

## STATE FIRE COMMISSION MEETING

• WV State Fire Marshal's Office • Charleston, WV •

August 19, 2016

The official business meeting was called to order at 09:08 a.m. by Chairman Carl Sizemore.

### **ROLL CALL:**

#### **Commissioners Present**

Dave Camp, Carl Eastham, Doug Estep, Thomas Keefer, Robert Miller, Doug Mongold, Jim Oldaker, Ted Shriver, Carl Sizemore, Vic Stallard, and Virgil White.

#### **Commissioners Absent**

Grant Gunnoe and Phil Hart.

### **CHANGE IN AGENDA:**

Kevin Price presented the WV State Fire Commission and the State Fire Marshal's Office a plaque recognizing 20 years of service with the IFMA (International Fire Marshal's Association). The plaque was given to Marshal Tyree and Marshal Tyree was welcomed to the Board of Directors. Mr. Price discussed some topics that may arise within the State of WV. Mr. Price discussed the hard times here in WV and how some individuals may be looking for anything to make a buck by processing marijuana and the dangers of such in the Fire Industry. He detailed problems or issues surrounding that. Another topic was Food Trucks / Fleet Trucks and the explosion of such. These are topics to keep in the forefront of the mind for the upcoming Legislative Session per Mr. Price.

### **APPROVAL OF MINUTES:**

Commissioner Mongold made a motion to accept and approve the minutes of the June 3, 2016 meeting. Commissioner Eastham seconded the motion. The ayes and nays have been taken on a voice vote, the motion passed.

### **COMMITTEE REPORTS:**

#### **• Fire Department Services Committee**

Commissioner Mongold read the Committee Report from Meeting – August 18, 2016 as follows:

#### **Call to Order**

Commissioner Mongold called the meeting to order at 10:05 a.m.

#### **Roll Call**

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

Members absent: Gunnoe and Hart.

Quorum reached.

Commissioner Mongold requested to adjust the agenda to move ahead to Fire Officer I and Fire Officer II consideration and review.

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

Destry Jones	Baxter VFD	FO1 & FO2
Richard Runion	Baxter VFD	FO2
Walter Mundell	Baxter VFD	FO1 & FO2
Mark Kane	BFD VFD	FO1 & FO2
James McGaw	Gauley River VFD	FO2
Matt Nesius	City of Charleston	FO1
John Lovejoy	Mud River VFD	FO2
Gregory Rowsey	Milton VFD	FO2
Harold Shingler	Tri Towns VFD	FO1 & FO2
David Cales	Pratt VFD	FO1

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

- Walton VFD
- Mud River VFD
- Reedy VFD
- Flat Rock VFD
- Deerwalk VFD
- Selbyville VFD
- Hacker Valley VFD

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

- Pennsboro VFD
- Harrisville VFD
- Ellenboro VFD
- Leading Creek VFD
- Shavers Fork VFD
- Whitmer VFD
- Sissonville VFD
- Wyoming Co. VFD
- North River Valley VFD
- Huttonsville Mill Creek VFD

Assistant Fire Marshal Scott noted that all Fire Departments within the State of West Virginia have had their evaluations completed and the WVSFMO is ready to restart the list that began in September of 2011.

Assistant Fire Marshal Scott presented perfect evaluation certificates to Chief Randy Wilfong of Shavers Fork Fire Rescue.

### Old Business

Jefferson County 911 Dispatching Dispute Update – Assistant Fire Marshal Scott discussed that representatives intend to be at the full Commission meeting tomorrow, Friday, August 19, 2016 at which time discussion will evolve.

### Other

Assistant Fire Marshal Scott discussed 2016-038 Smithfield VFD had dissolved due to lack of members. Station will be utilized as a substation Folsom VFD. Chief Gary Glasscock from Folsom VFD spoke. The Chief stated they are awaiting on the final approval from Commission to move forward to the County Commission and transfer assets to Folsom VFD. AFM Scott discussed some needs that the Smithfield VFD needed and Folsom is able to update and complete the substation successfully. Commissioner Mongold questioned the distance between the two Fire Departments and Chief Glasscock stated about 2.6 miles. Approx. 20 calls were dispatched from that location last year. 8 members 3 will transfer over from Smithfield VFD. Commissioner Sizemore discussed dispatch calls and no issues involved there.

