

STATE FIRE COMMISSION MEETING
• State Fire Marshal's Office • Charleston, WV •

June 16, 2017

The official business meeting was called to order at 09:01 a.m. by Chairman Grant Gunnoe.

ROLL CALL:

Commissioners Present

Dave Camp, Carl Eastham, Doug Estep, Phil Hart, Grant Gunnoe, Martin Hess, Doug Mongold, Jim Oldaker, Ted Shriver, Carl Sizemore, and Virgil White. It is noted that Counsel Stacy Nowicki is present as well.

Commissioners Absent

Thomas Keefer, and Vic Stallard.

APPROVAL OF MINUTES:

Commissioner White made a motion to accept and approve the minutes of the April 21, 2017 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 – June 15, 2017 as follows:

Call to Order

Commissioner Mongold called the meeting to order at 10:04 a.m.

Roll Call

Members present: Mongold, Camp, Sizemore and Hart.

Members absent: Oldaker.

Quorum reached.

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

Old Business

New Fire Department Evaluation System / Review of Funding Application and Self Evaluation Update – Assistant State Fire Marshal Bradly Scott spoke and stated that approximately 20 Departments Self Evaluations are still outstanding.

Commissioner Mongold questioned the WVSFMO staff regarding the communication between these Departments and the WVSFMO. Assistant State Fire Marshal Scott stated that the office continues to reach out via phone and mail. Commissioner Mongold stated it's an ongoing job and he appreciated the Staff's work in it.

Assistant State Fire Marshal Scott furthermore spoke and detailed that Counsel and Staff had designed the new 180-day form noting the wording paragraph that was added towards the bottom of the page. Commissioner Mongold brought up discussion regarding the point system within Committee.

Commissioner Mongold asked Assistant State Fire Marshal Scott his thoughts on the point system given Mr. Scott performs the majority of the evaluations across the state at the Department. Marshal Scott discussed that each Department is different and the point system doesn't work well given how the Departments vary.

Commissioner Camp discussed the initial hopes of the point system understanding that it would be a trial and error. The group discussed imminent danger or life safety critical deficiencies. Counsel spoke and stated that the wording on the 180 days form was adjusted to reflect the change in the date starting the day of the evaluation. Commissioner Mongold discussed the evaluation process and a Department meeting their deficiencies noting the 180 days is an automatic request / grant / right as long as there are no life safety deficiencies. Commissioner Sizemore and the Committee discussed that Marshal Tyree makes the ultimate decision to close a department and not necessarily the Assistant State Fire Marshal performing the evaluation at the Department.

Commissioner Mongold questioned the Committee and audience as to suggest dismissal of or doing away with the point system. Marshal Tyree discussed the need for a system that is fair to everyone and something that is up front. Marshal Tyree sees the issue both ways. Marshal Tyree discussed how to determine what gets what point and how many. That is where the difficulty lies in the point system. Marshal Tyree asked the Committee / Commission to make the decision and assured the Committee / Commission that the staff at the WVSFMO will comply.

Commissioner Sizemore made a motion to recommend to the full Commission doing away with the point system and utilizing the evaluation system to list the deficiencies. WVSFMO staff would determine life safety issues and immediate need for closure of a Department. Seconded by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Sizemore made a motion to recommend to the full commission approval of the updated 180-day form. Second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

New Business

Support Members – Letter Proposed by Rick Myers – Chief Deputy State Fire Marshal Bob Sharp spoke and detailed the letters that have been in exchange with Mr. Myers. The question and responses thus far were read aloud. Commissioner Mongold suggested the topic was for informational purposes only the Committee but suggested the staff at WVSFMO continue to follow up with Mr. Myers addressing all his questions.

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

Robert Sutler	City of Charleston	FO2
Phillip Utt	Beaver VFD	FO1

Commissioner Hart 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.

Assistant State Fire Marshal Scott noted that all applications are reviewed by WVSFMO staff and Commissioners prior to the Commission Meetings and approvals.

WV LAST Program – State Fire Marshal Allan Casto spoke regarding the WV LAST Program and developing a 24-hour window for notification of a Firefighter Death. Currently Mr. Casto stated there is no mechanism in place within the State. Marshal Casto discussed an occurrence that took place last year and the WVSFMO was not made aware of a Firefighter death. Mr. Casto noted eventually the program will tie into the Hotline. There will be an upcoming class regarding the program. He wanted to get the topic in the forefront of the minds of the Commission.

Commissioner Mongold spoke and stated that he likes the fact that they are working on this and making progress.

Commissioner Sizemore made a motion to enter into Executive Session at 10:28 a.m., second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Sizemore made a motion to come out of Executive Session at 11:18 a.m., second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Automatic Aid w/ Out of State Departments – Legal Questions - Commissioner Sizemore made a motion to table the Automatic Aid w/ Out of State Departments topic to allow the Counsel further time investigate and review the questions at hand. Second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Sizemore made a motion to table Talcott VFD to the August, 2017 Commission Meeting to allow Assistant State Fire Marshal Scott to continue to work with the Department on the deficiencies and report back to the August, 2017 Committee and Commission Meetings, second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Other

Commissioner Camp made a motion to adjourn at 11:20 a.m., second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

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

• Recruitment and Retention Committee

Commissioner Hart read the Committee Report from Meeting – June 15, 2017 as follows:

Call to Order

Commissioner Hart called the meeting to order at 11:29 a.m.

Roll Call

Members present: Hart, Estep, and Camp.

