

**UNOFFICIAL
STATE FIRE COMMISSION MEETING
HOLIDAY INN EXPRESS, CHARLESTON, WV
FEBRUARY 11, 2011**

The official business meeting was called to order at 9:00 AM by Chairman Bob Sullivan.

COMMISSIONERS PRESENT:

Bob Sullivan, Chairman	Michael Butcher
Grant Gunnoe	Randy James
Thomas Keefer	Robert S. Miller
Doug Mongold	Rick Scott
Ted A. Shriver	Carl Sizemore
Virgil White	

COMMISSIONERS ABSENT:

Dale L. Clayton	Larry Goodwin
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APPROVAL OF MINUTES

Commissioner Mongold made a motion to accept the minutes as read of the December 3, 2010 meeting. Commissioner Butcher seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

INTRODUCTION OF GUESTS

Mark Doty, WVU-FSE	Mike Freeman, RESA 7
Jim Shedd, RESA III	Ron Bateman, ISO
Edward Hicks, Dept. of Education	Ben Roy, NFPA
Deron Wilkes, WVOEMS	Jim Ancell, TVIG
Ron Brown, NFSA	Corey Roblee, ICC
Mark Moreland, Ronceverte VFD	Stephen Duncan, New Haven VFD
Ciecel Duncan, New Haven VFD	Scott Beckett, City of Logan FD
Chuck Overstreet, Charleston FD	Scott Shaffer, Charleston FD
Kevin Scanlon, Bluefield FD	Jeff Warden, Bluefield FD
Glenn Whittington, WV Firemen's Association	
Beth Thomasson, WV Home Builders Association	

STAFF PRESENT:

Sterling Lewis, Jr., State Fire Marshal	Nancy Olson, Secretary
Debbie Hudson, Secretary	Anthony Carrico, Deputy Fire Marshal
Joe Leake, Deputy Fire Marshal	Carol Nolte, Deputy Fire Marshal
Reed Cook, Deputy Fire Marshal	Rudy Raynes, ASFM
Amanda Washington, FSPE	Ramona Snyder, Office Assistant
Johnny Brotherton, FSPE	

PRESENTATIONS

Fire Marshal Lewis presented a Certificate of Merit to Cecil Duncan, New Haven Fire Department, for his years of service to the fire department and the community. He helped the fire department to grow into the fire department it is today.

Fire Marshal Lewis presented a Certificate of Merit to Randy James and his father, Orvin James, for their combined 100 years in the fire service for the State of West Virginia.

Fire Marshal Sterling Lewis requested Deputy Fire Marshal Joe Leake to introduce his new staff. He introduced Ramona Snyder, Office Assistant in the Plans Review Division and two new plan reviewers, Amanda Washington and Johnny Brotherton.

COMMENTS

Glenn Whittington, WV State Firemen's Association, stated that a discussion was held in the committee meeting on recruiting 16-18 year olds and training them in the fire service. He requested that the Fire Commission let representatives of the Firemen's Association be allowed to participate in those meetings and help the fire service understand that they want to properly train junior firefighters so that when they are 18 years old and able to fight fire and ride the truck that they are trained to do so. Chairman Sullivan said they have to follow the letter of the law. Discussion followed.

UNFINISHED BUSINESS

Commissioner Gunnoe stated that during the December meeting, the Fire Marshal brought to the attention of the Fire Commission, the Administrative Policy dealing with the Requirements for Local Fire Departments needed to be looked at to see if all the proper procedures were being followed. It was decided at that time for legal counsel to review it to see if it needed to be filed with the Secretary of State's Office and that everything had been taken care of properly. He stated that counsel stated that everything is okay the way it was done and the front page has been changed on the website to reflect the dates and the authority under which it is effective.

NEW BUSINESS

Charleston Fire Department, Proposed Changes to State Fire Code. Commissioner Gunnoe stated a request had been received from Charleston Fire Department to amend the State Fire Code. The Fire Commission requested counsel to review the proposals and place on the agenda for the next meeting.

Mark Moreland, Attorney, regarding Decertification of Ronceverte FD. Mr. Moreland stated Fire Marshal Lewis will recommend decertification of Ronceverte FD because there is a member in the department who has a felony conviction. He was here to talk about that. He stated that Chapter 18 of West Virginia Code is where fire departments are authorized.

He stated Ronceverte is a small town with a very small fire department. He is the only person qualified to be chief according to the bylaws of the department. This member has been a member for 15 years. There has been some financial problems with the fire department. This situation is not involved with the problem of the felon in the fire department.