Commissioner Camp made a motion to go into Executive Session at 10:27 a.m., second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Oldaker made a motion to come out of Executive Session at 11:48 a.m., second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Camp made a motion to recommend the Full Commission Suspend the operations of Wharnccliffe VFD to the December, 2016 Commission Meeting, noting the same time given for the 180 day extension, second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Oldaker made a motion to recommend approval to the full Commission of all the aforesaid FO1 and FO2 applications, second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Oldaker made a motion to recommend recertification of following ... Walton VFD, Mud River VFD, Reedy VFD, Flat Rock VFD, Deerwalk VFD, Selbyville VFD, Hacker Valley VFD, Pennsboro VFD, Harrisville VFD, Ellenboro VFD, Leading Creek VFD, Shavers Fork VFD, Whitmer VFD, Sissonville VFD, Wyoming Co. VFD, North River Valley VFD, and Huttonsville Mill Creek VFD, second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Camp made a motion to adjourn at 11:51 a.m., second by Commissioner Oldaker. 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 Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

• Sub Committee Recruitment and Retention

Commissioner Sizemore concluded that the Sub Committee Recruitment and Retention did not hold a Committee Meeting. Next regularly scheduled Committee Meeting is set for Thursday, October 13, 2016 at WV State Fire Marshal's Office.

No Committee Report to Report.

• Legislative, Codes & Regulatory Committee

Commissioner Shriver read the Legislative, Codes & Regulatory Committee Report from Meeting – August 18, 2016 as follows:

Call to Order

Chairman Commissioner Shriver called the meeting to order at 11:54 a.m.

Roll Call

Members present: Shriver, Camp, Oldaker, Keefer and Sizemore.

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

David Hartley and Dale Oxley with the Home Builders Association of West Virginia were in attendance and spoke discussing single family dwellings and sprinkler requirements within. Discussion was made that the HBA requested the Commission issue some formal document stating what the intention of the Commission was in promulgating the 87-4-5.1 and 5.2 language. The HBA worked with the Commission in writing that language, not as a sprinkler requirement, but as a safety measure for first responders. Counsel Connolly indicated the provision was only applicable to 3 types of structure: structures over 1 story; structures with a basement, or structures with a crawlspace and also containing a fuel gas heating unit. If any of those are met, flooring systems in the residence must be either covered with gypsum board, constructed of 2x10 nominal lumber, or sprinkled. Chairman Shriver requested the discussion be considered under that action item in New Business.

Old Business

Consideration of Dunbar Provisional – Division Deputy Fire Marshal Allan Casto spoke regarding the matter. Marshal Casto reported that he has been in great communications with Mr. Hugh Leishman. Marshal Casto stated that Mr. Leishman has submitted an updated application for Building Code Official status. Marshal Casto stated that such cards will be sent out this week. It is the staff's recommendation to remove the Dunbar Provisional given the necessary requirements have been met.

Commissioner Camp made a motion to recommend removal of the Dunbar Provisional to the full Commission, given the necessary requirements have been met, second by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of approval of AHIT Course Training with Maryland Applicants. Discussion was made and review of the provided course description and materials provided by AHIT took place. Questions arose regarding the testing procedure. It was noted that Division Deputy Marshal Allan Casto will confirm with Laura Peek of AHIT that the National testing is conducted at the conclusion of the course.

Commissioner Keefer made a motion to accept and approval the AHIT Course Training as submitted pending the national testing is conducted at the end of the course and a portion of the curriculum be specific to instructing on our 87 CSR 5 Legislative Rule, second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of the process for notifying jurisdictions and stakeholders of the new rules. Commissioner Shriver discussed and questioned how the process currently is for notifying such of new rules. Inspection Division Deputy Joe Leake spoke and Fire Marshal Tyree suggested reaching out the hotel / motel association. It was suggested, as a whole have a better stakeholders list for when a rule is concluded so we have means of making notice. Marshal Tyree stated that the WV SFMO should have consistent information and correspondence which could assist in better notifications. Commissioner Shriver spoke regarding a situation he experienced while lodging at a hotel and a lack of the alarm panel being tied into a 911 center or local fire department. That is a requirement under the fire code in 87 CSR 1-2.2 and he is concerned that the industries affected by changes in our codes are not fully aware of the changes. Staff will look into better public education before the October meeting and report back.

Consideration of International Building Code & Appendix Adoption. Counsel Connolly spoke regarding the question. Discussion evolved around the automatic adoption of an appendix but others contended. Addendums should be part of adoption but if a rule or adverse action is taken thereafter, such may trump or override any action or adoption. Specific discussion was made that included NFPA code adoptions and IBC codes. Commissioner Shriver will attempt to gather further information and report back, potentially during the full Commission meeting tomorrow.

