.

Commissioner White made a motion to accept the committee's report, seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

UNFINISHED BUSINESS:

Consideration of Dunbar Provisional Status – Deputy Marshal Allan Casto spoke and reported that Mr. Leishman, Dunbar Building Inspector, has completed a few tests but needs to retake another and such had to be rescheduled. It was requested that the Commission extend Dunbar's Provision Status.

Commissioner Shriver made a motion to extend Dunbar Provisional Status to the next Commission Meeting, set for June 3, 2016. Seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Jefferson County Fire Prevention Unit Progress – Commissioner Sizemore made mention that the progress and evaluation was previously discussed during the Committee Report. Commissioner Sizemore asked if there was any further comment from the Commission or public attendance, it was noted there was none. The Commission gave thanks to Denise and entire staff at Jefferson County Emergency Services for their efforts, hospitality and tour the evening prior.

Commissioner Gunnoe made a motion to table the Jefferson County Fire Prevention Unit Progress and Fire Prevention Unit Evaluation Form and Policy Review to the June Commission Meetings, seconded by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of City of Clarksburg Matter – Counsel Connolly spoke and as of this morning there was no response or report by Honorable Jennifer Baily or other officials. Counsel Connolly stated that the Supreme Court of Appeals placed a scheduling order with the due date of April 7th, 2016. Connolly hopes to have an update by the June Commission Meeting.

Consideration of James Davis / James Llanzea Complaint – Counsel Connolly responded and said WVSFMO issued a response and both parties have filed appeals of which is pending before Judge.

Consideration of 2016-001-BCO, 2016-002-BCO, and 2016-003-BCO moved to the end of the Agenda / Meeting.

Consideration of Home Inspection School Opening by David Haught – As previously discussed during the Legislative Codes & Regulatory Committee, Commissioner Shriver made a motion to table the consideration of Home Inspection School Opening until next Committee and Commission Meetings (June, 2016), second by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of East Bank VFD Update – Assistant Fire Marshal Bradley Scott spoke and updated the Commission. Some information has been received by East Bank VFD. They remain in their 180 days extension to correct deficiencies.

Consideration of War Volunteer Fire Department – Assistant Fire Marshal Bradley Scott spoke and stated that War VFD has completed all the required documents and as recommended by the staff is up and ready for recertification.

Commissioner Mongold made a motion to dismiss the complaint process and decertification process against War VFD; second by Commissioner Gunnoe with all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Montcalm VFD – Montcalm Volunteer Fire Department Chief Tim Cox was present to speak to the Commission. Chief Cox stated and spoke on the status of their updates and progress since the evaluation conducted by Assistant Fire Marshal Bradley Scott. Chief Cox produced certificates for Fire Officer 1. Assistant Fire Marshal Bradley Scott inspected and reviewed much of the materials provided by Chief Cox one by one. Chief Cox verified particular information.

Questions arose by Commissioners as to why this is the first the Commission and WVSFMO is hearing of the Departments progress given many of the receipts produced and information provided is older in date. Counsel Connolly spoke and stated that no documentation was provided back in January, 2016 when Assistant Fire Marshal Bradley Scott followed up from the 180 day extension that was granted in June 2015. The Commission made Chief Cox clear that they were ready to shut the department down. Chief Cox explained that the Department has had some issues with staff and files being removed from the premises.

Counsel Connolly detailed that his office received some correspondence from the Department requesting an additional 60 days to correct the deficiencies. Counsel Connolly explained to the Chief that such request is required to be provided to the Commission no later than 7 days prior to the scheduled Commission Meeting. Counsel and Commissioners explained to the Chief that communication is important and key, a simple letter regarding the status and progress of the Department would be helpful and certainly could have saved the Commission, Counsel, Chief among others a significant amount of time.

Commissioners questioned the Chief on the number of responses per year and the surrounding Departments available to provide backup. Commissioner Gunnoe explained to Chief Cox if the Commission is to grant an extension the documents and Department must be fully prepared otherwise Decertification process will take place in June, 2016. Commissioner Gunnoe explained the Commission gives the Communities every opportunity for safety.

Commissioner Gunnoe made a motion grant an extension to Montcalm VFD until the June 2016 Commission Meeting and request the presence of the Chief at such; second by Commissioner Oldaker with all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of WV Fire Training Chart – As previously discussed in the Committee Meeting, the Training Chart will continue to be reviewed by Commissioners, Training Agency's and WFSMO Staff and will be discussed again during the June Committee and Commission meetings.

NEW BUSINESS:

Consideration of 'Smoke Detector Legislations' by Mr. Daniel Morgan – Mr. Morgan was in attendance and requested to speak to the Commission. During his discussion, Mr. Morgan detailed a specific incident where a life was lost in a rental property due to no working or installed smoke detectors. Counsel Connolly spoke and recommended to Mr. Morgan that he direct his attention and efforts at the Legislation as they are the law makers. Commissioner Sizemore spoke and made suggestions to Mr. Morgan that perhaps he could start small and aim for County Ordinances. Requesting that landlords be required to show proof of installed detectors. Commissioner Eastham made mention to Mr. Morgan that he will most likely incur the Rental Association against him. Commissioner Gunnoe agreed with Commissioner Sizemore as to getting his message out and across at a local level / county level and progress to the State / Legislation Level. The Commission and WVSFMO staff made mention that the Red Cross has a program that offers free smoke detectors and installation thereof.

