

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

**February 8, 2019**

PLEASE NOTE:

The following minutes have been provided and are considered unofficial, until they are submitted for approval at the next scheduled meeting.

The official business meeting was called to order at 09:00 a.m. by Chairman Grant Gunnoe.

**ROLL CALL:** by Chief Deputy State Fire Marshal Sharp

Commissioners Present

Edward George, Grant Gunnoe, Dave Camp, Doug Estep, Doug Mongold, Phil Hart, Jim Oldaker, Mark Stroop, Carl Eastham, Martin Hess, Thomas Keefer and Virgil White. It is noted that Counsel Jennifer Wilson is present as well.

Commissioners Absent

Ted Shriver

**SPECIAL RECOGNITION: Fire Marshal Ken Tyree**

1. Assistant State Fire Marshals' (ASFM) Lonnie Cogar and Bobby Palmer were recognized as they were working in the Delbarton, WV area and came upon a residential chimney fire. The home owner was standing outside looking at the flames saying "I think I have a Chimney Fire and don't know what to do". ASFM Cogar got the fire extinguisher out of his state vehicle and asked where the wood burning stove was and directed the home owner to call 911 to alert the Delbarton VFD of the situation. ASFM Palmer assisted by ventilating the smoke from the home by opening windows. They stayed at the scene until the fire was completely under control. The dry chemical extinguisher knocked out most of the fire before the Delbarton VFD arrived. Without the assistance of these two (2) fire marshal's the house would've possibly burnt down.
  
2. Malden Volunteer Fire Department Assistant Fire Chief Bradley "Sparky" Scott was recognized for rescuing a man from a 2<sup>nd</sup> story window during a residential structure fire. The Malden Volunteer Fire Department received a call at approximately 11:45PM to a fire in a residence behind Malden Elementary School within walking distance of Asst. Fire Chief Scott's home. He immediately used a neighbor's ladder to climb to the bathroom window on the second floor of the home. Standing on the other side of the window was a man that told Sparky he was going to die. Sparky said "No you're not going to die, you're coming out this window" and proceeded to convince him to squeeze through the frame of the window. It took some effort on both their parts, but Sparky was able to use a ladder rescue technique to slide the man down the ladder safely. The man was taken to the hospital for smoke inhalation but was released.

## **APPROVAL OF MINUTES:**

3. Commissioner Eastham made a motion to accept and approve the minutes of the December 14, 2018 Fire Commission Meeting and Special Fire Commission Meeting January 29, 2019. Commissioner Mongold seconded the motion. The ayes and nays have been taken on a voice vote, the motion passed.

## **COMMITTEE REPORTS:**

### **• Legislative, Codes & Regulatory Committee**

Commissioner George read the Legislative, Codes & Regulatory Committee Report from Meeting – February 7, 2019 as follows:

Legislative, Codes and Regulatory Committee Meeting Report Meeting Minutes  
February 7, 2019

Call to order

Commissioner George called to order the regular meeting of the Legislative, Codes and Regulatory Committee Meeting at 10:02AM on February 7, 2019 at the WV Fire Marshal's Office, Charleston, WV.  
Roll call

The following commissioners were present:

Edward George  
Jim Oldaker  
Tom Keefer  
Mark Stroop

The following commissioners were absent: Ted Shriver

Unfinished Business  
New business-

1. Consideration of Legislative Rule 87-5-3 Exemptions- Mike Reel (WV Association of Home Inspectors)

WV Association of Home Inspector's representative Mike Reel spoke on the history and intent of Legislative Rule 87-5-3 concerning exemptions. Discussed Home Inspector Brett Hodgdon's issue of offering to do an extended engineering inspection, that may be considered offering "work" or "repair" while in the duties of a home inspection which is in question of violating the rule. Fire Marshal Tyree addressed the committee to request that the committee consider the information that they've been presented to allow home inspectors to offer more advanced or specialized inspections.

Commissioner Oldaker made a motion to allow home inspectors to offer more advanced or specialized inspections and to recommend to the Full Commission, with a second by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.

## Adjournment

Commissioner Keefer moved to adjourn the meeting at 10:11AM, second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Fire Marshal Tyree asked if the Legislative Codes and Regulatory Committee could reconvene?

Commissioner Oldaker moved to reconvene the meeting at 10:12AM, second by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.

Fire Marshal Tyree discussed Senate Bill 177 that would change the energy code from the 2007 version to the 2010 version and that this has passed and awaiting the Governor's signature. When signed we will need make the necessary changes.

Commissioner Oldaker moved to adjourn the meeting at 10:14AM, second by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to accept the report. It was seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

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

Commissioner Mongold read the Committee Report from Meeting – February 7, 2019 as follows:

Fire Department Services Committee Meeting Report Meeting Minutes  
February 7, 2019

### Call to Order

Commissioner Mongold called to order the regular meeting of the Fire Department Services Committee at 10:14AM on February 7, 2019 at the WV Fire Marshal's Office, Charleston, WV.

#### Roll Call

Commissioner Mongold conducted a roll call. The following commissioners were present:

Dave Camp  
Doug Mongold  
Jim Oldaker  
Mark Stroop

The following commissioners were absent: Phil Hart

Unfinished Business-  
New Business

### **1. Fire Officer I and II Applications**

Assistant State Fire Marshal Bradley Scott presented the following applications for approval:

Justin Antle                      FO 2                      City of Huntington

There were no questions. Commissioner Oldaker made a motion to approve these applications and present to the full Fire Commission, seconded by Commissioner Stroop. With all the ayes and nays having been taken on a voice vote, the motion passed.

2. Assistant State Fire Marshal Bradley Scott presented a list of departments that met all requirements to be recertified:

- East Lynn Wayne County
- Wayne Wayne County
- Lavalette Wayne County
- Greenwood Doddridge County
- Buffalo Creek Logan County
- Logan County # 2 Logan County
- Town of Man Logan County
- Bakerton Jefferson County
- Martinsburg Berkeley County

**3. Fire Departments with perfect evaluations to be Recertified**

Assistant State Fire Marshal Bradley Scott presented a list of departments for recertification that had perfect evaluations:

- Ohio River Road Cabell County
- Milton Cabell County
- Elkins Randolph County

Commissioner Camp made a motion to approve these applications and recommendation to the full Fire Commission, seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

**4. Imminent Risk of Harm List for Fire Department Evaluations**

Assistant State Fire Marshal Bradley Scott presented an Imminent Risk of Harm List for Fire Department Evaluations for review and discussion.

