

**STATE FIRE COMMISSION MEETING  
GRAND POINTE CONFERENCE CENTER  
VIENNA, WV  
AUGUST 17, 2012**

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

**COMMISSIONERS PRESENT:**

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

**COMMISSIONERS ABSENT:**

Larry Goodwin  
Randy James

**APPROVAL OF MINUTES**

Commissioner White made a motion to accept and approve the minutes of the June 19, 2012 and July 25, 2012 meetings. Commissioner Sizemore seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

**COMMITTEE REPORTS:**

Training Committee – Commissioner White gave his report. A copy is attached to these minutes. Commissioner Miller made a motion to accept the Committee's report. Commissioner Butcher seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Chairman Sullivan appointed Commissioner White as chairman of the Training Committee.

Fire Department Standards Evaluation Committee – Commissioner Sizemore stated they reviewed 16 equivalency applications for Fire Officer 1. Eleven (11) applications were approved. There were 5 applications that were not approved. Twenty-three (23) applications were reviewed for Fire Officer II with 17 being approved. Commissioner Scott made a motion to accept the Committee's report. Commissioner White seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Sizemore made a motion that all applications for Fire Officer I and II are to be submitted to the Fire Marshal's Office. They will be reviewed by staff using the same criteria before submitting to the Fire Commission for approval. Commissioner White seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Legislative Committee – Commissioner Mongold made a motion to accept the Committee’s report which is attached. Commissioner Sizemore seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Fire Department Services Committee – Commissioner Sizemore made a motion to accept the Committee’s report which is attached. Commissioner Mongold seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Codes and Regulatory – Commissioner Shriver stated rules are out for public comment.

Mike Reel, WV Home Inspector’s Association, stated there were deficiencies in the rules and are not sufficient to go forward with. There is no formal hearing process. He requested the Fire Commission pull the rule for this year and to work on a new rule for submission next year.

Commissioner Miller made a motion to accept the Committee’s report. Commissioner Butcher seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

### **STATE FIRE MARSHAL’S REPORT**

Fire Marshal Lewis thanked Deputy Carrico, Deputy Leake and Counsel Stacy Nowicki for their work on the rules

The FY 2014 Budget has been completed. Will be filed by September 1, 2012.

Counsel gave an update on the Compton Point Litigation. Tax Department and Compton Point have come to a settlement agreement. Tax monies have been waived and machines have been removed. Fire Marshal will have to sign off on the agreement.

### **UNFINISHED BUSINESS**

Commissioner Mongold made a motion to go into Executive Session. Commissioner Miller seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

State Fire Commission has researched funding for the firefighter from Virginia who died. Governor’s Office has made a contribution. Family did receive funds from the State of Virginia and Federal government.

Interstate and Intrastate Mutual Aid Agreement – a meeting was held with representatives from Federal Emergency Management Association and International Association of Fire Chiefs. FEMA is putting together a program for all states. West Virginia has been working on this plan since 2005. Program was presented in 2007. The program is optional. FEMA advised if the intrastate plan has not been adopted by the end of 2013 and interstate plan by end of 2014, funding for fire departments could be affected. FEMA would like the Fire Commission to endorse this program.

Commissioner Bonnett made a motion that the Fire Commission endorse this plan and send a letter to IAFC. Commissioner Miller seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed. Commissioner Bonnett will send information to whom the letter is to be addressed.

Building Code – has been filed as an agency approved rule to Secretary of State's Office and Legislative Rule Making Review Committee. Staff recommends that someone be available to attend meetings regarding this rule. Chairman Sullivan appointed Commissioner Shriver to attend meetings. Commissioner Mongold made a motion to accept chairman's appointment. Commissioner Miller seconded the motion. Commissioner Shriver accepted the appointment. The ayes and nays having been taken on a voice vote, the motion passed.

Volunteer Firefighters' Training, Equipment and Operating Standards rule was filed on July 25, 2012 in the Secretary of State's Office for public comment. The comment period ends at 4 PM on August 24, 2012.