#### Legislative

WV Code Chapter 29 Article 3 – Discussion was brief. Counsel Connolly spoke and said that rulings / suggestions usually begin to roll in during the months of September and October so there is nothing to report at this time.

Consumer Fireworks Rule Comments – Counsel Connolly spoke that Marshal Tyree gathered public comments and met on the same. Counsel stated that comments come in from surrounding areas and across the state. Public comments received from: DSFM Casto re: licensing issues; DSFM Leake re: inspection issues; Phillip Reale, Esq. on behalf of TNT and the industry; and Mr. Frankenberry concerning the Pyrotechnician licensing changes. Mr. Frankenberry is upset with requiring pyrotechnicians-in-training (“PIT”) to have to obtain a license, and with PIT’s limited to 5 for every Pyrotechnician. Comments will be examined by the full Commission.

Berkeley County Building Code Interpretation Regarding Sprinklers (87-4-5.1) – Commissioner Shriver discussed some past issues and discussion involved based on prior situations.

Commissioner Camp made a motion that the WV SFMO would issue out a letter stating that it was never the intention of the Commission to require sprinklers in these dwellings, but to provide 3 mechanisms

for fire protection of floors, second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of St. Albans Provisional – Division Deputy Marshal Casto spoke and stated that St. Albans has a Building Code Inspector given under the new rule. The Provisional Status is requested and paperwork / hardship submitted for Electrician Inspector and Property Maintenance. It is the staff's recommendation to approval and allow the provisional status for St. Albans.

Commissioner Camp made a motion to recommend provisional status for St. Albans to the full Commission, second by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Municipality Home Rule Board Rulings – Counsel Connolly spoke and stated that the Home Rule Board met in April of 2016. Before them came 2 requests (Bridgeport and Clarksburg) to be removed from the licensing requirements and oversight of the WV State Fire Commission. Bridgeport was granted their request by the Home Rule Board in April, while Clarksburg's request was tabled until July. Such was reconsidered on July 11, 2016 and Clarksburg was granted the removal from licensing and oversight by the Commission. Questions arose and discussion was in depth regarding the interest the Commission may have in challenging this ruling by the Home Rule Board due to the potential that other cities may follow in the same steps. The affect could easily be felt across the state, the WVSFMO and this governing body.

Commissioner Keefer made a motion to recommend the Commission initiate the challenge to terminate the decisions and rulings of the Home Rule Board, second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Camp made a motion adjourn at 12:44 p.m., second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver reported back regarding the adoption of an appendix automatically. Commissioner Shriver stated that the exception in the rule does not accept an appendix.

Commissioner Stallard made a motion to accept the committee's report, seconded by Commissioner Mongold. 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 – August 18, 2016 as follows:

#### Call to Order

Chairman Commissioner White called the meeting to order at 1:04 p.m.

#### Roll Call

Members present: White, Eastham, Estep, Miller and Stallard.

Members absent: Sizemore.

Quorum reached.

### Approval of Agenda

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

### Unfinished Business

#### Training Listed Classes Revision / Chart:

Discussion was brief. It was noted that the WVSFMO has updated the approved Training Chart to the website.

### New Business

4-H Volunteer Firefighter Model Presentation – Doug Hovatter from Berkeley County spoke and presented before the Committee the 4-H Junior Volunteer Firefighter Model program. He passed out brochures and highlighted the benefits of hands on training. He quoted and referenced that ‘Youth will be part of anything they are interested in IF they will be appreciated, included and can learn.’

Fire Marshal Tyree presented a plaque in honor of National Junior Fire Fighter of the Year Brittany French. Miss. French was unable to attend the Committee and Commission meeting this week, but recognition is well deserved.

Commissioner Eastham made a motion to postpone Modular Training Workgroup Recommendations, Staff / Council Updates, WVFSE Updates, RESA / WV Dept. of ED Updates, and WVSFA Updates to the full commission meeting, second by Commissioner Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

### Adjourn

Commissioner Stallard made a motion to adjourn at 1:45 p.m., second by Commissioner Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard 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.

Commissioner White asked for any updates from partnering training facilities.

WVFSE – Mark Lambert discussed the turnout of the 2016 Junior Firefighter Camp. He made mention of the plans for next year and stated that it will take place in June of 2017. He intends to have more of an update by October Commission Meeting.