Chief Deputy State Fire Marshal Sharp explained the changes to the form and how this information was in question at the last December Fire Commission meeting.

Commissioner Gunnoe stated that the note at the bottom was placed so that other items combined may contribute to a determination beyond the listed imminent risk of harm list.

Commissioner Mongold stated that he thought this was a good idea and asked if the form could be uploaded to the Fire Marshal’s website and he was told yes.

Commissioner Stroop asked about the 30day hearing listed on the form and this was explained.

Deputy Fire Marshal Casto requested that the form be approved by the Fire Commission.

Commissioner Oldaker made a motion to approve the Imminent Risk of Harm List for Fire Department Evaluations and recommendation to the full Fire Commission, seconded by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

#### **5. Nicholas County Fire Boundary Update Approval**

Assistant State Fire Marshal Bradley Scott presented the Nicholas County Fire Boundary Update Maps for review, discussion and approval.

Commissioner Camp made a motion to approve the Nicholas County Fire Boundary Updates and recommendation to the full Fire Commission, seconded by Commissioner Stroop. With all the ayes and nays having been taken on a voice vote, the motion passed.

CW Sigman asked for clarification on the County Commission's role in determining fire boundaries and Chief Deputy State Fire Marshal Sharp discussed the confusion when the work "Commission" is used in WV Fire Commission and WV Fire Marshal's Statutes and Rules. Listed in the definitions is the word "Commission" which refers to the WV Fire Commission.

Commissioner Mongold discussed the issue of county commissions and fire boundaries that have come before the Fire Commission in the past. Fire Marshal Tyree explained findings and recommendations for procedures, but will look further into this for clarification on county commission involvement.

Commissioner Gunnoe stated that he believes it is the WV Fire Commission working with the Fire Chiefs involved to determine the fire boundaries of a department.

Assistant Fire Marshal Scott stated that there have been 70 departments that have participated in the modular firefighter classes and 1 new class started in the Eastern panhandle.

Commissioner Mongold asked if modular firefighter certificates were being issued by PST/WVU and if there were any issues. PST Richard Gobble stated that certificates are being issued.

#### **Adjournment**

Commissioner Camp moved to adjourn the meeting at 10:38AM, 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 accept the report. It was 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 – February 7, 2019 as follows:

Disciplinary Committee Meeting Report Meeting Minutes  
February 7, 2019

Call to order

Commissioner Eastham called to order the regular meeting of the Disciplinary Committee Meeting at 10:53AM on February 7, 2019 at the WV Fire Marshal's Office, Charleston, WV.

Roll call

The following commissioners were present:

Carl Eastham  
Edward George  
Doug Mongold  
Martin Hess

Absent: Ted Shriver

Unfinished business

1. Departments Requesting 180 Days (2<sup>nd</sup> Time)

Assistant Fire Marshal Scott explained the departments deficiencies in question.

Bunner's Ridge Volunteer Fire Department is requesting an extension until the April Fire Commission meeting and AFM Scott believes they will have all deficiencies completed by then.

Rand Volunteer Fire Department is lacking annual hose testing, but is scheduled for April 15-19 to have their testing completed by a third party. Assistant Fire Marshal Stewart conducted the evaluation and also found that they have 3 members that need Fire Firefighter Level 1 certification, 5 members need hazmat training and 6 members need CPR certification. Chief Bill White sent a letter that stated that he has demoted the 3 officers until his people gain certifications. AFM Scott stated that he believes 2 of the members have completed the fire fighter 1 training, but are trying to locate their certificates.

Public Service Training Coordinator Richard Gobble stated that no one has contacted his office for replacement certificates for Fire Fighter 1, so that he could possible provide these. AFM Scott will provide the names so that this may occur.

Commissioner Gunnoe asked what had taken place over the last 6 months that the Rand VFD had to correct deficiencies? AFM Scott replied demotions, scheduling hose testing and a first aid kit was placed on an engine.

Commissioner Mongold made a motion to have the Bunner's Ridge VFD complete their hose testing by the April Fire Commission meeting to recommend to the Full Commission, with a second by Commissioner George. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to request Rand Volunteer Fire Department Chief Bill White to appear tomorrow to the Full Commission with a second by Commissioner George. With all the ayes and nays having been taken on a voice vote, the motion passed.

2. Consideration of Martinsburg Fire Department Evaluation Update.

Assistant Fire Marshal James Lewis gave an update of his meeting with the Berkeley County's prosecuting attorney Catie Wilkes Delligatti. Berkeley County's prosecuting attorney is not pursuing charges against Martinsburg Fire Department's former chief related to allegations of misleading reports about fire-hose testing. She stated that she did not find evidence of a violation of state law for which Paul Bragg could be prosecuted and declined to prosecute on this matter at this time.

AFM Bradley Scott and AFM James Lewis did a complete evaluation of the Martinsburg Fire Department and reported that all deficiencies had been corrected. AFM Scott was asked by the Martinsburg Fire Department personnel when they could dispose of the damaged hose found discovered during hose testing. Commissioner Gunnoe and Commissioner Eastham stated that they should follow their normal policies to get rid of the hose as needed.

Commissioner Gunnoe asked if all documents were acquired. AFM Scott said yes and that he is taking photos of documentation until his scanner is procured.

Commissioner Gunnoe asked if an interim fire chief was in place in Martinsburg and was told by AFM Scott that 40 people had applied for the fire chiefs position, but at the moment the city manager had assigned 3 Captains as acting fire chiefs, 1 on each of the 3 shifts. Commissioner Gunnoe asked who had signed off on the most recent fire department evaluation documents and AFM Scott replied it was the interim Chief on duty Greg Hoover.

Commissioner Stroop stated that a letter was sent to the city manager by all the lieutenants asking the city manager to recommend Greg Hoover as the Fire Chief.

Commissioner Eastham discussed sending a letter to the city manager to appoint one person to the fire chief's position and that the department needed a fire chief. Commissioner Gunnoe asked if we could research the language requiring a fire department to have a Fire Chief rule or if this is a civil service rule. Fire Marshal Tyree researched this and stated that it states that a Fire Chief or Line Officer may be the chief officer of a fire department.

