

**UNOFFICIAL
STATE FIRE COMMISSION MEETING
PULLMAN PLAZA HOTEL
HUNTINGTON, WV
JUNE 11, 2010**

The official business meeting was called to order at 8:30 AM by Chairman Charles Eversole. Chairman Eversole thanked everyone for coming to the meeting.

Fire Marshal Sterling Lewis, Jr. requested a moment of silence for Donnie Caldwell, Ghent VFD, who was injured in the Ghent explosion and never fully recovered.

Chief Rick Scott, Clarksburg FD and other members of the Professional Fire Chiefs presented a plaque to Bill Spencer for his 33 years of service on the State Fire Commission.

COMMISSIONERS PRESENT:

Charles L. Eversole, Chairman
Dale L. Clayton
Thomas Keefer
Doug Mongold
Carl Sizemore

Bill L. Spencer, Vice Chairman
Randy James
Robert S. Miller
Ted A. Shriver
Bob Sullivan

COMMISSIONERS ABSENT:

Larry Goodwin

Virgil White

APPROVAL OF MINUTES

Commissioner Spencer made a motion to approve the minutes of February 19, 2010. Commissioner Sullivan seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

INTRODUCTION OF GUESTS

C. Creig Moore, Huntington FD
Jim Shedd, RESA 3
Ron Bateman, ISO
Gerald Sherman, Moorefield VFD
Chief Kevin Taylor, Beckley FD
Glenn Whittington, Buffalo VFD
Larry Rash, Wharton-Barrett VFD
Rick Scott, Clarksburg FD
Jim Oldaker, Alum Creek VFD
James Carter, Harts Creek VFD
Lora Maynard-Lake, City of Huntington
Thomas D. Miller, NVFC-Sissonville VFD
Corey Roblee, ICC

Lanny Adkins, WVU-FSE
Mike Freeman, RESA 7
Bob Nevins, ISO
Ben Roy, NFPA
John Angle, IAFF
Doug Estep, Morrisvale VFD
John Lovejoy, Mud River VFD
William Frazier, Jr., Guyan River VFD
Jason Moore, Harts Creek VFD
Carl Eastham, Professional Firefighters
Deron Wilkes, WVOEMS

STAFF PRESENT:

Sterling Lewis, Jr., State Fire Marshal
Nancy Olson, Secretary
Reed Cook, Deputy Fire Marshal
Mark Lambert, Asst Fire Marshal

Debbie Hudson, Secretary
Anthony Carrico, Deputy Fire Marshal

COMMENTS

Chief Greg Moore, Huntington Fire Dept. and Ms. Lora Maynard-Lake requested guidance from the State Fire Commission regarding past employees being put back on the promotion list within two years and where on the list they should be placed. Also, requested guidance on the administrative policy of the State Fire Commission regarding minimum standards for fire departments. The Fire Commission stated they had no jurisdiction on the requirements for promotional lists for fire departments. Also, the policies can't be changed.

John Angle, IAFF, asked if it was the intent of the Fire Commission to change the promotional process as laid out by state law. He stated they are being required to have certification for something before they can take the test. Fire Marshal Lewis stated the Fire Commission cannot change state law of another entity. He stated the Fire Commission does not have that authority. Much discussion followed.

Tom Miller asked if mutual aid agreements and dual response agreements are to be sent to the Fire Commission. Fire Marshal Lewis stated that yes, they should be sent in. Tom Miller also asked what happens if a fire department refuses to sign a mutual aid and/or dual response agreement. Fire Marshal Lewis stated they did not have to.

Glenn Whittington, Buffalo FD, Putnam County, stated he was wondering about the Recruitment and Retention Committee. Apparently, nothing is being done in West Virginia for fire departments. Fire Marshal Lewis stated there has been nothing he was aware of except the issues that the Fire Commission and the State Firemen's Association had brought up in the past. To date, all the issues pertaining to Recruitment and Retention have fallen by the wayside. The Legislature did not favor any issues that was before them. He stated there is talk and discussion about what could be done. Much discussion followed.

William Frazier, Guyan River VFD, stated they have a state road safety man who is opening roads back up after the fire department has shut them down. He wanted to know if the fire department had the right to shut the road down. Fire Marshal Lewis stated yes, they did. Mr. Frazier asked what should they do if he shows up and threatens to have them arrested? Fire Marshal Lewis stated they should call the deputy sheriff and have him removed from the scene. Assistant Attorney General Delong stated they should also carry a copy of the law with them and show it to the deputies.