WVSFA – Mr. Glenn Whittington spoke. He briefed the group on a July issue if the Pennsylvania State Fire Association. He briefly discussed surveys completed within such regarding volunteers and how to increase all over the country. Mr. Whittington noted the website addresses and invited everyone to check it out.

Commissioner White spoke and stated that the modular training workgroup had its first meeting. They continue to gather information from all those involved and it seems to be a great work in progress. Future meeting to be announced as members gather ideas and information.

• Disciplinary Committee

Commissioner Eastham read the Disciplinary Committee Report from Meeting – August 18, 2016 as follows:

Call to Order

Chairman Commissioner Eastham called the meeting to order at 3:07 p.m.

Roll Call

Members present: Eastham, Shriver, Sizemore and Stallard.

Members absent: Hart.

Quorum reached.

Approval of the Agenda

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

Old Business

16-001-HI – Mark Pemberton dba A-Pro Home Inspection Service. Division Deputy Casto spoke and said that it would be the staff's recommendation to extend or table the discussion to the October Commission Meeting where Mr. Pemberton will be requested to attend.

Commissioner Stallard made a motion to table the discussion to the October Commission Meeting, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

16-002-HI – Lee Harless dba Safe and Sound Inspection Services – Counsel Connolly spoke and stated that Mr. Harless remains incarcerated. Counsel said that he can request a transfer should Mr. Harless remain incarcerated or the Committee / Commission can table the discussion to October Commission Meeting to see the status of Mr. Harless.

Commissioner Stallard made a motion to table the discussion to the October Commission Meeting, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to enter into Executive Session at 3:13 p.m., second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to come out of Executive Session at 4:49 p.m., second by Commissioner Sizemore. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to table 2016-006-BCO discussion to the October Commission Meeting, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.



Commissioner Stallard made a motion to table Wharnccliffe VFD pending the outcome of Fire Department Services recommendation to the Full Commission tomorrow, August 19, 2016, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to grant Elk District VFD additional time until the October, 2016 Fire Commission, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to grant Tri Towns VFD additional time until the October, 2016 Fire Commission, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to find probable cause on 2016-041, 2016-042, 2016-043, 2016-049, 2016-050, 2016-051, 2016-054, and 2016-055. Second by Commissioner Shriver with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Sizemore made a motion to recommend a 180 day extension to correct deficiencies for Cairo VFD, Lester VFD, Coalton VFD, Hurricane VFD, Pickens VFD, Valley Head VFD, Beverly VFD, and Valley VFD. Second by Commissioner Shriver with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to remove 2016-038 Smithfield VFD closure from the agenda, as Fire Department Services Committee had made a recommendation to take the topic to the Full Commission tomorrow, August 19, 2016, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to accept the staff's recommendation on complaint 2016-007-BCO and dismiss such, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to dismiss 2016-008-BCO, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to adjourn at 4:58 p.m., second by Commissioner Stallard, with all the ayes and nays having been taken on a voice vote, the motion passed.

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

#### • Operations Committee

Chairman Sizemore stated that the Operations Committee did not hold a Committee Meeting on August 18, 2016, but would rather would like for the Staff to provide their full reports now.

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 May 23, 2016 to July 31, 2016:

Total Licenses Issues: 7,753  
Total Certifications Issued: 57  
Total Applications Processed: 373  
Total Permits Issued: 466

Marshal Casto provided the following Regulatory and Licensing Section Numbers for the period of January 1, 2016 to July 31, 2016:

Total Licenses Issues: 15,057  
Total Certifications Issued: 167  
Total Applications Processed: 1,810  
Total Permits Issued: 706  
Online Renewals: 5,915

Marshal Casto reported the following numbers for Consumer Fireworks for the period May 1st to July 31<sup>st</sup>, 2016:

Permanent: 42  
Temporary: 171  
Wholesaler: 16  
Outdoor Storage: 130  
Novelties: 471

Marshal Casto reported the following for Public Education:

Media Releases – 1 (Fireworks)  
Social Media interactions – 234 likes since June 1st  
August Newsletter ready for disbursement  
PSA's – 1 (fireworks messages through radio as well as social media)  
Website Maintenance – 3 sections – (Public Education, Licensing updates, Laws)  
Data Research – Ongoing with NFIRS as a part of the 5 year trend  
Working with Partnering Agencies – 0  
Public Education Network – 5 (total of 85)  
Training – 1 NFPA Conference and Expo  
2 webinars from 20/20

Public interactions completed:

- I. Fire Departments – 1
- II. Community Groups - 7
- III. Community Events - 7
- IV. Smoke Alarm Installs – 40 installed

V. How many counties impacted – 5

Current Projects:

Fire Safety Poster Contest

First annual poster contest will take place now through the month of October when a winner is chosen and recognized by our agency as well as the Governor's Office. Information has been given to all 55 County Board of Education Offices to disburse to elementary schools.