Chairman Sullivan appointed Commissioners Miller, Bonnett, Shriver, Sizemore, and Gunnoe to a subcommittee to review written comments received on both the Fire Code and Volunteer Firefighters' Training, Equipment and Operating Standards rule. Also, to review comments received during the public hearing on August 24<sup>th</sup> on the Fire Code. These committee meetings will start on Monday, August 27<sup>th</sup> at 9:00 AM at the Charleston Civic Center, Charleston, WV.

All rules need to be agency approved and filed in the Secretary of State's Office by August 31, 2012.

Commissioner Scott stated that everyone needs to make their comments in the approved method or they will not be considered.

Fire Code – Public Hearing scheduled for 10:00 AM on August 24<sup>th</sup>, 2012 at the Charleston Civic Center, Charleston, WV.

Mr. Glenn Whittington wanted to know if everyone understood about time limits for comments and filing of the rules. Discussion followed.

New Creek VFD (Boundary Dispute) – Dustin Amtower, Fire Chief, New Creek VFD, and Shawn Kimble, Fire Chief, Maysville VFD, were present. Both fire departments are dual responding at this time. A year ago, the Fire Commission set new boundary lines. Both fire departments feel it should be their first response area. Staff recommendation is to keep the boundary lines as they are and to continue the dual response. Grant County Commission sent a letter that states they have no problem with the present boundaries. No action was taken.

Rand VFD – Age Exemption Request – Mr. Bill White, Rand VFD, requested an age exemption for a member of his fire department for Firefighter I. Counsel stated this was a policy decision. The request was presented to the Fire Commission. No action was taken due to a lack of a motion.

Jumping Branch VFD – All deficiencies have been corrected. Commissioner Mongold made a motion to recertify. Commissioner Butcher seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Racine VFD – Follow up evaluation was conducted. They are waiting on completion of Fire Officer 1 and II on September 23<sup>rd</sup> and October 21<sup>st</sup>. Commissioner Mongold made a motion to table this item to the December meeting. Commissioner Sizemore seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Loudendale VFD – They are now in compliance. Commissioner Mongold made a motion to recertify. Commissioner Miller seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Morrisvale VFD – All deficiencies have been corrected. Commissioner Butcher made a motion to recertify. Commissioner Sizemore seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Rhodell VFD – They are now in compliance. Commissioner Mongold made a motion to recertify. Commissioner Butcher seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Montgomery VFD – The hose test has been completed and they are now in compliance. Commissioner Mongold made a motion to recertify. Commissioner Miller seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

## **NEW BUSINESS**

Mid-Atlantic Association of State Fire Commission's Conference – Chairman Sullivan appointed Commissioner Bonnett to attend as the representative from West Virginia. The conference will be held October 11-13, 2012 in Delaware.

Walkersville VFD – Complaint – An unsigned complaint was received that the fire department was not responding to calls. Supervisor Provaznik met with 911. In three months, they only responded to 47% of calls. Fire Chief Steve Mealey stated that 57% of those calls were EMS calls. He stated that sometimes it is hard to find someone during the day to answer calls. Staff's recommendation was this is not a valid complaint. No action taken.

Recertification of fire departments: Commissioner Gunnoe made a motion to approve the following fire departments for recertification, Commissioner Butcher seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Augusta VFD	Barboursville FD
Beckley FD	Bluestone Valley VFD
Burlington VFD	Burnsville VFD
Clear Creek VFD	Clinton District VFD
Coal Mountain VFD	Davis VFD
Granville VFD	Great Cacapon VFD
Leon VFD	Morgantown FD
New Creek VFD	Pratt VFD
Reader VFD	South Morgan VFD
Town of Sophia VFD	Tyler Mountain VFD
Verdunville VFD	Walkersville VFD
West Milford VFD	