Carl Eastham, Huntington FD, welcomed the Fire Commission to the City of Huntington. He stated he is the Secretary-Treasurer of the Professional Firefighters of WV. He feels that they need to stop letting the Legislature pitting the volunteers against the paid firefighters. He feels if everyone works together, they could get a lot of things taken care of.

UNFINISHED BUSINESS

None

NEW BUSINESS

Fire Marshal Lewis requested Mr. Tom Miller, State Firemen's Association, to explain the resolution drawn up regarding the workers' compensation and the broadform coverage. There was much discussion.

Commissioner Sullivan made a motion to adopt the resolution and to assign it to the Special Issues Committee. Commissioner Clayton seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

CORRESPONDENCE

None

STAFF REPORTS

State Fire Marshal Sterling Lewis, Jr. stated he had received a letter from Brooke County regarding boundary adjustments. He stated all departments were in agreement. Commissioner Spencer made a motion to accept staff's recommendation on the boundary changes. Commissioner Miller seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Fire Marshal Lewis stated the problems with Coal City VFD have been worked out and they are back up and running calls.

Fire Marshal Lewis stated that the complaint on Moorefield Fire Department was determined not to be a valid complaint after a lengthy investigation. The matter is now closed.

Fire Marshal Lewis stated that MSA has appointed a new manager and we have received no response regarding the MSA air packs. A letter from them is on the website and they are now out of warranty.

The first quarter funding for fire departments is being worked on. There are 46 fire departments that have failed to comply. They will be notified by email only.

AGENCY REPORTS

Technical and Adult Training, Vo-Tech, Mr. Jim Shedd stated that Mr. Wilcox has retired, effective 7/1/2010. Debbie Varner has replaced him. Also, Mr. Wilcox's supervisor has retired and will be replaced by Kathy DA'Antoni.

He stated that training has been going well.

Training, WVU-FSE, Mr. Laney Adkins stated Murrey Loflin was healing well since his surgery. He hoped to be back by July 1st.

He stated Junior Firefighter Camp is scheduled for June 25 thru July 1. They have 76 registered with 50 of those from out of state.

On July 17 & 18, an Arson I Class is scheduled.

On August 22-27, a Fire Inspector II class is scheduled.

On September 12-17, a Hazmat Incident Management Course is scheduled.

The WV Weekend at National Fire Academy was scheduled for October but they called and moved it to January, 2011. WV will be partnered with Delaware.

He stated there is federal monies for NFPA courses. Call Murrey to schedule classes.

Insurance Services Office (ISO), Mr. Nevins stated he had nothing to report. Fire Marshal Lewis asked him to give ISO's opinion on the effect to WV homeowners regarding the Insurance Commission ruling. He stated the ISO does not set rates and the threat to the community could be severe.

Office of Emergency Medical Services, Mr. Deron Wilkes stated that Dr. Lee Smith is now the State Medical Director. The OEMS was charged with certification of emergency vehicle drivers. The rules will need to be rewritten. They also have to pass a background check. The State Option Plan has had a little increase in pass rates. They are now charging certification and recertification fees to help their budgets.

Discussion followed regarding Hurricane VFD wanting to charge a fire service fee. They want to bill for each call. It was stated that they will have to go through the County Commission.

COMMITTEE REPORTS

Training Committee, Commissioner James stated the committee met on Thursday, June 10th. Committee report is attached to these minutes.

Commissioner James recommends to the full Commission the adoption of the "NFPA 472 Standard for Competence of Responders to Hazardous Material / Weapons of Mass Destruction Incidents, 2008 Edition, commonly referred to as Hazardous Materials Awareness / Operations". Commissioner Sullivan seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

FD Standards Evaluation, Commissioner Sizemore stated there were ten (10) applications received and nine (9) met the criteria for Fire Officer I. They are:

David N. Bishoff, Moorefield Volunteer Fire Co.
Jason C. Wurster, Institute VFD
Shannon Clyburn, Oakvale VFD
Stephen J. Johnson, City of Mt. Hope Fire-Rescue
Mark A. Kunselman, Parkersburg FD
Eric P. Taylor, Parkersburg FD
Dennis F. Ray, Jr., Rivesville VFD
Courtney L. Shaver, Rivesville VFD
Justin M. Stover, Rivesville VFD

Commissioner Sullivan made a motion to approve the nine (9) applications for Fire Officer I. Commissioner Spencer seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Recruitment and Retention Committee, No report.