### New business

#### 1. Departments Requesting 180 Days

Commissioner Mongold made a motion to go into executive session at 11:11AM, seconded by Commissioner Hess. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to come out of executive session at 12:05PM, seconded by Commissioner George. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to find probable cause on 2018-090, 2019-001, 2019-004, 2019-005, 2019-008 and 2019-009 with a second by Commissioner George. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Hess made a motion to grant a 180day extension request to the Wharncliffe VFD and to recommend to the Full Commission, with a second by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Hess made a motion to grant a 180day extension request to the Green Valley VFD and to recommend to the Full Commission, with a second by Commissioner George. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Hess made a motion to grant a 180day extension request to the Ona VFD and to recommend to the Full Commission, with a second by Commissioner George. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to grant a 180day extension request to the City of Huntington Fire Department and to recommend to the Full Commission, with a second by Commissioner Hess. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to grant a 180day extension request to the Salt Rock VFD and to recommend to the Full Commission, with a second by Commissioner Hess. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to grant a 180day extension request to the Culloden VFD and to recommend to the Full Commission, with a second by Commissioner Hess. With all the ayes and nays having been taken on a voice vote, the motion passed.

## 2. Consideration of New 180 Day Request Form

Asst. Fire Marshal Scott explained the edits to the New 180 Day Request Form to include language that would allow the names of the fire departments to be listed on the agenda.

Commissioner Mongold made a motion to approve and to recommend to the Full Commission the New 180 Day Request Form, with a second by Commissioner Hess. With all the ayes and nays having been taken on a voice vote, the motion passed.

### Adjournment

Commissioner Mongold moved to adjourn the meeting at 1:36PM, seconded by Commissioner Hess. With all the ayes and nays having been taken on a voice vote, the motion passed.

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

### **• Recruitment and Retention Committee**

Commissioner Martin Hess read the Committee Report from Meeting – February 7, 2019 as follows:

Recruitment and Retention Committee Meeting Report Meeting Minutes  
February 7, 2019

Call to order

Commissioner Hess called to order the regular meeting of the Recruitment and Retention Committee Meeting at 1:37PM on February 7, 2019 at the WV Fire Marshal's Office, Charleston, WV.

Roll call

Commissioner Hess conducted a roll call. The following commissioners were present:

Doug Estep  
Jim Oldaker  
Martin Hess

Absent: Phil Hart

Unfinished Business- N/A

1. Chief Deputy Sharp discussed the continuation of the Length of Service Award Program that was started last year and the continuance of the program in 2019.

New business- N/A

Commissioner Estep recommended that we entertain suggestions to enhance recruitment and retention.

Fire Marshal Tyree stated that he was questioned by legislatures specifically about recruitment and retention efforts for assistance. He was also asked about some strategies for recruitment and retention efforts.

Commissioner Mongold mentioned that Maryland has a committee that we could reach out and meet with their delegation for a place to start.

Commissioner Hess discussed that the average age of Gilmer county volunteers is 57 ½ years old and that younger people aren't becoming volunteers like they used too. Numbers are dwindling, but are hopeful that colleges may offer fire service programs to increase interest and also at vocational schools. WVU Fire Service Extension Director Mark Lambert mentioned that Greenbrier / Lewisburg placed their own fire department recruitment video on social media that was a good example of advertisement for volunteer fire departments. Commissioner Hess stated that Gilmer County had used this video and it received 2 new candidates from seeing this video.

Fire Marshal Tyree mentioned that Chief Cade from the National Fire Protection Association (NFPA) suggested looking into the Assistance to Firefighters Grant Program (AFG) that may provide funds to assist with recruitment efforts that others may be able to utilize. We will look at the various avenues that we can assist with these efforts.

Adjournment

Commissioner Estep moved to adjourn the meeting at 1:46PM. It was seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to accept the report. It was 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 – February 7, 2019 as follows:

Training Committee Meeting Report Meeting Minutes  
February 7, 2019

Call to order

Commissioner White called to order the regular meeting of the Training Committee Meeting at 1:10:PM on February 7, 2019 at the WV Fire Marshal's Office, Charleston, WV.

Roll call

Commissioner White conducted a roll call. The following commissioners were present:

Doug Estep  
Edward George  
Virgil White  
Tom Keefer  
Jim Oldaker

The following commissioners were absent: N/A

Unfinished Business

1. Consideration of Harper's Ferry Swiftwater Training Incident

Commissioner Gunnoe explained the incident and the seriousness of the issue that was reported at the December Fire Commission meeting.

Assistant Fire Marshal George Harms discussed his "Close Call" investigation. He was the Investigative supervisor who conducted the investigation and he read his report as follows:

*The Point of Harpers Ferry*

*Swift Water Rescue Training Incident September 9<sup>th</sup>, 2018*

*The West Virginia State Fire Marshal Accident Review Team Policy is created to determine the cause of an accident involving death or serious injury of agency personnel and any West Virginia Fire Service personnel while on duty. The accident investigation is a methodical collection of evidence, facts, and reasons of an incident. The goal of the analysis and interpretation of the collected evidence is to: 1) identify cause(s) of the accident, and 2) recommend corrective action(s) to prevent or minimize reoccurrence.*

*On September 9<sup>th</sup>, 2019, a significant incident occurred during a swift water training class on the Potomac river in Harpers Ferry, West Virginia. Over the course of the incident, five first responders and the instructor had difficulties during the training. Three students and the instructor were rescued by the Bakerton Volunteer Fire Department Swift Water Rescue team. The other two students made it to safety unassisted. Five of the first responders were evaluated for hypothermic symptoms by Jefferson County Ambulance Authority. The first responders were treated and released.*

*The training was sponsored by the West Virginia Public Training Organization. The class being conducted was Swift Water Rescue Level 1. The class was being sponsored by the Baker Heights Volunteer Fire Department. There was one certified swift water rescue instructor and one assistant. The assistant was not an instructor but had experience in navigating swift water. The class was conducted over three days, with the first day being (Wednesday September 5<sup>th</sup>, 2018) at the War Memorial pool for swimming*

evaluation and training. The next two days were conducted in the Shenandoah and the Potomac rivers at Harpers Ferry. The students skill set in the swift water was between inexperienced to experienced. The following are standards and guidelines used for establishing training;

- National Fire Protection Association (NFPA) Guide 1670 Standard on Operations and Training for Technical Search and Rescue Incidents.
- National Fire Protection Association Guide 1006 Standard for Technical Rescuer Professional Qualifications.
- Course syllabus, course assessment, instructors' guidelines and other documentation provided to the instructor for this course. By West Virginia Public Training organization.