Members absent: Oldaker and Hess.

Quorum reached.

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

Old Business

Discussion Involving Working Group Meeting – Commissioner Hart discussed the previous workgroup meeting and the potential tools any Department could utilize to recruit and retain members. The group discussed the Modular Training / Pilot program in detail. Commissioner Estep detailed the modular being broken down in 4 components.

Commissioner Hart stated the program would be a great resource / tool for the State Fire Service of West Virginia.

Commissioner Estep made a motion that the Recruitment and Retention Committee advise the Commission that the Committee supports and recommends approval of the Pilot / Module Training Program as detailed in Training Committee, second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

New Business

Set / Schedule Workgroup Meeting – Commissioner Hart detailed that he would be attending a Conference next week of which he intends to inquire about the Recruitment and Retention resources used by others across the Country. Commissioner Hart stated that he will get with WV SFMO staff after his attendance and look to schedule the Workgroup Meeting thereafter.

Commissioner Camp made a motion to adjourn at 11:34 a.m., second by Commissioner Estep. 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, seconded by Commissioner Sizemore. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Hart made a motion for the Recruitment and Retention Committee support and endorses the Module Pilot Program, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

• Training Committee

Commissioner White read the Training Committee Report from Meeting – June 15, 2017 as follows:

Call to Order

Committee Chairman Commissioner White called the meeting to order at 11:36 a.m.

Roll Call

Members present: White, Eastham, and Estep.

Members absent: Keefer and Stallard.

Quorum reached.

Approval of Agenda

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

Unfinished Business

Modular / Pilot Training Workgroup Update –

Commissioner White discussed the meeting that took place yesterday (Wednesday, June 14th) in regards to the survey results about the Pilot Module Training Program. Mark Lambert discussed the feedback 75/25 in favor of the modular program. Kanawha County stated that they would like to get that started. CW Sigman stated that Kanawha County will be sending out information to the Departments to get that started. Commissioner White stated Departments or Counties could and should be submitting letters to the Commission wishing to initiate a pilot training module opportunity in the given areas.

Commissioner Eastham made a motion that the Committee recommend approval to the full Commission of the Pilot program modules. Seconded by Commissioner Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

CW Sigman asked if a verbal request would be okay at this point from Kanawha County as the program is ready to kick off in just a few weeks. Discussion involved around certain parameters on setting up the training modules and spacing them throughout the state of WV.

Marshal Tyree proposed the question to Counsel – does the Commission have to have anything in regards to documentation written to the aspect of liability purposes? From the Commission or County standpoint or even a Fire Department standpoint for a pilot program. Marshal Tyree asked if we can use the module outlines. Commissioner Grant Gunnoe suggested that Departments be required to provide certain requirements before being allowed or permitted to carry out a training. Perhaps this be a policy of the Commission.

Commissioner Gunnoe discussed the liability and having a policy in place before a Department or someone offering the training. CW Sigman suggested that the department be on a good standing list not on 180-day disciplinary action.

Marshal Tyree read the Legislative Rule noting paragraph 2 that states the State Fire Commission shall set the rules and conditions for participating volunteer fire departments by policies adopted and ratified by the Commission.

Commissioner White suggested the full Commission set parameters. Counsel iterated that would have less exposure to liability if there is a universal system / policy.

Discussion evolved around identifying individuals involved in the modular program. Special identification such as helmet, vests or something similar.

Marshal Tyree spoke and asked to compare the electrician's apprentice – that the module Firefighter doesn't participate unless the Chief is present? Discussion continued around the Chief taking on the responsibility of the participants. The Chief must acknowledge and take responsibility that he or she will oversee the modular participant during any calls.

Commissioner Gunnoe noted that the Committee / Commission can approve to start a training program as it would be sometime before a module 1 participant is on a truck or call.

CW Sigman suggested non-level 1 Firefighters be identifiable in some aspect as set by the Commission rather than a Department or County.

Fire Marshal Academy Update – Marshal Tyree spoke and stated that the group hadn't met since April and the next meeting is to be set something during the summer. Marshal Tyree stated the curriculum is being developed and it is the intentions of the first class to begin the fall of 2018. The Committee and Commission would most like be provided submittal information during the December 2017 meetings.

Cabell County Fire Chief's Association Letter – Marshal Tyree spoke with Deputy Fire Marshal Allan Casto and Marshal Casto stated that the Cabell County Fire Chief's Association President, David Ash, plans to be in attendance during the Commission meeting tomorrow, Friday, June 16th, 2017.

Certificate Recognition – Letter Proposed by Harold Ward – Commissioner Eastham discussed the letter received. Commissioner Gunnoe recalled in previous meeting discussion that RESA and WVU were the only recognized certificate providers. Previously it was considered that if a community college has certified instructors it would be possible that the Commission would look at such and approve that. However, the Commission would have to evaluate and determine that.

Counsel presented the rule that the Curriculum must be approved by the Commission before being able to be approved or recognized by the Commission.

Commissioner Eastham made a motion for Counsel to draft a letter to the requestor noting that no curriculum has been reviewed or approved by the Commission from the Southern Community and Technical College therefore at this time the certificates are not recognizable. Second by Commissioner Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

Online Hazmat – Commissioner White proposed the question at hand to the Committee. Discussion was in depth surround the minimally accepted HazMat requirements for certain certifications.

Commissioner White stated the main question at hand is if the Commission accepts the online HazMat class as an approved HazMat awareness class?