Commissioner Mongold made a motion to accept the plan of corrections for the following fire departments. Commissioner Miller seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Ansted VFD	Berkeley Springs VFD
Bluewell VFD	Bradshaw VFD
Canaan Valley VFD	Cyclone VFD
Dunlow VFD	Farmington VFD
Fort Gay VFD	Grandview VFD
Mount Storm VFD	New Martinsville VFD
Northfork VFD	Silver Hill VFD
Tornado VFD	Valley VFD, Marion County

Commissioner Butcher made a motion to review remaining fire departments to Committee for review. Commissioner Sizemore seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

### **CORRESPONDENCE**

US Chemical Safety Board

### **GOOD OF THE ORDER**

Mark Doty, WVU-FSE, stated there were one hundred fifteen (115) cadets at the Junior Firefighter Camp. Seventy (70) were from West Virginia with 45 from out of state. They hope to have a step up program next year for returning cadets.

Commissioner Miller made a motion that the Chairman appoint a committee composed of one member from the WV State Fire Chiefs' Association, one member from the WV Professional Fire Chiefs Association, one member from the WV State Firemens' Association, one member from the WV Professional Firefighters Association and one member from the remaining organizations represented on the WV State Fire Commission. The purpose of this committee is to do an in depth study of the Fire Service of West Virginia and to arrive at a program that will solve the many problems that the Fire Service of West Virginia is facing today and in the future, i.e. finances, training, workers' compensation just to mention a few of these problems.

Commissioner Butcher seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

### **TIME AND PLACE OF NEXT MEETING**

The next Fire Commission meeting will be held at Hilton Garden Inn, Morgantown, WV on October 11-12, 2012.

### **ADJOURN**

Commissioner Mongold made a motion to adjourn. Commissioner Miller seconded the motion. Motion passed.

Committee meeting was called to order at 12:50  
All members of the Code and Regulatory Committee were present.

First item of business was to review the request from WVU-Parkersburg to use Safety Train / Ralph Thorn as the instructor of the Home Inspectors Course. WVU-P previously has approval of Parkers as their curriculum. I reviewed the information submitted as well as verification with NAHI and found Safety Train / Ralph Thorn as acceptable. Motion was made and accepted by the Committee.

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I hereby make a motion that the Commission approved the Safety Train / Ralph Thorn coursework to be approved for the WVU-Parkersburg Program

Second Item, Counsel said we have several Rules out for public comment and we might need some legal advice. A motion was made and the Committee went into executive session to discuss legal matters for advice to the Committee.

After executive session, we all got a bit of history from each other. per Chapter 29-3-5, The Fire Code is not intended to deal with operations of fire departments. Its to deal with “safeguarding of life and property from the hazards of fire and explosion”. I personally feel I need to make apology to the other Commissioners in how I Voted at the special meeting in. I also want apologize to Chief Deputy Carrico as he tried to give advice and I did not listen or understand. Ii was not until yesterday did I understand that this exception must be left in the Fire Code I intend to change my vote when we have a opportunity in future meetings.

With permission of the Chairman Sullivan, I recognized Mr. Mike Reel representing the Home Inspectors Association. Mr Reel stated that portions of the current Rule need to be addressed that have not been addressed and he requests that the Commission pull the Proposed Rule. Counsel said that the Commission could not act on the Rule, thus it would be pulled by not submitting a Final copy on August 31.

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## **Fire Department Services**

08/16/12

### **Attendees**

- Chairman Michael Butcher
- Commissioner Doug Mongold
- Commissioner Grant Gunnoe

### **Staff**

- Fire Marshall Sterling Lewis
- Division Director Tim Provaznik
- Council

### **Commission Member**

- Chairman Bob Sullivan

### **Meeting was called to order at 2:30 PM.**

Old Business:           No old business

### **New Business:**

- Report out by Director Provaznik on fire department inspections and follow up criteria.
- Council provided input that only the Fire Commission can direct mitigation plans, timing of such plans, and possible extension of such plans.
- Discussion by staff on recommendations from committee on how to proceed with inspection results and follow up.
- Chairman Butcher took the action to work with committee members to provide criteria, guidance and data to Fire Department Services Director on how to proceed.
- Director Provaznik to provide grouped data on current reports on fire departments.
- Fire Department Services Committee will require longer committee time to review each report prior to scheduled Commission Meetings.