Wednesday the 5<sup>th</sup> of September at the War Memorial pool a modified assessment was conducted by the instructor. The reason I use the term "modified" is because during my interviews when I asked a few of the students specifically if they had completed the NFPA 1670 five-skill swimming assessment sheet (below) I was told no. They did state that some of the skills were combined.

1: Free Swim - The rescuer must swim 300 yards using a forward stroke without stopping.

2: Snorkel Swim - The rescuer must swim 300 yards nonstop utilizing a mask, fins and snorkel without using hands or arms to swim.

3: Victim Tow -The rescuer must tow a victim, in a C-spine stabilizing manner (victim not to wear PFD), 100 yards nonstop.

4: Tread Water-The rescuer without the use of any swim or float aids, will stay afloat by treading water, bobbing, or drown proofing for 15 min.

5: Surface Dive -The rescuer, using a mask only, shall surface dive to a depth of 8ft and retrieve a 10 lb. weight from the bottom of the pool.

On Saturday 8<sup>th</sup>, 2018, the class went to the local whitewater rafting company and got wet suits. Note: some students had their own suits to use in the training class. The class was conducted in the Shenandoah river. By all accounts the instructor did a good job training. The water was low, not moving fast and described warm by some of the students. The training was completed with no issues or complaints.

On September 9<sup>th</sup>, 2018, the class was being conducted in the Shenandoah River. The instructor was going to do raft operations on this day and he requested his assistant obtain a motorized boat for this training. The motorized boat would be used to rescue any personnel who needed assistance in the water. The assistant contacted the VFD to get the boat and was told that the boat is unavailable due to repair work being done that day. The assistant reported this back to the instructor.

The training started by going over the previous days' training to reinforce what they learned. Then the students trained in the water (Shenandoah river) per outline below:

- how to get through the rapids
- know where the arrows in the water are located
- keeping their feet downstream
- Use your hands as rudders
- Heavy and fast swimming to get out of the rapids.

By all accounts the training was going well in the shallow section of the river. The students commented on the instructor's knowledge and experience on swift water rescue training.

The instructor then decided to finish up the training in the Potomac with a victim rescue situation. The area of training is considered "The Point of Harpers Ferry." This is where the Potomac and the Shenandoah rivers meet. The water on the river that day was moving a lot faster than the Shenandoah the day prior. The reported water level was 5.6 ft. on this day, normal is 3.5 ft. The water flow is measures in feet per second (fps) normal is 10,000 (fps). On this day the flow was reported to be at

20,000 fps. The water temperature was around 70 to 75 degrees. The weather was wet and rainy both days.

The training was being conducted in shallow section of the Potomac. They were training on packaging a patient on a backboard and placing him in the raft. There were two people in the water to lift the patient, one person on a backboard and two people in the raft to pull the patient into the raft, for a total of five students.

The instructor then wanted to see if the students could accomplish this task in deeper water. The instructor let the students go out into the deeper water. The students still could touch the bottom at the start of this evolution. The task was accomplished but the students realized that they were in a stronger current. The students tried to paddle back but the current was too strong. The students then made their way over to the Maryland side of the river. Two of the students who were holding onto the raft at the time, climbed out of the water and ran back to get help. The other students who were in the raft were going to secure the raft and climb out of the river and walk back over to the other side. Once they got to the Maryland side, they saw that the instructor tried to swim to them and now he was going down the river in the current. They tried to throw him a rope bag, but he was too far out. The students had to paddle out and try to rescue him with the raft. The students got to a rock where the instructor caught up to them and held onto the raft. They then lost contact with the rock, one of the students then jumped on to the next rock with one end of the rope bag, the other end of the rope bag was in the raft was being secured by another student. At that point they secured the raft and the three members on the raft and the instructor were stranded on the rock. None of them had any forms of communications or a whistle to alert help.

Prior to this the assistant stated that she was cold and had to get out of the water and go put some warm clothes on. The area where they parked the vehicle with all the equipment and clothing was around 3 tenths of a mile away from where they were training. She proceeded to the vehicle while the training continued. When she came back she heard calls for assistance. She ran back to the vehicle and got her radio and called for assistance.

The Bakerton and Baker Heights VFD responded and used a motorized craft to rescue 2 students at a time. All the students were evaluated by Emergency Services on the shore.

Suggestions:

- Do not vary from the assessment skill sheet. Swimming ability and physical fitness assessment as prerequisites to class participation should be of utmost importance before putting a beginning swift rescue student in a river.
- Having the appropriate safety resources in place, such as downstream safety nets.
- Have a minimum of two certified instructors for the swift water rescue training, more for larger classes.
- Have multiple forms of communication or a spotter on land. Mayday procedures need to be applied in all situations – they are not limited to structure fires.
- Personnel (including rescue swimmers) must be in voice, visual or radio contact.
- All students should have a least a whistle
- Have EMS on scene for swift water training.
- Always have a secondary motorized craft in swift water for rescue.
- Have a way to determine fps and water levels at the time of training and compare it to the student skill set at the time. This should be documented on the daily sheet. This information is available through the government or the local whitewater rafting companies.

Deputy Fire Marshal Sharp stated that he had invited Instructor Eddie Sankbal; who was conducting the training, and Bakerton VFD Fire Chief Josh Smith to either attend or send a letter explaining the incident from their perspectives to the Fire Commission meetings. Fire Chief Josh Smith did not send

a written response. Mr. Sankbal did send an email on 2/6/2019 and it was placed on the tablets of the Fire Commission.

Commissioner Gunnoe asked that Public Service Training (PST) Coordinator Dave Plume would come forward to answer some questions.

Commissioner Gunnoe asked "What's was required to be a Public Service Training Instructor? Mr. Plume stated the general requirements. Commissioner Gunnoe asked "Are there any guidelines for instructor to student ratios? Mr. Plume stated no, that the instructors follow the training standards. Commissioner Gunnoe asked "Does the Public Service Training provide any safety polices to their instructors? Mr. Plume stated no, that their instructors follow the safety guidelines of the curriculum being taught.

Commissioner Keefer asked if there are any safety protocols or guidelines that could be provided.