He stated the Town of Ronceverte is about to adopt an ordinance which incorporated the felon issue based on the newly adopted emergency services language of Chapter 15 of the West Virginia Code and based upon a memo from the Fire Marshal's Office interpreting that provision to apply to volunteer fire departments in West Virginia. Circuit Judge Rowe in Greenbrier County ruled in favor of the fire department on the issue that no, it does not apply to fire departments because when Legislature adopted this emergency services organization plan in response to Homeland Security issues, it references emergency services organizations which were established under that act. It also talked about bringing fire departments in to respond to emergencies but it did not apply to the felony issue. And number 2, even if it would have, it would be unconstitutional to take away membership in the volunteer fire department.

He stated his reason for addressing the Fire Commission today was, "please don't make the Ronceverte Fire Department spend any more money on his services". He stated there are two ways this can be resolved. One is to sit down and see if they are proceeding in the right fashion and two, is to litigate. He wants the Fire Commission to look at this issue. Each side has an opinion. He suggested a third opinion should be sought. He wants to avoid litigation and wants to sit down and discuss this situation.

Discussion followed.

CORRESPONDENCE

Fire Chief, Kenova Fire Department, regarding training.

City of Logan Fire Department, regarding training. Mr. Scott Beckett stated he would talk with Mr. Hicks after the meeting.

Joe Spray II, requested a clarification on wording in "Requirements for Local Fire Departments". Fire Marshal Lewis stated he is asking why an individual cannot run for Fire Chief in a fire department being an inactive member. He is questioning the wording in the requirements. Fire Marshal Lewis stated the wording states "and fire officer should be picked...." He stated he feels that the intent of the wording was the officer should be picked from the active members. Staff's position is it is interpretation of the rule that a fire chief should be picked from the active qualified membership in that department. Commissioner James stated that in the rule it states, "active firefighting members only should be considered".

Commissioner Scott stated that the individual in this situation was only inactive because he did not make 25% of the calls for 2010. There are only two people that qualify for chief. Discussion followed.

Fire Marshal Lewis stated that staff withdraws their original recommendation. He stated they will contact the fire department and bring a report to the next meeting.

STAFF REPORTS

Fire Marshal Lewis stated Hookersville-Muddlety VFD, Nicholas County, voluntarily ceased operations on March 11, 2010 due to lack of manpower. They have signed an affidavit of voluntary dissolution. There is discussion between counsel, Fire Marshal's Office and the Treasurer's Office of exactly the process of retrieving state monies they received. He stated that he will bring a recommendation to the next

meeting to show which fire departments will cover the area. Commissioner White made a motion to dissolve Hookersville-Muddlety VFD. Commissioner Miller seconded the motion. Roll call vote was called for. Voting for the motion was Commissioners Butcher, Gunnoe, Keefer, Miller, Mongold, Scott, Shriver, Sullivan, and White. Voting against the motion was Commissioners James and Sizemore. Absent were Commissioners Clayton and Goodwin. Motion passed.

Fire Marshal Lewis stated an assistant fire marshal has retired due to a disability. He will be awarded his service weapon by the Fire Commission by law. Fire Marshal's Office will take care of all the paperwork and present that to him.

Fire Marshal Lewis stated there are three (3) fire department evaluations to be presented, Big Otter VFD, Washington Lands VFD and McMechen VFD. They are waiting for the reevaluations and another fire department they are awaiting a state police investigation on. They will be presented at the next meeting.

The State Fire Marshal's Office did receive information that a felon was a member of the Ronceverte VFD. They and the city of Ronceverte have been notified by a letter to them hoping they would take care of this situation on their own. This will be presented at the next meeting.

Fire Marshal Lewis introduced Christy Morris, Deputy Director of Military Affairs and Public Safety.

Fire Marshal Lewis stated that the Fire Marshal's Office has made a proposal to Secretary Thornton for a new division in the Fire Marshal's Office. It will be solely dedicated to helping and providing assistance to the fire departments throughout the State. There are a number of issues that have come up such as workers comp, training issues, etc. that will be handled by this new division. He hopes they can strike up a good communication with WVU-FSE and RESA to work on these issues. It is a 7-person division, i.e. Supervisor, 2 clerical, and 4 field personnel.

AGENCY REPORTS

Technical and Adult Training, Vo-Tech, Mr. Ed Hicks stated they have had discussion regarding junior firefighters being involved in training exercises. He felt he had to take this issue to their legal staff and will get back to the Fire Commission at a later date.