Commissioner Eastham made a motion to table the topic to the August 2017 meeting to allow Committee members time to review further. Seconded by Commissioner Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

Staff / Counsel Update – Marshal Tyree noted the upcoming discussion Rule 87-3 HazMat and furthermore noted the many stakeholders' meetings that have taken place. An update was required based on the Legislation sunset rule. Further information will be provided during the Legislative Codes and Regulatory Committee Meeting.

WV Fire Service Extension – Mark Lambert spoke and stated they just completed the 2017 Junior Firefighter Camp. They anticipate next year's camp will take place in June or July of 2018.

WV Public Service Training – Members / Instructors discussed the 10th Annual EXPO being completed. Attendance was down but lots of good feedback especially that from the Live Burn. Marshal County Fire School is upcoming. Marshal Tyree made mention to the group about any links, flyers etc., that the Commission can place on the website to link the WV Public Service Training materials, upcoming classes, etc.

WV State Firemen's Association – No items to report or discussion noted.

Chief Deputy Sharp made mention of a radio programming class that is upcoming in September. Should anyone want further information, please see him in regards to that.

Commissioner Eastham made a motion to adjourn at 12:30 p.m., second by Commissioner Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Gunnoe discussed the training modules and asked if the Commission had reviewed the same. Discussion evolved around the cost and The Public Service Training instructors indicated a cost of \$45 for tuition and cost of books. Commissioner Gunnoe asked if that cost is any more or less expense than before and such as assured to not be or equal.

Commissioner White made a motion accept and approve the curriculum for the Modular Training Program, second by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Gunnoe reviewed the discussion that had taken place during Committee Meetings yesterday in regards to how a program will actually operate in addition to how a Department or a Department member will participate in the field or on a call. Commissioner Gunnoe stated that a participant could switch departments in the midst of completion of the modules therefore the Policy should reflect the responsibility or participate and the duties he or she can or cannot do. Commissioner Gunnoe discussed that the participants need to understand what he or she can do at various stages and not to overstep those regulations otherwise understanding he or she could be dismissed from the program.

Commissioner Gunnoe suggested having the Fire Department Services Committee tackle the task of drafting a Policy that would be utilized in the program by participants, training providers and anyone associated with the Pilot Program. Commissioner Gunnoe suggested Fire Department Services Committee meet prior to the Special July meeting to adopt and draft a Policy to review and present such during the July Special Meeting.

Commissioner White and Commissioner Mongold discussed allowing providers to start providing training understanding that departments or participants will have to sign off on the policy that is upcoming.

Discussion evolved around the Public Service Training providers and WVU providing the training but ultimately it would be the Departments responsibility to comply with the Policy or understand that a Policy is being drafted pertaining to what a participant can and can't do and the liability thereof.

Commissioner Gunnoe discussed again and asked the Public Service Training providers along with WVU training providers if they were comfortable with performing the training. With the Curriculum provided both facility providers are confirmed confident and comfortable.

Commissioner Sizemore asked the question 'Will participants receive a certificate at the end of each module?' And the response is yes. Commissioner Mongold suggest that the certificate state what they can do at the end of each module however training providers noted the detail would be too much for the certificate. Discussion followed on that topic.

Mark Lambert stated that as the training providers they could at the end of each module clearly explain and detail to the participant at the end what he or she can do.

Commissioner White made a motion to allow Kanawha County officials to go ahead and begin the organization of a Module Pilot Training Program to kick off in July / August 2017 understanding the complete Policy is being drafted. Seconded by Commissioner Eastham, with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Gunnoe asked who would a participant contact if he or she is interested in the Kanawha County Training module or any others upcoming. Marshal Casto responded that would-be Fire Services Division at the WVFSMO – Deputy Allan Casto or Assistant State Fire Marshal Bradley Scott.

Commissioner Gunnoe made a motion to have Fire Department Services Committee draft a Module Pilot Training Program Policy and present to the full Commission during the July 2017 Special Meeting. Seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote assist in anything he can.

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

• Legislative, Codes & Regulatory Committee

Commissioner Shriver read the Legislative, Codes & Regulatory Committee Report from Meeting – June 15, 2017 as follows:

Call to Order

Chairman Commissioner Shriver called the meeting to order at 1:44 p.m.

Roll Call

Members present: Shriver, Camp, and Gunnoe in place of Keefer.

Members absent: Oldaker, Keefer and Hess.
Quorum reached.

Approval of Agenda

Commissioner Gunnoe made a motion amend the Agenda to go over Legislative topics first. Seconded by Commissioner Camp, with all the ayes and nays having been taken on voice vote, the motion passed.

Legislative

Status of Governor's Bill Modifying WV Code Chapter 29 Article 3 – Marshal Tyree spoke and stated there was some misunderstanding on this rule and therefore it didn't move forward. A new request has already been given to DMAPS and is in the works by WVSFMO. It is noted this is a placeholder and topic for the Legislative rule making 2018 session.

Status of Junior Firefighters 21-6-2 – Commissioner Shriver noted this topic is the same as above.

Consideration of 87-2, Electrician's Licensing Rule – Marshal Tyree spoke and stated that the WVSFMO has conducted numerous Stakeholder meetings and have drafted the rule as presented to the Committee / Commission. It would be the Staff's recommendation for the Committee to consider and recommend approval to the full Commission so that the rule can be filed in the Secretary of State's office followed by the 30-day comment period.