Chief Deputy State Fire Marshal Sharp explained that the instructor's reason for getting in the water was to maintain voice communication with the students in the raft.

Commissioner Keefer asked if there were any changes in procedures now? Mr. Plume said until today he hadn't received the report for review of the recommendations.

Commissioner Estep asked if PST would look at changes in procedures going forward?  
Commissioner George asked if PST training procedures need changed?  
Mr. Plume affirmed that they will look closer at their safety procedures.

Commissioner Mongold stated that going forward training safety guidelines should be established to prevent swiftwater incidents similar to this in the future.

Commissioner Gunnoe asked for clarification between a leisure float down the river and the rescue situation and that he felt like Mr. Plume and the Public Service Training agency weren't taking this as a serious incident.

Assistant Fire Marshal George Harms asked if he could play the radio recordings from the 911 call during the incident to provide clarity on the type of call that was provided to the communication center. Chief Deputy State Fire Marshal Sharp played back two of the electronic recordings.

Commissioner Mongold asked if the WVU Fire Service Extension had guidelines for swiftwater training and Mark Lambert stated that since he has been the director they have never taught a swiftwater rescue course.

Commissioner Keefer asked if both agencies will look at all training safety guidelines to make sure items are in place to make these training efforts safer?

Commissioner Gunnoe stated he thought now wouldn't be the right moment to make any motions on this issue and would like everyone to take this evening to think about everything that had been stated. He also stated that one of his concerns today was that this issue wasn't being taken serious when the training provided required first responders to be called to assist.

Commissioner Keefer made a motion to further this discussion at the full Fire Commission, seconded by Commissioner Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

2. James Porter- “Managing a Nonprofit Volunteer Fire Department Training Course”

Mr. Porter stated he just received the handout on the course that WVU Fire Service Extension Director Mark Lambert and General Counsel, Deputy State Auditor, Director - Public Integrity & Fraud Unit Steve Connolly are working on. He discussed an audit by one fire department and others that are having negative audits on their funding accountability. He stated he will review the handout and then speak more on this issue.

Steve Connolly spoke about why he wanted to get involved in this course and why it’s taken so long to get moving on the course content. He discussed the questionable issues of fiscal management that needs addressed by fire departments and that Fire Marshal Tyree had requested some type of outline for this course so that everyone understands the direction the content will follow. This information would be presented as guidelines and not legal advice. It would be a 4hour class with an exam that would be available on the State of WV Coursemill which is an online hosted training site and it would be available for everyone to take at no cost. Steve Connolly then discussed the chapter topics that would be included from the power point presentation and that this is his vision, but isn’t complete yet.

Commissioner White asked if this would only be offered online? Steve Connolly stated No, it would also be available on a flashdrive for those that didn’t have reliable internet service.

Mr. Porter stated that he disagreed with Mr. Connolly and stated that this course should only be presented in person so that it couldn’t be manipulated and he strongly disagrees with online training.

Fire Marshal Tyree said he appreciates everyone’s comments and that during his recent time working with the legislatures, that his recommendations would be to provide this course as an optional online or in person training. It is important and needs to be put in place. In his opinion, Legislature’s do not want any additional fire service mandatory courses and that they would prefer this type of training to be available online to make it more accessible to all.

Commissioner Gunnoe stated that this training could be monitored even if obtained online.

Steve Connolly stated that another thought was that they could separate this into modules to be more flexible for everyone, so that it’s completion could be over time and not necessarily at one time.

Commissioner Estep stated that this could be a weekend course or online, etc.

Steve Connolly stated he will be offering a similar course at various fire schools soon and hopes to have this specific course mostly finalized by the April Fire Commission meetings in Huntington, WV.

3. Consideration of Reciprocity of Equivalent Training Certificates (IFSAC, etc.)- Public Service Training and WVU Fire Service Extension.

Commissioner White began to discuss this issue and Public Service Training Coordinator Robbie Bailey and Ralph Kosar made suggestions to the Commission.

Commission Estep made a motion that any International Fire Service Accreditation Conference (IFSAC), Bureau of Apprenticeship and Training of the United States Department of Labor and Pro Board National Board on Fire Service Professional Qualifications Systems training certification be equivalent to WV Fire Commission approved certification, second by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner White stated that PST & WVU had requested further discussion concerning the approved WV Fire Commission Training listed on the WV Fire Marshal's website and asked if there are training course that need to be removed from the approved list online?

Public Service Training Coordinator Richard Gobble asked if the sponsoring agency on the volunteer training list could be updated to include PST/WVU and was told yes.

PST Coordinator Robbie Bailey asked the Fire Commission to turn to the next to the last page of the list and asked if the class listed as Volunteer Firemen's Insurance Service (VFIS) trademark class is something that should be included on this list. Commissioner White stated that VFIS is the only agency that can teach this class.

Mr. Bailey asked if PST/WVU is listed as issuing agency that they should provide a WV Fire Commission certificate and was answered yes.

New business

1. Reciprocity of Officer Training Review for Volunteer Fire Departments

Commissioner Oldaker discussed that during conversations with legislatures at the WV State Capital he felt that the WV Fire Commission should discuss the issues of fire officer training that includes topics like aerial ladders, collective bargaining, unions, etc that don't concern all fire departments. He stated that the Fire Commission needs to address the areas they could to protect the rule and see what options are available.

PST Ralph Kosar recommended that those legislatures look at the Fire Officer courses and tell everyone what they want taken out of the course. Then everyone will be able to look at. But if the courses are changed firefighters will not meet the NFPA standard. WVU Fire Service Extension Director Mark Lambert stated that they don't meet the standard now because WV didn't adopt the requirement that Fire Officers be certified as Fire Service Instructors.

Commissioner Oldaker stated that the NFPA Job Performance Requirements (JPRs) are required to be taught, but doesn't have to be evaluated by the standard.

Commissioner White stated that the concern he hears mostly is that the chapter that discusses unions, collective bargaining, grievances doesn't pertain to volunteers, so why do we have to learn about it? Commissioner White stated that volunteer fire departments could apply these concepts to their fire boards or local government and that he doesn't think we need to manipulate the content of the curriculum.

PST Ralph Kosar asked how do you teach two different topics to career firefighters and volunteer firefighters when they are in the same room taking the same course?

Commissioner Gunnoe stated that based on what Commissioner Oldaker has presented that the Fire Commission could remove the chapter in question from the curriculum.