He stated that Mike Freeman conducted an instructor course. There were 12 individuals tested.

He stated that ESCAPE will be held at Pipestem February 20-27, 2011.

WV Public Safety Expo will be held May 18-22 at the Charleston Civic Center.

The Asset Instructors Course will be held November 4-6 at Canaan Valley.

Training, WVU-FSE, Mr. Mark Doty stated during the past year, they had exceeded 1000 firefighters trained in West Virginia.

He stated Junior Firefighter Camp is scheduled for June 25-30. He hopes to have 100 campers from West Virginia. It was put on the website on February 7 and they already had 15 applications from other states.

The State Fire Chiefs Seminar is scheduled for March 26-27.

They are working on a State Firefighters Association Seminar with Commissioner Mongold.

Fire Inspector I is scheduled for March 14-18 in partnership with the Fire Marshal's Office.

They were able to obtain funds for the Mobile Confined Space and Haz Mat Technician Training. They will be going around the State.

Insurance Services Office (ISO), Mr. Ron Bateman stated they had nothing to report. Commissioner James asked how the BETA testing went. Mr. Bateman stated they are still working on that and hope to have to complete by September.

WV Office of Emergency Medical Services – Mr. Deron Wilkes stated two weeks ago, the office underwent a reorganization. They used to be part of the State Trauma Emergency Medical System under the direction of Dr. Mace. Effective the end of January, that changed and is now the Office of EMS which is statutorily and legislatively by rule. Dr. Mace is now the director. Jerry Powell is now the division director of the EMS Certification and Licensing Division. They will focus heavily on certification and licensure. Discussion followed.

COMMITTEE REPORTS

Training Committee. Commissioner James stated the committee met on February 10, 2010. A copy of the minutes of the committee meeting is attached to these minutes.

Fire Marshal Lewis stated the fire service has a concern about an online training course of Haz Mat Awareness. It is a 4-hour course. He stated EMS is allowed to do this currently and is required for recertification. The fire service would like to use it as a continuing education for their annual renewals and for their Haz Mat Awareness Qualification. He stated he has looked at the course, it is tested and it meets all OSHA requirements. He didn't see it make any reference to NFPA requirements. He requested the Fire Commission to allow this and it could be taken care of in the evaluation process.

Fire Marshal Lewis stated there have been 3 or 4 fire deaths in the Northern Panhandle in the last year or so with gas well fires. The question came from Marshall County concerning the firefighters entering the hot zone of a gas well fire. He stated he didn't feel there was a whole lot of gas well training for firefighters. He feels this is going to be a big issue. Chairman Sullivan stated this needs to be assigned to a committee and come back to the next meeting with a report.

FD Standards Evaluation. Commissioner Sizemore stated the Committee met briefly and received over 50 applications for Fire Officer. They will be reviewed and presented at the next meeting.

Recruitment and Retention Committee, Commissioner Mongold stated the Committee is still gathering information and if anyone has any suggestions for recruitment, please let him know. It's an ongoing process at this time.

Special Issues Committee, No report.

Procedures and Development Committee, No report.

Public Education Committee, No report.

Legislative Committee, Commissioner Gunnoe handed out a list of current legislation that is pending from the website.

Fire Marshal Lewis stated the Governor did put in his budget \$2.5 million dollars to help with the Workers Comp issue for Fire Departments. Another \$2.5 million dollars may be added at a later date. Discussion followed.

Commissioner Gunnoe stated a request was made for the Fire Marshal to look into the possibility because of a lot of the legislation and interpretation of code that comes up and the different interpretation from individual municipalities and/or fire departments who have active fire prevention bureaus, to have the Fire Marshal's Office reach out and offer to have quarterly or biannually meetings with those representatives to come in as a group and talk about codes.

Home Inspectors, Building Code Officials, Building and Fire Code Committees, Commissioner Shriver stated there was no official items to discuss but will bring items to the next meeting. (Minutes attached to this document).

Corey Roblee, ICC, requested the Fire Commission to pass a resolution in support of the adoption of the 2009 International Energy Conservation Code. He also requested the Fire Commission to recognize Building Safety Month in May.

Fire Marshal Lewis stated he met with the Energy Commission and asked them if they wanted a stand alone bill or to open the Building Code. He stated the Fire Commission has been unwilling to open up the Building Code once it has passed the Legislature. Mr. Roblee stated he just wanted the Fire Commission to support what was submitted last year. Discussion followed.