Commissioner Gunnoe made a motion to recommend to the full Commission approval and filing the 87-2 Electrician's Licensing Rule as presented by the WVSFMO. Seconded by Commissioner Camp, with all the ayes and nays having been taken on voice vote, the motion passed.

Consideration of 29-3B, Electrician's Statue – Discussion was brief that this topic is for information purposes only. Further discussion will come in the 2018 Legislative rule making session.

Consideration of 87-3 HazMat Rule – Marshal Tyree discussed and noted again the WVSFMO has conducted stakeholder meetings with many Commissioners present. Updates were made and again it would be the Staff's recommendation the Committee to consider and recommend approval to the full

Commission so that the rule can be filed in the Secretary of State's office followed by the 30-day comment period.

Commissioner Gunnoe made a motion to recommend to the full Commission approval and filing the 87-3 HazMat Rule as presented by the WVSFMO. Seconded by Commissioner Camp, with all the ayes and nays having been taken on voice vote, the motion passed.

Old Business

Provisional Status Updates – Division Deputy Fire Marshal Allan Casto spoke and stated that all Provisional Status holders are in good standing and updates have been provided as required.

Commissioner Camp made a motion to recommend the continuation of all Provisional Statuses to the full Commission. Seconded by Commissioner Gunnoe, with all the ayes and nays having been taken on voice vote, the motion passed.

Consideration of Municipality Home Rule Board Rulings – Marshal Tyree spoke and stated that Counsel Barber will be in attendance tomorrow to discuss the topic as requested by the WVSFMO and Committee.

New Business

It is noted there was none.

Commissioner Camp made a motion adjourn at 1:49 p.m., second by Commissioner Gunnoe. 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, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

• Disciplinary Committee

Commissioner Eastham read the Disciplinary Committee Report from Meeting – June 15, 2017 as follows:

Call to Order

Chairman Commissioner Eastham called the meeting to order at 2:31 p.m.

Roll Call

Members present: Eastham, Shriver, and Mongold.

Members absent: Hess and Stallard.

Quorum reached.

Approval of the Agenda

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

Old Business

Consideration of Tornado VFD Complaint Report Update – Assistant State Fire Marshal Bradley Scott spoke and stated there are no further updates at this time as the issue is still under investigation.

Commissioner Shriver made a motion to table Tornado VFD Complaint Report Update to the August 2017 Committee Meeting, to allow further time for the investigation process, second by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed. Table to August.

Consideration of 2017-003-BCO – Fire Marshal Allan Casto spoke and updated that the complaint still under investigation by the Attorney General’s Office.

Commissioner Mongold made a motion to table 2017-003-BCO to the August 2017 Committee Meeting, to allow the Attorney General’s Office to continue to investigate, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

New Business

Assistant State Fire Marshal Bradley Scott presented a list of department(s) that needed to be recertified as follows.

Gilmer County VFD

Commissioner Mongold made a motion to recommend recertification of following ... Gilmer County VFD, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

Assistant State Fire Marshal Bradley Scott presented a list of department(s) that needed to be recertified noting these Departments had perfect evaluations.

Boomer VFD
Gauley River VFD
Gauley Bridge VFD
Mount Hope VFD
Montgomery VFD
Trap Hill VFD
Hinton VFD

Commissioner Mongold made a motion to recommend recertification of following noting perfect evaluations ... Boomer VFD, Gauley River VFD, Gauley Bridge VFD, Mount Hope VFD, Montgomery VFD, Trap Hill VFD, and Hinton VFD, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to enter into Executive Session at 2:38 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 2:50 p.m., second by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to find probable cause on 2017-014; 2017-017; 2017-020; 2017-021; 2017-023; 2017-024; 2017-025; 2017-027; 2017-028; 2017-029; and 2017-030. Second by Commissioner Mongold with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to recommend a 180-day extension to correct deficiencies for Smithers VFD, Pax VFD, Loup Creek VFD, Armstrong Creek VFD, Coal City VFD, Pipestem VFD, Forrest Hill VFD, Summers County VFD, Jumping Branch Nimitz VFD, Green Sulphur Spring VFD and Dunlow VFD. Second by Commissioner Mongold with all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2017-004-BCO - Commissioner Shriver made a motion to WVSFMO Staff to notify complainant of no jurisdiction by ruling of the Home Rule Board and recommends dismissal of 2017-004-BCO, second by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to adjourn at 2:53 p.m., second by Commissioner Shriver, 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 Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham made a motion to amend the agenda to reflect the correct Department identification number 2017-014 rather than typo 2017-013. Seconded by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

• Operations Committee

Chairman Gunnoe stated that the Operations Committee did not hold a Committee Meeting on June 15, 2017, but would rather like for the Staff to provide their full reports now.

Marshal Tyree addressed the Commissioners and group. He noted that Division Deputies will provide their reports and he will close. Marshal Tyree noted that Deputy Fire Marshal Jason Baltic is still out for medical treatment. Marshal Tyree noted that Marshal Baltic hopes to return near the end of July and asked all to keep Jason in positive thoughts and mind.