PST Mike Freeman stated that the chapter in question is basically just a history of the union, career fire department and grievance procedures and doesn't see an issue with the material. Chief Deputy State Fire Marshal Sharp asked if there were questions on the exam based on this chapter. Mr. Freeman stated that there are No JPRs that come from that chapter and therefore No questions on the exam.

Commissioner Oldaker requested that the Fire Commission be provided with the fire officer 1 and 2 homework assignments to share with the legislatures and to tell them that there are no exam questions based on that chapter. Mr. Freeman stated that the Fire Commission should already have the manual somewhere in the office. Fire Marshal Tyree stated that we will pay for a copy and to just provide that to the WV Fire Commission.

Commissioner Oldaker made a motion to obtain the Fire Officer 1 and 2 training packet provided by the Public Service Training and WVU Fire Service Extension to the WV Fire Commission to the full Fire Commission, seconded by Commissioner George. With all the ayes and nays having been taken on a voice vote, the motion passed.

**2. Staff/Counsel-** Nothing to bring forth.

**3. WVU Fire Service Extension**

WVU Fire Service Extension Director Mark Lambert discussed the May 5 & 6 West Virginia Weekend to try again to obtain participation. Next week there will be a Decision-Making for Initial Company Operations (DMCO) class hosted with the Charleston Fire Department. WVU Fire Service will be working with the Public Service Training agency to provide classes at the Pipestem ESCAPE conference later this month. He also discussed working with Fire Marshal about funding for WV Fire Departments and looking closer at the data with assistance from WVU grad students. He hopes to have information to share at the April Fire Commission meeting. There will be a link provided to every fire department to collect their financial information for data review.

**4. WV Public Service Training/WV Dept. of Education**

PST Coordinator Robbie Bailey gave an update on the upcoming Emergency Services Conference at Pipestem "ESCAPE" Training Conference on February 19 through 24 and

reminded the fire commissioners that will be attending the Fire Marshal’s Roundtable on Sunday at 9am that he can provide them with lodging the night before. They are partnering with WVU Fire Service Extension to provide some classes as with other agencies. A few modular classes are being conducted and it’s been awhile since they’ve been able to offer an Arson 3 course.

**5. Misc. Comments / Questions**

Commissioner Estep asked why both the Hazmat Awareness and Operations course are required for Firefighter 1 certification. PST personnel stated that the standard changed and it became required. Also, that the National Fire Protection Association (NFPA) requires these courses for Fire Fighter 1 certification.

WVU Fire Service Extension Director Mark Lambert stated that if you take away Hazmat Operation then you are taking out decontamination training and because of the increased risk of cancer in firefighters, the future recommendation will be to have decontamination at all fire scenes, thus they will all need Operations to be able to do this.

**Adjournment**

Commissioner Estep moved to adjourn the meeting at 3:51PM, seconded by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham made a motion to accept the report. It was seconded by Commissioner Hess. With all the ayes and nays having been taken on a voice vote, the motion passed.

**• Operations Committee**

Fire Marshal Tyree stated that his staff will present their division reports: Deputy State Fire Marshal Allan Casto, Deputy State Fire Marshal Jason Baltic and Deputy State Fire Marshal Clarence Leake and that he will complete with the overall agency operations report.

**Deputy State Fire Marshal Casto shared his report on the Fire Service Division for the period of December 1, 2018 through January 31, 2019:**

	DEC	JAN	TWO MONTH TOTAL
Total Licenses Issued:	270	227	497
Total Certifications Issued:	29	26	55
Total Permits Issued:	30	26	56

Total Applications Processed:	186	238	424
Online Renewals:	50	54	104
Total Consumer Fireworks Certificates Issued			
Permanent:	0	0	0
Temporary:	0	0	0
Wholesaler:	0	1	1
Outdoor Storage:	0	0	0
Novelties:	5	688	693

FIRE DEPARTMENT SERVICES						
RECENT ACTIVITY						
2018						
	DEC 2018	JAN 2019	TOTAL	2018 YTD	FY2018	FY2017
<b>FIRE DEPT EVALUATIONS</b>	1	9	10	90	72	46
<b>DEPTS RECERTIFIED</b>	17	0	17	81	67	63
<b>DISCIPLINARY</b>	11	0	11	63	44	44
<b>180 DAYS</b>	9	0	9	43	48	46
<b>EMERGENCY VEHICLE PERMITS</b>						
<b>TOTAL PROCESSED</b>	29	16	45	522	582	718
<b>APPARATUS</b>	12	16	28	144	193	208
<b>PRIVATE</b>	17	0	17	378	389	510
<b>DEACTIVATED</b>	15	1	16	539	619	655
<b>APPARATUS</b>	2	0	2	121	154	133
<b>PRIVATE</b>	13	1	14	418	465	533
<b>VERIFIED AND REFUSED</b>	0	2	2	113	111	72
<b>APPARATUS</b>	0	2	2	32	32	44
<b>PRIVATE</b>	0	0	0	81	79	28
<b>NFIRS</b>						
<b>TOTAL REPORTS SUBMITTED</b>	6,475	2,053	8,528	124,551	126,185	133,285
<b>90 DAY GRACE</b>	0	65	65	243	250	223
<b>OUT OF GRACE</b>	3	38	41	241	235	198
<b>*FUNDING LOSS</b>	2	0	2	2	15	23
<b>NFIRS CLASSES TAUGHT</b>	0	0	0	2	0	5
<b>COUNTIES REPRESENTED IN NFIRS</b>	0	0	0	2	0	15

<b>NUMBER OF NFIRS STUDENTS</b>	0	0	0	4	0	66
<b>FIRE OFFICERS</b>						
<b>TOTAL SUBMITTED</b>	1	1	2	40	27	42
<b>FIRE OFFICER 1</b>	0	1	1	17	12	17
<b>FIRE OFFICER 2</b>	1	0	1	23	15	25
<b>FOIA REQUESTS (AS OF 7/1/16)</b>						
<b>REQUESTS RECEIVED</b>	9	15	24	153	170	154
<b>REPORTS PROCESSED</b>	17	27	44	276	311	1,381
<b>REPORTS RESEARCHED</b>	17	27	44	743	1,546	5,531
<b>*FUNDING LOSS</b>						
<b>ATHENS VFD 28101 MERCER</b>						
<b>EAST LYNN VFD 50109 WAYNE</b>						