Adjourned at 3:30 PM

## Legislative Committee Report

August 24, 2012

Vienna, West Virginia

Members Present: Chairman Gunnoe, Commissioner Bonnett and Commissioner White

Meeting called to order at 14:10 hrs. The meeting consisted mainly on discussions about the proposed changes to the Legislative Rule dealing with the **Fire Code**. Discussions included that it is believed that the main reason for recommending changes to the **Fire Code** rule at the previous meeting was a concern that the language in the existing code that reference any NFPA standard dealing with operations of fire departments was not adopted and because of this exclusion that some may make an argument that the NFPA standards in other sections of state code or rules that have been adopted may not be enforceable. Chairman Gunnoe reported that after hearing of the concerns with the proposed changes in the **Fire Code** he reviewed West Virginia State Code 29-3-5 and shared with the committee the following language out of State Code 25-3-5c which states in part ( Whenever any other state law, county or municipal ordinance or regulation of any agency thereof is more stringent or imposes a higher standard than is required by the State Fire Code, the provisions of the state law, county or municipal ordinance or regulation of any agency thereof governs, if they are not inconsistent with the laws of West Virginia and are not contrary to recognized standards and good engineering practices) After reviewing this section of state code Chairman Gunnoe and the committee members believe that the amendment made to the proposed **Fire Code** may not have been necessary because 29-3-5c appears to address the concerns of the committee and makes it clear that the **Fire Code** along with any other section of state code or rules stand alone and because NFPA standards are exempt from one section they could still be enforceable if adopted in another section. The committee was advised by staff that they could not propose any changes or move to include the existing language back into the proposed Title 87 Legislative Rule Series 1 **Fire Code** until after the Public Hearing scheduled for August 24, 2012. The committee adjourned at 14:30 hours.

The training committee met at 15:15hrs with Commissioners Scott, Butcher, Miller, and White present.

Things discussed from WVU and RESA.

## **WVU**

Mark Doty stated that several fire schools coming up. Also the National Fire Academy WV Weekend is October 13<sup>th</sup> and 14<sup>th</sup>. There are 23 trips for the burn trailer around the state. They also have had multiple departments for training. The mobile burn unit can now be used for Junior firefighters taking firefighter 1 class. Dr. O'neal is working on a campaign nationwide for the fire service to show a positive spin on the fire departments instead of the negative publicity fire departments get.

## **WV Department of Education**

Dr. Varner stated that the Technical Rescue training with a matrix will be offered and they will also be starting testing for online training.

The question was asked to WVU and RESA if they had been contacted for training and not returning calls of providing training from departments around the state. They both stated this is not true.

## **Staff**

Fire Marshal Lewis asked a question about if a RESA Instructor is teaching in different areas do they get paid. It was told yes they would. Fire Marshal Lewis asked about HazMat, First Aid and CPR being required and how it is affected in the rule. Legal Counsel Nowiki explained it is incorporated in the rule. It was then asked by Fire Marshal Lewis then asked if the Commission wants a class taught what the process is. Legal Counsel Nowiki advised the process would be to take a vote to request WVU or RESA to teach. It was also noted that the Commission has no jurisdiction to dictate what happens outside the perimeters of their scope. The question was asked if the Commission accept equivalency for First Aid and CPR. It was told the rule does not cover that and is something that needs to be fixed.

## **Committee**

It was motioned by Commissioner Scott 2<sup>nd</sup> by Commissioner Butcher to make the recommendation to the Chair of the Commission to appoint Commissioner White to be the chair of the training committee.

Meeting adjourned.