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 April 3, 2017 to May 31, 2017:

Total Licenses Issues: 10,028
Total Certifications Issued: 50
Total Applications Processed: 465
Total Permits Issued: 130
Online Renewals: 2,786

Consumer Fireworks Certificates Issued
Permanent: 45
Temporary: 40
Wholesale: 11
Outdoor Storage: 127
Novelties: 147

Marshal Casto provided the following Regulatory and Licensing Section Numbers for the period of January 1, 2017 to May 31, 2017:

Total Licenses Issues: 10,892
Total Certifications Issued: 113
Total Applications Processed: 1,240
Total Permits Issued: 260
Online Renewals: 3,004

Consumer Fireworks Certificates Issued
Permanent: 53
Temporary: 40
Wholesale: 12
Outdoor Storage: 142
Novelties: 147

Marshal Casto provided the following Fire Department Services Recent Activity Chart for the period of 2016 and January 2017:

FIRE DEPARTMENT SERVICES						
RECENT ACTIVITY						
2016/2017						
	APR 2017	MAY 2017	TOTAL	2017 YTD	CY2016	FY2016
FIRE DEPT EVALUATIONS	10	8	18	32	54	104
DEPTS RECERTIFIED	11	0	11	17	76	137
DISCIPLINARY	0	0	0	1	70	138
180 DAYS	5	0	5	9	76	155
EMERGENCY VEHICLE PERMITS						
TOTAL PROCESSED	108	51	159	379	627	1,263
APPARATUS	18	7	25	123	177	334
PRIVATE	90	44	134	256	450	929
DEACTIVATED	126	36	162	368	613	1,203
APPARATUS	18	8	26	83	115	218
PRIVATE	108	28	136	285	509	895
VERIFIED AND REFUSED	12	1	13	43		
APPARATUS	0	0	0	16		
PRIVATE	12	1	13	27		
NFIRS						
TOTAL REPORTS SUBMITTED	4,224	2,537	6,761	29,999	133,727	186,114
90 DAY GRACE	28	0	28	80	247	508
OUT OF GRACE	8	11	19	66	267	541
* FUNDING LOSS	0	0	0	5	22	28
NFIRS CLASSES TAUGHT	2	1	3	4	3	7
COUNTIES REPRESENTED IN NFIRS	1	1	2	8	18	43
NUMBER OF NFIRS STUDENTS	26	8	34	51	54	123
FIRE OFFICERS						
TOTAL SUBMITTED	1	1	2	19	61	97
FIRE OFFICER 1	0	1	1	9	24	37
FIRE OFFICER 2	1	0	1	10	37	60
FOIA REQUESTS (AS OF 7/1/16)						
REQUESTS RECEIVED	22	10	32	73	66	
REPORTS PROCESSED	38	968	1,006	1,263	106	
REPORTS RESEARCHED	184	981	1,165	5,518		

Courtney Rosemond with the Public Education Section reported the following from April 2017 thru June 2017:

Media Releases 4

- Arson Investigation in Mingo County Leads to Two Arrests
- Arson Awareness Week
- Multi-Agency Investigation Leads to Arrest of Volunteer Firefighter
- Recognizing Fire Service During National Volunteer Week

Social Media interactions –218 new Facebook subscribers since June 5th, weekly safety messages are disseminated through Facebook and Twitter.

June Safety Spotlight - Newsletter ready for disbursement

Partnerships –

- • *American Red Cross* – smoke alarm initiative statewide
- • *Hospice* – working to get fire safety information on their home safety surveys
- • *Cabell/Wayne Dept. of Health* – creating a program for 1300 installs in both counties.
- • *West Virginia Bureau of Senior Service* – providing safety information to seniors
- • *Tyler Mountain VFD* – recruitment information and smoke alarm installs

Public Education Network – 3 new members since April 2017, 99 total members since April 2016.

Public interactions completed – 7

- • Take a Kid Fishing Safety Day
- • Senior Conference
- • West Virginia Fire Safety Summit
- • Public Safety Expo
- • Kanawha/Putnam LEPC Meeting
- • Cabell/Wayne LEPC Meeting
- • Logan County Fire Association Meeting
- • Simpson Elem. School Visit for “Not One More” with Capt. Cindy Murphy
- • Pikeview Middle School Career Day
- • Elk Center Preschool safety talk
- • NFPA Expo and Conference

Ongoing Projects:

Fatal Fire After Action – We have worked with the Investigations division to gain information on how to best approach a fatal fire scene and the responding fire department. Our goal is to have communication within a three-day period to ensure we get the proper information recorded in NFIRS to help collect data and eventually help that area with future community risk reduction measures. The second part of this connection is to provide informational packets to departments to disburse to the communities impacted by the tragedy and smoke alarm canvassing and installations.

Cabell/Wayne Health Department Smoke Alarm Program – The Cabell/Wayne Health Department has received 1300 smoke alarms through a grant, our office is working to help them implement an install program. Partners on this program include the Huntington Fire Department, Red Cross, volunteers through AmeriCorps., various volunteer departments through the counties, Wayne Co. Health Department, and Emergency Managers. This program will run in conjunction with the “Get Alarmed West Virginia” initiative.

What does the West Virginia Fire Marshal’s Office Do?

In an effort to better describe all the moving parts of our agency both Public Information Specialist are working with all divisions at the SFMO to create a presentation on all aspects of our office and the functions each division holds. This presentation is set to be completed in July and will be made available online as well as PowerPoint.

Get Alarmed West Virginia - As a part of the Governor’s Day to Serve we are working to launch a smoke alarm initiative project titled “Get Alarmed West Virginia”. In partnership with the American Red Cross, fire departments, community service organizations, and other volunteer groups we will provide and install free smoke alarms and perform a home safety surveys.