**Deputy State Fire Marshal Baltic's report was given by Fire Marshal Tyree on the Investigation Division for the period of December 1, 2018 through January 31, 2019:**

Total Number of Fires 01JAN19 to 31JAN19 – 25

Accidental – 6

Incendiary – 6

Undetermined – 10

Fatality Total 01JAN19 to 31JAN19 – 7

Injury Total 01JAN19 to 31JAN19 – 0

Total \$ loss 01JAN19 to 31JAN19 - \$1,200,430

Educational - \$0

Mercantile - \$0

Other Structures - \$0

Outside / Special Properties - \$0

Residential - \$0

Storage - \$150,100

Vehicles - \$0

Total \$ loss 01JAN19 to 31JAN19 that are declared Incendiary - \$121,800

Total number of fires cleared by arrest or exceptional means – 2

Commissioner Gunnoe asked how the licensing was going for the fireworks legislation since the beginning of the program. Deputy Fire Marshal Casto stated we would have to get with those numbers and provide those later to the commission, but gave as details to the best of his recognition.

**Deputy State Fire Marshal Leake shared his report on the Inspection and Plans Review Division for the period of December 1, 2018 through December 31, 2018:**

420 Inspections Conducted

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

16 Occupancy Permits Issued

151 Licenses Checked

Complaint Investigations:

Investigated four (4) fire code complaints

Investigated one (1) electrical complaint

Investigated two (2) licensing complaints

Citations:

Two (2) in Putnam County – fire code violations

Court – Monroe County

Subject charged and found guilty of:

1. Obtaining by False Pretenses; (90 days in jail, reduced to 30 days), \$700.00 Restitution, Fined \$200.00 + \$160.25 Court Costs
2. One count of Financial Exploitation of an Elderly Person; Fined \$200.00 + \$160.25 Court Costs
3. One count of Performing Electrical Work without a License; Fined \$100.00 + \$160.25 Court Costs

Calhoun County Courthouse detail

Conducted exit checks at basketball games

Assisted Investigation Division on a fire in Boone County

Administered two (2) licensing tests

**REPORT TO THE STATE FIRE COMMISSION  
FIRE SAFETY INSPECTION & PLANS REVIEW DIVISION  
PERIOD OF JANUARY THRU DECEMBER 2018**

6200 Inspections Conducted

1709 Plans Reviewed (Does not count walk-in consultations with architects and designers)

195 Occupancy Permits Issued

3321 Licenses Checked

Complaint Investigations:

Investigated one hundred two (102) fire code complaints

Investigated twenty-nine (29) electrical complaints

Investigated six (6) blasting complaints

Investigated seven (7) licensing complaints

Fireworks:

317 Facilities/Tents  
257 Pyrotechnician Licenses  
97 Public Displays  
Five (5) complaints resulting in three (3) citations

Training:

Three divisional personnel attended a two-day Sprinkler/Standpipe class at the Ohio Fire Academy  
All divisional personnel attended an in-house class on explosive magazine inspections  
One member attended a six-day class on Water-Based Fire Protection System Plan Review at the National Fire Academy  
Four divisional personnel attended the Campus Fire Safety seminar in Morgantown  
Divisional personnel completed night firearms qualifications  
All divisional personnel attended classes at the EXPO  
Ten divisional personnel attended IAEI Electrical class  
Two divisional personnel attended an FBI IED Explosive Awareness class  
One divisional personnel attended a week-long training at the State Police Academy  
All divisional personnel completed firearms qualifications  
Three divisional personnel attended week long class at the National Fire Academy  
Seven to ten divisional personnel attended the Fire Marshal Academy  
All divisional personnel attended a three-day NFPA 101 & 1 class in Bridgeport West Virginia Fire Marshals Association  
Thirteen divisional personnel attended the fall IAAI fire investigation class in Morgantown  
One divisional personnel attended ISEE Blasting Conference in Jefferson County  
Eight divisional personnel attended the fall IAEI Electrical Seminars

Training continued:

Ten divisional personnel graduated from the Fire Marshal Academy

Court Hearings:

Cabell County – One conviction for performing electrical work without a license  
Greenbrier County – One conviction for fire code violations  
Braxton County – Two convictions for fire code violations – sentenced to 30 days in RJ  
Braxton County – Three convictions for fire code violations – sentenced to 30 days in RJ  
Raleigh County – One conviction for fire code violations – fine + court costs  
Greenbrier County – One conviction for fireworks violation  
Mercer County – Three (3) convictions for performing electrical work w/o a license  
Fine + court costs  
McDowell County – One (1) conviction for performing electrical work w/o a license  
Fine + court costs  
Greenbrier County – Conviction for fireworks violation  
Mason County – Conviction for performing electrical work without a license  
Cabell County – Two convictions for performing electrical work without a license  
Monroe County – Subject charged and convicted of:

1. Obtaining by False Pretenses; (90 days in jail, reduced to 30 days), \$700.00 Restitution, Fined \$200.00 + \$160.25 Court Costs
2. One count of Financial Exploitation of an Elderly Person; Fined \$200.00 + \$160.25 Court Costs

3. One count of Performing Electrical Work without a License; Fined \$100.00 + \$160.25 Court Costs

Administered thirty-seven (37) licensing tests

Investigated accidental school fires in Kanawha, Raleigh and Upshur Counties

Assisted the Investigation Division with fire fatalities in Berkeley County

Assisted the Investigation Division with arrests in the Eastern Panhandle

Assisted the Investigation Division on fires in Pocahontas and Randolph Counties

Assisted the investigation Division on a well pad fire in Doddridge County

Assisted the Investigation Division on an apartment complex fire in Greenbrier County

Assisted the Investigation Division on a residential fire in Randolph County

Assisted the Investigation Division with arrests in Berkeley County

Assisted the Investigation Division with fire w/fatalities in Hancock County

Assisted the Investigation Division with fires in Kanawha County

Assisted the Investigation Division with large loss fire in Berkeley County (Macy warehouse)

Assisted the Investigation Division with fires in Jefferson, Logan, McDowell and Mingo Counties

Assisted with Calhoun County Courthouse security detail

Involvement with LODD arrangements, visitations and funerals of Pratt firefighters

Assisted WVDEP and EPA on a hazardous materials incident in Cabell County

At the request of PEIA assisted with security and overcrowding at public hearing meetings

Monitored show choir events in Kanawha and Cabell Counties for overcrowding

Conducted exit checks at various basketball games

Conducted follow-up inspections on warehouses in Wood and Jackson Counties

Assisted the Secret Service with Presidential visit in Greenbrier County

Assisted with the visitations and funerals of LODD Pratt firefighters

Assisted with the State VICA skill competition

Presented fire safety/code training at the West Virginia School Service Personnel meeting in Morgantown

Provided in-service training to Upshur County school personnel

Attended Marlinton Fire Department awards ceremony

Presentation/Training at the Hospital Engineer's Association meeting

Presentation/Training to Mercer and Ritchie County school principals and staff

Game Day Inspection details at WVU and Marshall and after-hours street detail in Morgantown

Commissioner Mongold asked if the complaints are normally legitimate and Field Deputy Leake said unfortunately no, they are not.