Fire Safety Lesson Plans

Lesson plans created for fire safety talks and demonstrations to be used as a resource for the fire service.

McDowell Co. Installs

100 smoke alarms will be installed by fire departments in high risk areas of the county.

5 year trend of WV Fire Deaths and Fires using geographic information

Data being collected and graphed for comparison  
Will be presented at the October Commission meeting.

Fire and Life Safety Educator Course

Course will be taught for the first time at the Wood County Fire School in October.

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 June and July, 2016:

1297 Inspections Conducted  
311 Plans Reviewed  
36 Occupancy Permits Issued  
733 Licenses Checked

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

4229 Inspections Conducted  
795 Plans Reviewed  
143 Occupancy Permits Issued  
1847 Licenses Checked

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

Marshal Baltic provided the following Investigation Division Numbers for the period June 1 to July 31, 2016:

Total number of Fires: 89  
Accidental: 8  
Incendiary: 17  
Undetermined: 64

Marshal Baltic provided the following Investigation Division Numbers for the period January 1 to July 31, 2016:

Total number of Fires: 365  
Accidental: 41  
Incendiary: 62  
Undetermined: 262

Fire Marshal Tyree spoke and presented the overall Operations Report for the WVSFMO.

Recognized and congratulate the reappointment of Commissioners Thomas Keefer and Phil Hart, the notice was received from the Governor's office.

Fireworks Rule soon to be submitted to LRMC.

Electricians Rule Stakeholders meetings planned for October timeframe.

\$500,000 taken to shore up State Budget deficit; given notice that they'll return in the upcoming year and based on residual Agency will consider taking a percentage of any residual money; Agency has discussed alternative plans to ensure the best operations/execution of the agency and each division's mission but hope is that the Agency will never have to execute any substantial changes.

Assistant Fire Marshal Deputization program. Had to push back its launch to September timeline.

Commission on Oil & Natural Gas Safety; a survey was developed and provided to all FDs to assess training needs pertaining primarily to Oil, Natural Gas, & Pipelines Emergencies; placed links on Agency website under Fire Dept. Services which are links for free on-line training and some best practices guidelines. Results 110 FD responded and there's a need for training; Marshal Tyree has spoken with a few of the industry folks and with the passing of Corky DeMarco has not been able to reach out and meet the new Exec Director but will look at some class room style training to be provided.

Online renewal system for Electrician Renewals process is going pretty well; 6,500 of 15,000 electricians used the system. Because of the limited amount Agency will be using Dept. of Treasury's Lock Box system.

Staffing Strength wise: Agency only having seven vacancies within the agency which includes a recent termination within our Plans Review Section.

Fire Marshal is looking at ways to better improve communications to the stakeholders throughout the State; he would like to reach out a little more and create a better way to network.

Fire Prevention and Safety Poster – Calendar contest; Dates, Judges, Awards, Calendar: Sells, Proceeds Donation to WV Firefighter Memorial Fund.

SFM Goals and Strategic Plan 18 month status (Report in December two year reflection report.

Since last commission meeting Agency has participated in: So Chas FD Station dedication, Pineville VFD Fire Chief Jack Lambert recognizing his 70 years of Service; Rainelle VFD and survey of community and Ceredo VFD support and contribution to Greenbrier Co. FFs; Barboursville VFD recent awarding of a \$1 million grant for a ladder truck; and attendance at the WV Firemen’s Assoc. Convention.

Legislative Auditors Report: Full Report will be given to Post Audit Committee meetings on Sunday August 21<sup>st</sup>; on Monday Marshal Tyree will provide a copy of the report electronically which includes agency’s response to the areas of concern: Mail & Cash Handling, Fixed Asset Inventory, and Overtime Payments; Marshal Tyree will be glad to further report or summarize the report in the October meeting.

Policies and Manuals procedures updates are in the process of occurring fully due to identified concerns of the audit and other items that needed to be addressed. Their full implementation has had some delay due to Division of Personnel and their lengthy reviews due to some process changes within. Dress & Grooming; Schedule Hours Overtime, Job Class Spec Descriptions for Sworn Personnel, Social Media Use Policy.

Marshal Tyree publicly commended the staff and their contribution to the agency. He stated much to do and they’ll continue to progress by prioritizing and addressing every aspect of our agency to make it better.