Smoke Alarm Installations:

Through 20/20 Fire Prevention the Public Education Division received another 1000 smoke alarms in February 2017. Work continues to implement them in communities and fire departments throughout the state. Our division provides training and safety material to implement a successful program with a 30-day installation deadline. Since receiving our shipment 12 smoke alarms have been installed by the Public Education Division of the West Virginia State Fire Marshal’s Office. A portion of smoke alarms are given to Assistant State Fire Marshals in the field to install, safety information is provided when installations take place.

Current fire departments involved in smoke alarm installations include:

- Morrisvale VFD
- South Charleston FD
- Tyler Mountain

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 April and May, 2017:

- 1264 Inspections Conducted
- 314 Plans Reviewed
- 32 Occupancy Permits Issued
- 485 Licenses Checked

Marshal Leake provided the following full report of the Fire Safety Inspection & Plans Review Division Numbers for the period January thru May, 2017:

3396 Inspections Conducted

698 Plans Reviewed (Does not count walk-in consultations with architects and designers)

78 Occupancy Permits Issued

1107 Licenses Checked

Complaint Investigations:

- Investigated forty-six (46) fire code complaints
- Investigated three (3) blasting complaints
- Investigated two (2) licensing complaints
- Investigated four (4) electrical complaints
- Investigated one (1) fireworks complaint

Training:

- Taught two-three (3) day basic fire inspection class for new municipal fire inspectors
- Nine divisional staff attended a one day seminar on the National Electric Code
- One divisional employee attended Fire Protection Principles class at the National Fire Academy
- All divisional personnel attended week-long training in Charleston – EXPO
- Seven divisional personnel attended a one-day fire door inspection class

Court hearings:

- Fayette County – Two (2) convictions for unlicensed electrical work
- Raleigh County – Fire Code citation – Case continued
- Raleigh County – Fire Code citation – one conviction for destruction of property
- Raleigh County – Fire Code citation – Guilty plea to tampering with fire protection equipment
- Kanawha County – Fire Code citation – Case continued

- Obtained eleven (11) warrants for tampering with sprinkler heads at Central Regional Jail
- Obtained twenty-one (21) warrants for tampering with sprinkler heads at Southern Regional Jail
- Obtained two (2) warrants for tampering with sprinkler heads at Potomac Highlands Regional Jail
- Issued citation to an individual for performing electrical work w/o a license in Cabell County

Administered eighteen (18) licensing tests

Conducted exit checks at various basketball games

Conducted checks of various fireworks displays

Assisted the Investigation Division in Kanawha and Mingo Counties

Investigated fire at South Central Regional Jail

Checked blasting permits in Monongalia County

Division Deputy Assistant Fire Marshal Scott Rodes provided the following Investigation Division Numbers for the period April and May, 2017:

- Total Number of Fires 1April17 to 31May17 – 57
- Accidental – 16
- Incendiary – 13
- Undetermined – 21
- Fatality Total 01APR17 to 31MAY17 – 7

Injury Total 01APR17 to 31MAY17 – 6
Total \$ loss 01APR17 to 31MAY17 - \$ 1,606,650
Educational - \$300
Mercantile - \$0
Other Structures - \$0
Outside / Special Properties - \$0
Residential -\$1,422,150
Storage - \$32,000
Vehicles -\$40,000
Total \$ loss 01APR17 to 31MAY17 that are declared Incendiary - \$30,300
Total number of fires cleared by arrest or exceptional means – 7

Fire Marshal Tyree gave the overall Operations Report for the WV SFMO as detailed below:

Marshal Tyree recognized new counsel Stacy Nowicki and gave great thanks to Counsel Celeste Barber for all her work with the Agency over the last few months.

Marshal Tyree stated the State is awaiting a Budget; the office will be sending out a notice to all VFDs and Part Paid FDs; making them aware of the potential furlough and the results of that potentially being NO Quarterly and WC Supplement payments.

Marshal Tyree discussed the stakeholder's meetings: Electrician's Rule and Hazardous Material Training Program Rule; expressed his appreciation for the Stakeholders participation; he highlighted areas of updates in each; Changes needed in WV Code 29-3B due to language changes in Elec. Rule.

WV SFMO has submitted the intent to DMAPS on other intended changes to statutes 29-3-5b, Energy Code removal; 21-6-2, Child Labor, Junior FF language clarifications.

Marshal Tyree provided the following updates as well:

- Completed 3-day classes in Charleston and Wheeling areas with the intent of trying to network and bring clarity and continuity to code application throughout the State; several participants from municipalities throughout the State. Continued **Working on a Fire Marshals Academy program. For SFMO new hires and potentially municipality and political subdivisions who have or would have interest in establishing Fire Prevention Bureaus.** We'll be meeting again sometime this summer, then in the Fall, with program development completed by Feb. 2018 with the 1st class to launch in Fall of 2018.
- Services Division working with State Treasurer's office on use of "Lock Box" system; We are looking to follow up this launch after the bugs are worked out; with the development portion of Lock Box for Invoicing of Plans Review and Inspection activities. We see great potential with this payment and receipt option.
- Personnel Staffing:

New Employee: Annie Washington, Admin, Donna Harmison, Inspection, Paul Alloway, Investigation

Resignation/Termination of Sworn Member in Inspection Division

We had one promotion in Admin Division: Kathryn Burns, OA III, Admin

We have 11 **vacancies** within the agency (1 Investigators, 5 Inspectors, 1 Plans Reviewer and 1 Public Information Specialists; one, Secretary I in Services Division, one OA II in Inspections and one in Services Division; we're hopeful to get all vacancies filled in the next few months.