Chairman Sullivan stated for the next meeting a committee will be added to address the risk management issues for fire departments.

TIME AND PLACE OF NEXT MEETING

The next Fire Commission Meeting is scheduled for April 15, 2011, at the Inn at Charles Town, Charles Town, WV. The meeting will commence at 9:00 AM.

Committee meetings will start at 10:00 AM on April 14, 2011.

GOOD OF THE ORDER

Commissioner Miller requested a larger meeting room for meetings.

Commissioner Scott asked what happens when fire departments can't afford Workers Comp premiums. He feels a committee should be set up to handle calls from the fire departments when this happens. Chairman Sullivan stated they will probably have another meeting in March and discuss the issues. Discussion followed.

ADJOURN

Commissioner Miller made a motion to adjourn. Commissioner White seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Respectfully submitted,

Sterling Lewis, Jr.
State Fire Marshal

Minutes
West Virginia State Fire Commission
Training Committee Meeting
February 10, 2011, Charleston

The Training Committee met on February 10 at 1520 hours. There were twenty five participants at the Holiday Inn Express in Charleston.

The first order of business concerned a letter from the Fire Marshal's Office. Commissioner White presented a summary explaining that the Regional Response Team was requesting taking proprietary authority over Structural Collapse training. General consensus was for approval. Mark Doty of WVU Fire Service Extension expressed concern that even though they had not taught the course to West Virginia firefighters in ten years, they had four instructors under contract. They have taught the course to Department of Defense and industry, especially out-of-state. It was discussed that the Regional Response Team request would not eliminate the WVU instructors or their mission. The involved parties will meet to discuss a written agreement.

The motion to place Structural Collapse Training under the proprietary authority of the West Virginia State Fire Marshal / WV Task Force One, Urban Search and Rescue Program will be place on the agenda for the April 8 Fire Commission meeting.

The next discussion was about the prerequisites for all Fire Officer Courses. To comply with NFPA Standards, Firefighter 2 was supposed to be included. A motion will be placed on the agenda for the April 8 Fire Commission meeting.

Clarification to the Fire Officer 1 and 2 combined course: The course is a 48 hour course, as originally approved.

The next topic was junior firefighters. WVU Fire Service Extension does not teach juniors, specifically in live burns. Legal counsel for the Fire Commission read the Code covering juniors. Ed Hicks of Department of Education, RESA, stated that in light of today's discussion, he is going to seek legal counsel concerning junior participation.

More clarification on "Fundamentals of Technical Rescue". For now, the individual awareness courses still stand. But, education members stated that they can foresee future awareness and operation levels be combined with a corresponding increases in hours. This in NOT in effect now, they were just giving the Commission a "heads up" to future developments.

Mike Freeman of RESA 7 delivered to Chairman James two forms to be on the agenda for the next meeting. These forms are Firefighter Equivalency Application and Verification of Firefighter Training.

Meeting adjourned at 1700 hours.

BUILDING CODE, FIRE CODE, ETC. COMMITTEE

Meeting called to order at 5:02

We had no official items to discuss however the Marshall staff had several items to bring to our attention for consideration at our next meeting

Parker Training Services LLC is an approved training partner for Home Inspectors. They are requesting approval of WVU-P as an additional location in which the course will be conducted. We do not approve where the sites are to be held therefore this is just information material and will not require approval.

It was brought to our attention that Home Inspectors are having some inequity in the reporting practices of some the state approved home inspectors. We suggested that a formal complaint must be filed before action can be taken.

Dominion Hope Gas has requested to provide training to Code Officials, Home Inspectors and Plumbers for Properties of Gas, including Review of the National Fuel Gas Code, International Fuel Gas Code, and Specific material installation. We can support this when it is brought to us formally.

Charleston Fire Department brought two proposals for us to consider at future meetings: 1, would be allow for NFPA 101A to be utilized as a guide as it is intended to be used and not exempted from the State Code as it would appear.; 2, to request that 87-1-11 to contain the language that all jurisdictions in the state to require emergency forces notification with monitoring. Both proposal requests will be brought to us formally at a later date.

Lastly, at the last meeting, we requested that Staff gives us a recommendation of how to handle the requirement of the new code that existing nightclubs, etc must have an approved fire sprinkler system installed. This was a requirement effective in the passage of the code on July 1, 2011. Staffs recommendation is that the establishments be given a 5 year time frame to phase in this requirement.

Meeting adjourned at 5:35