**UNFINISHED BUSINESS:**

Consideration of Dunbar Provisional Status – Deputy Marshal Allan Casto spoke and reported that Mr. Leishman, Dunbar Building Inspector, has completed all the necessary steps and applications. It is the staff’s recommendation to remove the Dunbar Provisional Status.

Commissioner Eastham made a motion to remove Dunbar Provisional Status. Seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Jefferson County Boundary / Dispatching Dispute – Commissioner Sizemore addressed the group and asked if a final agreement has been worked out between the parties. Jefferson County Assistant Prosecuting Attorney Nathan Cochran spoke and stated that some maps are still being worked with. He stated officials are eager to work with Commissioners and Chiefs to finalize the issues.

Chief Morgan spoke and stated that the Boundary map has been updated and finalized with very few changes from the old. The maps were presented to the WVSFMO. Commissioner Sizemore asked if the acceptance of the boundaries map means acceptance of the system? Chief Morgan said no. Many of the Chiefs remain upset as to who and how calls are dispatched and routed to scenes.

Commissioner Mongold asked what the issues are. Chief Morgan spoke and stated that the County dispatches differently than the boundaries map shows. Commissioner Stallard spoke and clarified that dispatching is not allowing or going by the map and Chief Morgan responded, correct. Commissioner Mongold noted that it is not the decision of dispatch but rather the boundaries and chief's decision on how that process is worked.

Counsel Connolly spoke and stated that the map is agreed upon and the only issues that remains unresolved is the dispatching dispute. Chief Morgan confirmed the same.

Counsel Connolly spoke to Denise and asked if it was possible for an agreement? Could the group of individuals meet in a positive working environment, work together and come to a resolution? Denise stated she believes she could get the system to work how the Departments are requesting just going to take some time, some technology changes and more effort. Denise stated she believes there is some miscommunication and Departments are getting input back and forth that is somewhat prohibiting a resolution.

Discussion took place as to how the current dispatch system come about. The absence of the 911 director was discussed in depth. It was noted that he was sent a certified letter strongly encouraging his presence.

Rules surrounding Chapter 7 were read aloud and confirmed that the 911 director or county dispatching operations has not authority to change the process of dispatching. Such is set by the Commission as recommended by the Departments that cover the areas.

Commissioner Mongold asked if the County Commission has been made aware of this issue. It was noted that this has been in strong discussion with the Fire Commission since April and before but that many County Administrators have been in attendance and part of the discussion. Commissioner Stallard suggested a letter be sent to the County Commission advising them of the law for dispatching and the changing of such.

Mr. Cochran spoke again and stated that if the Fire Commission would give and allow time for the County and Departments to work together until the October 2016 Commission Meeting he would personally see that a resolution is worked out. Many of the Commissioners suggested that Counsel Connolly, Chairman Sizemore and Marshal Tyree appear before the Jefferson County Commission in September to address them head on with the issue and advise them of the legal authorities.

Commissioner Stallard made a motion that Counsel, Chairman and the Marshal attend the next Jefferson County Commission to speak on behalf of the WV State Fire Commission in regards to the Jefferson County Boundaries Dispatching dispute. Seconded by Commissioner White. With all the ayes and nays having been taken on voice vote, the motion passed.

Ms. Sandra McDonald advised of the next Jefferson County Commission Meeting and stated that the topic can be added to the Agenda.

Commissioner Mongold made a motion to leave the Jefferson County Dispatching Dispute on the agenda and the topic be revisited during the October, 2016 Commission Meeting requiring Jefferson County Officials be present for such. Seconded by Commissioner Miller. With all the ayes and nays having been taken on voice vote, the motion passed.

Chief Morgan thanked the Commission and stated that he just feels the 911 Director is not willing to work with the Chiefs or Departments.

Commissioner Mongold made a motion to accept the new Boundary Map from Jefferson County. Commissioner Eastham seconded. With all the ayes and nays having been taken on voice vote, the motion passed.

Consideration of 16-001-HI – Mark Pemberton dba A-Pro Home Inspection Service – Discussion was brief. Marshal Casto spoke and stated that Mr. Pemberton had sent in a response that he was unable to attend today due to other work duties.

Commissioner Stallard made a motion to request the appearance of Mr. Pemberton at the October 13th, 2016 Commission Meeting in addition to suspending the license of A-Pro Home Inspection Service until that time as well. Seconded by Commissioner Miller. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 16-002-HI – Lee Harless – Counsel Connolly stated that Mr. Harless remains incarcerated at this time.