Special Issues Committee, Commissioner Sullivan stated there were no arrests of firefighters for the last six months. He stated the Arson Reward Program allocated \$10,500 to seven (7) people that turned in information on arson cases.

He stated there is a fire department that owes over \$100,000 for equipment. This matter was turned over to local law enforcement. This is out of the realm of the Fire Marshal's Office.

In regards to the statutes on felons serving on fire departments, 12 letters were sent to fire departments, 10 have complied. This is a violation of statutes and the Fire Commission needs to start the decertification process. Commissioner Sizemore stated it is the committee's recommendation to decertify the two fire departments who have not complied. Commissioner Sullivan made a motion to accept the committee's recommendation to start decertification of the two fire departments. Commissioner Sizemore seconded the motion. Deputy Fire Marshal Reed Cook went over the procedures that have been done regarding the two fire departments that have not complied. Stacy DeLong, Assistant Attorney General, went over the laws and procedures regarding the decertification process. Discussion followed. The ayes and nays having been taken on a voice vote, the motion passed.

Procedures and Development Committee, Commissioner Clayton stated they were going over a list of curriculum on training classes and updating it. This list is posted on the website. Also, all classes for junior firefighters will be on this list. He stated he would like to approve the list of classes at the next meeting. It was noted that some of the names of classes have been changed and need to be upgraded.

Public Education, Commissioner Clayton stated they had discussed with Deputy Fire Marshal Carol Nolte various ways to utilize Fire Safety Public Education. Deputy Nolte stated there were 15 and 30 second ads being run at this time.

Legislative and Budget – No Report.

Home Inspectors, Building Code Officials, Building and Fire Code Committees, Commissioner Shriver stated the Committee recommended approval of the request from the City of Morgantown to amend their Building Code by adding back a table that was removed from the 2009 Property Maintenance Code. It mandates that every dwelling for rent or lease in the corporate city limits would be required to meet the minimum standards in square feet and area requirements. Commissioner Spencer made the motion to accept the Committee's recommendation. Commissioner Sullivan seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver stated that Deputy Fire Marshal Carrico presented two entities that were requesting approval for providing training and certification for Home Inspectors. After reviewing and based on recommendations from staff and Mike Reel, the entity of Professional Home Inspectors Institute of Madison, South Dakota will not be approved for the 80 hour class training component because their training is online which is not permitted. Second submittal was from the National Institute of Building Inspectors from New Jersey. They were requesting their 80 hour course be accepted

for training and certification and he recommended approval. Commissioner Sizemore made the motion to accept the committee's recommendation. Commissioner Sullivan seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

No updates were submitted by Code Officials. They are working on some revisions to the Building Code.

Kelly Bragg from the Department of Energy was present and they are beginning to conduct some training exercises around the state (7 locations) in order to make the general public and others aware of the differences between the 2003 and 2009 Energy Code. The 2009 Energy Code did not get written into the final rules but the Department of Energy is continuing to work on it from the public relations side.

Corlee Roblee, ICC, stated he wanted to personally thank the members of the Fire Commission as well as Fire Marshal Lewis for sponsoring the Building Safety Month Proclamation at the last meeting. The Governor and this Commission recognized professionals in the code environment as well as fire and code officials throughout the state and protecting public safety. He thanked Commissioner Shriver for spearheading this effort.

SPECIAL ELECTION OF OFFICERS

Fire Marshal Lewis stated that they have been discussing replacing Fire Commissioners for a long period of time. He stated that as of June 30, 2010, we would be losing Commissioners Eversole and Spencer. An election must be held so that meetings can continue to be held. State Law states that the Chairman or Vice Chairman must be present to preside over the meeting. If appointments are made after June 30th, then the Fire Commission cannot hold a meeting.

Fire Marshal Lewis stated that counsel has told him that they can elect one position, either Chairman or Vice Chairman. Discussion followed.

Fire Marshal Lewis stated it was staff's recommendation that you hold an election today and elect a Chairman and a Vice Chairman to be effective July 1, 2010.