- **New Agency FTE = 58**
- Policy Update:
 - New Background Investigation policy and update to 3004 Pre-Employment Examination policy for Commission approval
- Fire Department Loss of Funding: Reported by Deputy Casto for this past quarter under Fire Dept. Services.
 - a. (The two deadlines involved are the quarter deadline and then 90 days later, the grace period deadline. Other than being decertified, not submitting their NFIRS incident reports by the prescribed due date is the only way to lose their funding. It has nothing to do with the 180-day issue. Once they miss the grace period deadline, the money is lost and reallocated to the departments that were in compliance. There is no getting it back after hat.)
- Visits and Meetings:
 - Electrician's Rule Stakeholder's
 - Haz Mat Training Program Stakeholder's
 - WVU Junior Firefighter Camp: Chief Deputy Sharp, Sparky, Tim Rock, Commissioners Oldaker, Hart, CampBig thanks the Commission for the Sponsorship to the Camp!
- Training:
 - WV Public Safety Expo, May 10 – 13, 2017; very successful involvement
 - Fire Marshal Track classes well attended; others outside agency involved; Fire Safety Summit – short of expected numbers; 22 per session
- Significant Dates: As a part of the Governor's Day of Service; September 9th, 16th, 30th, October 14th, regionally located-statewide "*Get Alarmed West Virginia*" Initiatives; FDs, American Red Cross, Community Service Organizations, Churches, College and University Student Government Associations.
- Fire Fatality information improvement; restructure collection of information from, FDs, Investigator, Dispatch, & Local Media; more to come on this project. Data Collection and Analysis piece is crucial to the work we're trying to do to educate and reduce these numbers.
- Info on New NFPA Smartphone Apps for First Responders (Free) and A Healthcare Providers Guide to Firefighter Physicals; encourage all fire service member's utilization

- Commend Staff and Thanks Commission for your support! Special Thanks to Mrs. Goodwin for valiant completion of each committee's meeting notes for General meeting and pre-meeting preparation.

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

UNFINISHED BUSINESS:

Consideration of 16-002-HI – Lee Harless - Counsel Barber stated Mr. Harless had posted bond in December, 2016 – however, the Attorney General's Office has been unable locate him or an address for him.

Commissioner White made a motion to table the consideration of 16-002-HI Lee Harless to the August, 2017 Commission Meeting. Seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Municipality Home Rule Board Rulings Update –

Commissioner White made a motion to go into Executive Session at 10:16 a.m. Seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to come out of Executive Session at 10:31 a.m. Seconded by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of New Fire Department Evaluation System Update – Commissioner Gunnoe noted that the Fire Department Services Committee discussed and addressed the topic in depth in their report. It was recommended by the Committee to approve the updated 180 Day Extension / Plan of Corrections form. Addition discussion evolved around the point system and need thereof.

Commissioner Mongold made a motion for the WVSFMO to do away with the point system and utilize the newly updated 180 Day form that list deficiencies based on the evaluation. Seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Cabell County Fire Chief's Association Letter – Deputy State Fire Marshal Allan Casto spoke and stated the author of the letter is still out of town and unable to attend the meeting.

Commissioner Mongold made a motion for Deputy State Fire Marshal Allan Casto to reach out to the author and see if the questions / concerns can be addressed by the WVSFMO and report back to the August 2017 Commission Meeting. Seconded by Commissioner Estep. With all the ayes and nays having been taken on voice vote, the motion passed.

Consideration of Tornado VFD Complaint Update – Assistant State Fire Marshal Bradley Scott spoke and stated that the investigation is still ongoing. Topic to be continued to August 2017 Commission Meeting.

Consideration of Talcott VFD Update – Commissioner Mongold stated the Fire Department Services Committee denied the request for Phase II and suggested Assistant State Fire Marshal Scott and the WVSFMO Inspection Division continue to work with the Department in being compliant.

Commissioner Mongold made a motion to deny Talcott VFD Phase II request at this time due to outstanding deficiencies and report back to the August, 2017 Commission Meeting, second by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Sheldon vs. WVSFMO Update – Counsel Barber stated there is no update to provide. Topic continued to August, 2017 Commission Meeting.

Consideration of Automatic Aid w/ Out of State Departments – Commissioner Gunnoe discussed that the Committee reported but Counsel continues to review the questions and research legal. No action is needed by the Commission at this time.

Commissioner White made a motion to table the discussion on the Automatic Aid w/ Out of State Departments topic to allow the WVSFMO and Counsel investigate and review the questions at hand. Second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2017-003-BCO - Division Deputy Fire Marshal Allan Casto spoke and stated that the issue is still currently being investigated by the Attorney General's Office as requested by the WVSFMO.

Commissioner Eastham made a motion to table 2017-003-BCO to the June 2017 Committee Meeting, to allow the Attorney General's Office to fully investigate, second by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

NEW BUSINESS:

Consideration of Recognition of Heroic Action by Brett Ray – Marshal Tyree introduced and recognized Brett Ray for his heroic action saving the life of Justin Robertson from a fire on December 6, 2016 in Cabell County. Mr. Ray spoke and thanked all those who have had a helping hand in training him and encouraging him to stay involved.