Commissioner Stallard made a motion to table the consideration of 16-002-HI Lee Harless to the October, 2016 Commission Meeting. Seconded by Commissioner Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of WV Fire Training Chart – No Update or discussion needed. Was addressed at the previous Commission Meeting and website updated after motion then.

Consideration of 2016-006-BCO – Discussion was brief. It was suggested that the WVSFMO send a letter to the Williamstown Inspector requesting his attendance at the October Commission Meeting.

Commissioner Stallard made a motion to request the presence of Williamstown Inspector at the October Commission Meeting. It was also requested that a copy of the same letter be addressed to the Williamstown Mayor. Seconded by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.

It is noted the Commission took a brief recess at 10:47 a.m.

It is further noted that the Commission returned from recess at 11:07 a.m.

Consideration of Website Inquiry by Kitty Wooldridge – International Building Code Adoption of Appendix – Discussion was made during the Legislative Codes and Regularly Committee. It was suggested that Division Deputy Marshal Leake respond back to Ms. Woodridge with the findings.

Consideration of Approval of AHIT Course Training with Maryland Applicants – Discussion followed and review was made of the Course materials provided to the WVSFMO by AHIT. Questions arose around the course description covering Legislative Rule 87CSR5 and the National Home Inspection Examination provided as part of the AHIT course.

Commissioner Keefer made a motion to approve the AHIT Course pending the verification that the National Home Inspection Examination is administered at the end of the course and the course description is updated to include WV Legislative Rule 87CSR5. Seconded by Commissioner White. With all the ayes and nays having been taken on voice vote, the motion passed.

Consideration of Wharncliffe Volunteer Fire Department 2016-033 –

Commissioner Mongold made a motion to accept and follow the Fire Department Services recommendation to Suspend the operation of Wharncliffe VFD until the December, 2016 Commission Meeting. Seconded by Commissioner Keefer.

Brief discussion was made by Commissioner Stallard and it noted that suspending the operations of Wharncliffe VFD means that Wharncliffe VFD will not run calls. They can continue to hold meetings and fundraisers on behalf of the Department but cannot respond to fire or emergency calls due to the noted deficiencies.

With all the ayes and nays having been taken on voice vote, the motion passed.

Chief Deputy Sharp noted that the Chief, Kandice Chafins, has presented certificates for FO1 and FO2 officers, however those have been unverified at this time due to the submission during the meetings.

Commissioners corresponded with the present members of the Wharncliffe VFD and addressed any questions asked.

Commissioner Stallard made a motion that the WVSFMO develop a more specific and formal criteria during the evaluation process that is followed to immediately suspend the operations of a Fire Department given critical deficiencies are noted. Seconded by Commissioner White. With all the ayes and nays having been taken on voice vote, the motion passed.

#### **NEW BUSINESS:**

Consideration of 4H Volunteer Firefighter Model – Previously read and discussed from the Training Committee report. No further discussion needed.

Consideration of Berkeley County Building Code Interpretation Regarding Sprinklers (87-4-5.1) – Discussion was referred to during the Legislative Codes and Regularly Committee.

Commissioner Keefer made a motion that the WVSFMO would issue out a letter stating that it was never the intention of the Commission to require sprinklers in these dwellings, but to provide 3 mechanisms for fire protection of floors, second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Consumer Fireworks Rule Comments – Counsel Connolly spoke and noted the discussion held during the Legislative Codes and Regularly Committee. Marshal Casto reported that Mr. Frankenberry was the only complainant received.

Commissioner Oldaker made a motion to amend the 103 CSR 4 rule (fireworks) to accept the public comment recommendations of DSFM Leake, DSFM Casto, and Phillip Reale on behalf of TNT Fireworks;



and to reject the public comment recommendation of Mr. Frankenberry based on the reasons of staff. Seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Chairman Sizemore directed Counsel to file the rule for consideration by the legislature.

Commissioner Keefer made a motion to grant and approve St. Albans Provisional Status. Seconded by Commissioner Mongold. With all the ayes and nays having been taken on voice vote, the motion passed.

Consideration of Municipality Home Rule Board Rulings – Counsel Connolly spoke and stated some options the Commission may have regarding the rulings of the Home Rule Board.

Commissioner Eastham made a motion to initiate litigation in the Kanawha County Circuit Court on the rulings and authority of the Home Rule Board. Seconded by Commissioner Keefer. With all the ayes and nays having been taken on voice vote, the motion passed.