Commissioner James nominated Commissioner Bob Sullivan for Chairman. Commissioner Miller seconded the motion. Commissioner Sizemore called for a roll call vote. The ayes were Commissioners Clayton, Eversole, James, Keefer, Miller, Mongold, Shriver, Sizemore. The nay was Commissioner Spencer. Commissioner Sullivan abstained from voting. Absent were Commissioners Goodwin and White. Chairman Eversole declared the motion passed.

Commissioner Sullivan nominated Commissioner Carl Sizemore for Vice Chairman. Commissioner Mongold seconded the motion. A roll call vote was called for. The ayes were Commissioners Clayton, Eversole, James, Keefer, Miller, Mongold, Shriver, Sullivan. The nay was Commissioner Spencer. Commissioner Sizemore abstained from voting. Absent were Commissioners Goodwin and White. Chairman Eversole declared the motion passed.

Fire Marshal Lewis stated that without Bill Spencer, there were a lot of things in the fire service that would not have become what it is today, all the good things that have happened. He was the Chairman at that time and was instrumental in helping him to be able to manage the Fire Marshal's Office when Fire Marshal Lewis took over. He stated he felt they could always sit and talk about the issues and problems. He stated there was not a man he respected more in the fire service than Bill Spencer. He thanked Commissioner Spencer for his service to the Fire Commission, the fire service of the state of West Virginia and to the Fire Marshal's Office.

Fire Marshal Lewis stated that Commissioner Eversole has been one of the best bosses he has worked for. He was able to call him at any time for advice. He stated that he was fair to everyone. He always returned his calls and gave him guidance for anything he was doing. He thanked Commissioner Eversole for his service to the Fire Commission, the fire service of the state of West Virginia and to the Fire Marshal's Office.

Chairman Eversole stated he wanted to express his appreciation to all the people he worked with on the Commission. He stated he hopes the Fire Commission would keep going and the fire service needs to work together and they will be a huge entity.

TIME AND PLACE OF NEXT MEETING

The meeting for August is scheduled for August 26-27, 2010 at the WVU-FSE State Fire Academy, Jacksons Mill, WV.

Meeting date for October 20-21-22 is at Canaan Valley and December 2-3 in the Morgantown area (Lakeview).

GOOD OF THE ORDER

Commissioner Spencer stated he appreciated all the time he spent on the Fire Commission.

ADJOURN

Commissioner James made a motion to adjourn. Commissioner Mongold 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
WV Fire Commission
Training Committee Meeting
June 10, 2010, Pullman Plaza, Huntington

The Training Committee of the West Virginia State Fire Commission met at the Pullman Plaza Hotel at 1530 hours. There were eighteen participants. Chairman James passed out the agenda. Draft copies of the rewrite of the Approved Class List were distributed to the participants

An update on the option being offered to students not attaining a passing grade was given by RESA coordinators. To date, only one student had taken advantage of the program. All instructors in the meeting stated that the Adult Basic Education option was offered at numerous times before and during the course.

The draft copy of the Approved Class List was edited line-by-line. The education partners, WVU Fire Service Extension, RESA, and the Fire Marshal's staff, made corrections and clarifications to the document. Commissioner Clayton is collecting the changes and will present the updated draft at the next Training Committee meeting.

Commissioner Sullivan outlined what a "Standard Condition with Accommodations" included and how it may impact future testing procedures. RESA coordinators stated that they had dealt with this document before and had policies in place.

RESA, WVU, and ISO representatives gave reports about their respective agencies. They will present them to the full Commission on Friday.

The new standard for Hazardous Materials was discussed. Concerns were brought out and changes discussed. Consensus was reached and the Training Committee will make recommendation to adopt the "NFPA 472 Standard for Competence of Responders to Hazardous Material / Weapons of Mass Destruction Incidents, 2008 Edition"; also known as "Hazardous Materials Awareness / Operations". The new class is 34 hours with the following note: "Up to an additional 8 hours may be required if students have not had previous SCBA training".

Meeting adjourned at 1720 hours.

Motion of June 11: "Mr. Chairman, at this time the Training Committee recommends to the full Commission the adoption of the "NFPA 472 Standard for Competence of Responders to Hazardous Material / Weapons of Mass Destruction Incidents, 2008 Edition, commonly referred to as Hazardous Materials Awareness / Operations".