Consideration of Certificate Recognition – Letter Proposed by Harold Ward – Commissioner White made a motion to have Counsel Nowicki draft a letter in response to Mr. Harold Ward noting that the approved and recognized training facilities do not include Southern Community and Technical College, second by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Support Members – Letter Proposed by Rick Myers – Commissioner Mongold reviewed that the Fire Department Services Committee had reviewed the request and the responses provided by the Staff at the WVSFMO. Division Deputy Allan Casto will continue to reach out to Mr. Myers to assure all his answers are addressed. It is noted no action is needed by the Commission.

Consideration of 87-3. HazMat Rule – Commissioner Shriver discussed the topic from Legislative Codes and Regulatory Committee. It is the Committee's recommendation to endorse and have the WVSFMO file the Rule.

Commissioner Shriver made a motion for the WVSFMO to file 87-2 Electricians Rule with the WV Secretary of State's Office. Seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 87-2 Electricians Rule – Commissioner Shriver again discussed the Legislative Codes and Regulatory Committee's recommendation to endorse the Rule.

Commissioner Shriver made a motion for the WVSFMO to file 87-2 Electricians Rule with the WV Secretary of State's Office. Seconded by Commissioner Sizemore. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2017-004-BCO – As previously discussed during the Committee report, Commissioner Eastham made a motion for WVSFMO Staff to notify the complainant of no jurisdiction by Home Rule Board and recommends dismissal of complaint, seconded by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Appeal of Closure Order to Knights Inn – Ghent, WV – Counsel Stacy Nowicki spoke and stated that she had sent an email to the owner and requestor of the appeal but had not heard back as of yet. Counsel stated the Commission does have to hear the appeal therefore it would be recommended to appoint a hearing examiner.

Commissioner Mongold made a motion to have Counsel contact a hearing examiner to hear the appeal of the closure. Seconded by Commissioner Eastham, with all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Updates to WVSFMO Policy and Procedure Manual – Marshal Tyree spoke and stated the pre-employment requirements needed updated to match that of other State Agencies so that the WV State Police may administer the Polygraph Exams.

Commissioner Mongold made a motion to accept and approve the changes to the WVSFMO Policy and Procedure Manual, Seconded by Commissioner Sizemore. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2017-014; 2017-017; 2017-020; 2017-021; 2017-023; 2017-024; 2017-025; 2017-027; 2017-028; 2017-029; and 2017-030 - Commissioner Mongold made a motion to find probable cause on 2017-014; 2017-017; 2017-020; 2017-021; 2017-023; 2017-024; 2017-025; 2017-027; 2017-028; 2017-029; and 2017-030. Second by Commissioner Eastham with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham made a motion to grant a 180-day extension to correct deficiencies for Smithers VFD, Pax VFD, Loup Creek VFD, Armstrong Creek VFD, Coal City VFD, Pipestem VFD, Forrest Hill VFD, Summers County VFD, Jumping Branch Nimitz VFD, Green Sulphur Spring VFD and Dunlow VFD. Second by Commissioner Shriver with all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Provisional Status Updates – Commissioner Shriver made a motion to accept and continue the provisional status for the ongoing individuals / cities with the WVSFMO. Seconded by Commissioner Mongold. With all the ayes and nays having been taken on voice vote the motion passed.

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

Robert Sutler	City of Charleston	FO2
Phillip Utt	Beaver VFD	FO1

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

Commissioner Eastham made a motion to accept and approve Recertification of the following Fire Departments, noting they are coming out of 180-day extension ...

Gilmer County VFD

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

Commissioner Eastham made a motion to accept and approve Recertification of the following Fire Departments, noting these Departments had perfect evaluations ...

Boomer VFD
Gauley River VFD
Gauley Bridge VFD
Mount Hope VFD
Montgomery VFD
Trap Hill VFD
Hinton VFD

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

CORRESPONDENCE:

Marshal Tyree spoke about the pamphlets distributed and within the tablets for the Commissioners review. He noted the important to awareness in the Health of Firefighters and those in the Fire Industry. He made mention of the smart phone app that is available and asked that everyone share the materials and information.

TIME AND PLACE OF NEXT MEETING(S):

Special Commission Meeting has been set for Monday, July 24, 2017 at the WVSFMO in Charleston, WV beginning at 1:00 p.m. for review of the Public Comments from filed Rules.

Next regularly scheduled Committee Meetings will take place Thursday, August 10, 2017 at the South Branch Inn in Moorefield, WV beginning at 10:00 a.m.

Next regularly scheduled Commission Meeting will take place Friday, August 11, 2017 at the South Branch Inn in Moorefield, WV beginning at 9:00 a.m.

GOOD OF ORDER:

Commissioner Oldaker discussed the Annual Junior Firefighter Camp and the success it was again this year. He stated he hoped that Mark Lambert would have still been present but he wanted to knowledge all those involved. Many Departments bring their equipment while others volunteer their time for training and service. Commissioner Oldaker suggested the Commission send out through the WVSFMO Certificates of Appreciation for all those involved in their contributions.

Commissioner Oldaker made a motion for the WVSFMO to issue Certificates of Appreciation for all those involved with their contributions for the Annual Junior Firefighter Camp. Seconded by Commissioner Mongold. With all the ayes and nays having been taken on voice vote, the motion passed.

Commissioner Eastham announced that as of July 1, 2017, the City of Huntington's Fire Department will move to a Class 1 Level Fire Department. Lots of work has gone into the commitment and the area / state is proud. Many Commissioners, staff and audience members voiced their Congratulations to the Department.

ADJOURN:

Commissioner White made a motion to adjourn at 11:04 a.m., second by Commissioner Eastham, with all the ayes and nays having been taken on a voice vote, the motion passed.