Commissioner Stallard made a motion to dismiss 2016-007-BCO, seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to dismiss 2016-008-BCO, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2015-056 Elk District VFD – Commissioner Stallard made a motion to grant extension for Elk District VFD until the October, 2016 Commission Meeting, seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2015-057 Tri Towns VFD – Commissioner Stallard made a motion to grant extension for Tri Towns VFD until the October, 2016 Commission Meeting, seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-038 – Chairman Sizemore recognized the letter submitted by Smithfield VFD of which serves as official notice of closure and dissolving. Chief Glasscock from Folsom VFD spoke and stated that upon approval from the Commission his Department will begin the necessary steps to operate the former Smithfield VFD as a substation to Folsom VFD. Hereafter Chief Glasscock will take the presented budget to the County Commission for approval and begin replacing air pack unit and etc. Commissioner Mongold made a motion to accept Smithfield VFD closure and dissolve letter. Seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to find probable cause on 2016-041; 2016-042; 2016-043; 2016-049; 2016-050; 2016-051; 2016-054; and 2016-055. Second by Commissioner Eastham with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to grant a 180 day extension to correct deficiencies for Cairo VFD, Lester VFD, Coalton VFD, Hurricane VFD, Pickens VFD, Valley Head VFD, Beverly VFD, and Valley VFD. Second by Commissioner Eastham with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to accept and approve the following applications for FO1 and or FO2 ...

Destry Jones	Baxter VFD	FO1 & FO2
Richard Runion	Baxter VFD	FO2
Walter Mundell	Baxter VFD	FO1 & FO2
Mark Kane	BFD VFD	FO1 & FO2
James McGaw	Gauley River VFD	FO2
Matt Nesius	City of Charleston	FO1
John Lovejoy	Mud River VFD	FO2
Gregory Rowsey	Milton VFD	FO2
Harold Shingler	Tri Towns VFD	FO1 & FO2
David Cales	Pratt VFD	FO1

Second by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to accept and approve Recertification of the following Fire Departments ...

- Walton VFD
- Mud River VFD
- Reedy VFD
- Flat Rock VFD
- Deerwalk VFD
- Selbyville VFD
- Hacker Valley VFD
- Pennsboro VFD
- Harrisville VFD
- Ellenboro VFD
- Leading Creek VFD
- Shavers Fork VFD
- Whitmer VFD
- Sissonville VFD
- Wyoming Co. VFD
- North River Valley VFD
- Huttonsville Mill Creek VFD

Second by Commissioner White with all the ayes and nays having been taken on a voice vote, the motion passed.

**CORRESPONDENCE:**

Commissioner Sizemore congratulated and welcomed for another term Commissioners Phil Hart and Thomas Keefer. The WV SFMO received the reappointment letter from Governor Tomblin for a term expiration of June 30, 2021.

**GOOD OF THE ORDER:**

Tyler Olson with Insurance Services Office discussed the Executive Director position is back open. The previously selected Director has since moved away. If anyone is interested Mr. Olson asked that they see him, call him or email.

Kandice Chafins with Wharnccliffe VFD spoke and thanked all the Commissioners for welcoming them and helping them through their process. She stated that she will worked long and hard for her Department and the citizens they represent. She asked a few questions in regards to the motion such as if all the items specifically mentioned in the evaluation are corrected by October, 2016 can the Department reopen? Commissioner Oldaker explained that the topic will be placed back on the Agenda for October and can be reevaluated then. Ms. Chafins asked if there other representatives that the Department can follow up with besides Mr. Scott given the situation. Marshal Tyree spoke and assured Ms. Chafins the Department will be given and addressed in every professional manner. Marshal Tyree assured her that Mr. Scott will make communications directly with her, given her position as the Chief, rather than other members of the Department.

**TIME AND PLACE OF NEXT MEETING:**

Next Committee Meetings will take place Thursday, October 13, 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, October 14, 2016 at the WV State Fire Marshal's Office in Charleston, WV beginning at 9:00 a.m.

Future meetings are set for December 8<sup>th</sup> and 9<sup>th</sup> at Stonewall Jackson Resort in Roanoke, WV; February 9<sup>th</sup> and 10<sup>th</sup> at WV State Fire Marshal's Office in Charleston, WV and April 20<sup>th</sup> and 21<sup>st</sup> in or around Twin Falls, WV.

**ADJOURN:**

Commissioner Stallard made a motion to adjourn at 12:03 p.m. Second by Commissioner Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

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