Consideration of City of Wheeling Update Letter – Commissioners reviewed the update letter provided via mail to the WVSFMO and included in the Commission electronic correspondence. No response required or needed at this time.

Consideration of National Association of Home Inspectors, Inc. (Mr. Claude McGavic) – Commissioner Shriver spoke and said that he had been in much communication with Deputy Fire Marshal Allan Casto regarding this consideration. Deputy Fire Marshal Casto gives his recommendation to approve. Commissioner Shriver made a motion to approve NAHI Home Inspection Training Course with a recommendation that a third party proctor the final test, seconded by Commissioner Gunnoe. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Town of Ridgley Provisional Request – Counsel Connolly spoke and stated that he had been in communication with the Town of Ridgley Mayor. Counsel Connolly stated he had sent an email to the Mayor outlining details that the town needed to do and such included sending in a letter of request for a Provisional. To date, Counsel has not received anything neither has the WVSFMO.

Commissioner Mongold made a motion to table the discussion to the June Commission Meeting, seconded by Commissioner Gunnoe. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Greenbrier County OES Map & Resolution on Boundaries – Assistant Fire Marshal Bradley Scott spoke and stated that the parties involved requested this be removed and added to the June Commission Meeting.

Consideration of Jefferson County Boundary / Dispatching Dispute – Previously discussed and will revisit during the June Commission Meeting.

Consideration of Elk District VFD Additional Time Request & Consideration of Tri Towns VFD Additional Time Request - Assistant Fire Marshal Bradley Scott spoke and detailed the progress of the Departments. Commissioner Mongold made a motion to grant a 90 day extension for Elk District VFD and a 90 day extension for Tri Towns VFD, seconded by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-007; 2016-011; 2016-012; 2016-013; 2016-014; 2016-015; 2016-019 - Commissioner Mongold made a motion to grant 180 extension for the aforesaid, second by Commissioner Shriver. However, discussion evolved and the Motion and Second was withdrawn.

Commissioner Shriver made a motion to find probable cause on 2016-007; 2016-011; 2016-012; 2016-013; 2016-014; 2016-015; 2016-019 and 2016-016; second by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to grant 180 extension with 30 day progress updates from the Departments for East Fork VFD, Hanover VFD, Oceana VFD, Mozart VFD, Waverly VFD, Deerwalk VFD and Selbyville VFD; second by Commissioner Eastham with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Keefer made a motion to accept and approve Fire Officer I and II applications as reflected in the Committee reports. Second by Commissioner White with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner White made a motion to accept and approve Recertification of Fire Departments as reflected in the Committee reports. Second by Commissioner Eastham with all the ayes and nays having

been taken on a voice vote, the motion passed. It is noted that Commissioners Hart and Oldaker abstain from the vote.

CORRESPONDENCE:

Consideration of Monongalia County Fire Levy Letter – Commissioners reviewed the letter. It was noted this correspondence needed no reply or action.

OTHER:

Commissioner Gunnoe made a motion to go into executive session at 11:13 a.m., second by Commissioner White. The ayes and nays having been taken on the voice vote, the motion passed.

The Commission came out of executive session at 12:42 p.m. and resumed regular open meeting by Commissioner White making a motion to resume regular meeting, second by Commissioner Shriver. The ayes and nays having been taken on the voice vote, the motion passed.

Consideration of 2016-001-BCO – Commissioner Shriver made a motion to table 2016-001-BCO pending ongoing litigation, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-002-BCO – Commissioner Shriver made a motion to dismiss 2016-002-BCO due to lack of probable cause, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-003-BCO – Commissioner Shriver made a motion to dismiss 2016-003-BCO due to lack of probable cause, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-004-BCO – Commissioner Shriver made a motion to table 2016-004-BCO to the June Commission Meeting, seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-001-HI - Commissioner Shriver made a motion to find probable cause on 2016-001-HI; second by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to begin Hearing Proceedings and filing Statement of Charges due to violations of the Home Inspector Rules on A-PRO Home Inspection; second by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to initiate complaint process, hereafter referred to as 2016-002-HI, and open a matter in reference to information related to 2016-001-HI. The complaint shall be referred to an investigator with intent to subpoena related information. Seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham made a motion to initiating the complaint process and begin decertification process on Greenbrier Valley Rural VFD, second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

GOOD OF THE ORDER:

Commissioner Shriver made mention and appreciation to Administrative Secretary Shawna Goodwin for all her work with the Commission, and Technology Training on the Tablets. He made mention that a lot of effort and patience goes into the work and all the work is greatly appreciated by all the Commissioners.

TIME AND PLACE OF NEXT MEETING:

Next Committee Meetings will take place Thursday, June 2, 2016 at the WV State Fire Marshal's Office in Charleston, WV beginning at 10:00 a.m.

Next Commission Meeting will take place Friday, June 3, 2016 at the WV State Fire Marshal's Office in Charleston, WV beginning at 9:00 a.m.

Future meetings are set for August 18th and 19th at Snowshoe Mountain Resort, Snowshoe, WV.

ADJOURN:

Commissioner Shriver made a motion to adjourn at 12:50 p.m. Second by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.