Commissioner George asked if the division circles back around to these complaints as a follow up and Field Deputy Leake said yes if the complaint is legitimate.

### **Public Education Report- Public Information Specialist II Courtney Rosemond:**

#### **Public Education Accomplishments**

*DECEMBER 2018 TO FEBRUARY 2019*

Media Releases – 6

W.Va. State Fire Marshals make arrest in arson investigation  
W.Va. State Fire Marshals arrest firefighter in Mercer arson case  
W.Va. State Fire Marshals arrest 4 firefighters in McDowell arson cases  
W.Va. State Fire Marshals investigate deadly Clay fire  
W.Va. State Fire Marshals investigation aids in Marion County arrest  
State Fire Commission Officers Re-elected

Social Media interactions –425 new Facebook subscribers since Dec. 5th, weekly safety messages and news updates are disseminated through Facebook and Twitter.

Top engagement post: Media Release: McDowell Firefighter arrest  
80,492 people reached  
17,949 post clicks

Public Education Network – 0 new members since Dec. 2018, 126 total members since April 2016.

Public interactions completed – 4

Capital High School Visit  
Smoke Alarm Installation  
Child Fatality Review Team  
Fayette Co. Career Day

Ongoing Projects:

**Sound the Alarm Partnership:**

This spring the American Red Cross wants to install 100,000 free smoke alarms and raise funds for lifesaving services in more than 100 cities in all 50 states, Puerto Rico, and the U.S. Virgin Islands during Sound the Alarm home fire safety and smoke alarm installation events, April 27 - May 12, 2019. In West Virginia their goal is to install 2,000 alarms. They have three targeted areas that will host large rally points, Parkersburg (May 4<sup>th</sup>), Princeton (TBD) and South Charleston (TBD). All fire departments are encouraged to get involved to install smoke alarms in their communities. The Red Cross will also be looking for volunteers. Sign-up for the program begins on March 1<sup>st</sup>.

**ESCAPE 2019:**

What do statistics tell us about injuries and deaths from structure fires? Come learn what you can do to improve your department's approach to reducing fire risk within your community. This program is designed to train and equip students with fire prevention and life safety education based on the philosophy of Community Risk Reduction. We will identify the injury problem in our state, use appropriate prevention education programs and resources available for student's own use with high-risk groups in his or her community. The information gained will work to support activities directed toward a comprehensive strategy for fire prevention investment. The goal is to focus activities and energy in effective and collaborative efforts to help address the fire problem your community.

**History Project** - 110th anniversary of the founding of the WV Fire Marshal's Office will be celebrated in 2019 and as a part of this celebration, research is being done to include photos and bios of Fire Marshals' past. An anniversary edition booklet of the WV SFMO will be made available along with other commemorative items.

**52 Week Fire Prevention Guide** - Fire departments and residents in West Virginia will have access to a fire safety planning guide that covers seasonal topics. The guide is created with a weekly and monthly topic that includes safety topics, historic fire information and important practices to keep in mind. The guide is available on the WV State Fire Marshal's Office Website.

**Operations Report by State Fire Marshal Tyree:**

Mr. Chairman, members of the Commission:

- We've been extremely busy with normal duties, special assignments, and some organizational changes.
- Personnel Staffing:
  - New Employee: Kathryn Burns, Admin Secretary and Secretary, WV Fire Commission
  - Promotions/Reallocations: Kathryn Burns, Admin Sec. several other reallocations(promotions) in the works 7-10 by next Comm Meeting
  - Resignation/Termination/Retirement: Melissa Hapney, ASM 1, Chris Mahan, ASA1, Services
- We have 8 vacancies within the agency (one, Administrative Services Manager 1, two Inspector, one Investigator, one Plans Reviewer and one Public Information Specialists; one, Admin Services Asst 1; and two Licensing Regulatory Specialist in Services Division; we're continuing to fill vacancies.
- Legislative Bills update:
  - SB 177 87-4 WV SOS Filing, IECC Energy Code (change) & ASHRAE 90-1 is awaiting Governor's Signature
  - SB 526 & HB 2872 Codifying our Authority to Carry
  - Sb 4 & HB 2728 Making Municipal Home Rule a Permanent Program
  - SB 274 Changing Procedure for VFD to Report Spending of State Funds
  - SB 295 & 326 VFD Training & Equipment Fund Funding Bill
- Municipal Home Rule – Settlement Agreement has been approved and signed by this Commission and Municipal Home Rule to prevent city's from Non-Oversight of the State Building Code and other provisions like Licensing Requirements of Building Code Officials and Inspectors.
- Fire Department Loss of Funding:
  - (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 complying. There is no getting it back after hat.) Share info rec. letters from Treasury; we'll be making an inquiry to see if there are earlier notification/communications that can be provided to help and assist departments to prevent the loss of their distributions.
- Fire Fatalities 42 down from 58.

- 110<sup>th</sup> Anniversary in 2019
  - Anniversary Logo; Commemorative Items
  - July 15, 2019 Open House Birthday
  - Employee Dinner / Dance Date TBD
  
- WV PUBLIC SAFETY Expo Classes: Fire Marshal Track; planning completed for 2019
  - Reminder of our 3<sup>rd</sup> Annual Fire Safety Summit
  - May 9<sup>th</sup> from 6 – 8:30 at the Charleston Coliseum & Convention Ctr
  
- Partnership with the American Red Cross continues they'll have another Sound the Alarm; Smoke Alarm Installation project April 27 to May 12; there is already a large commitment for single day project by Wood County Fire Departments on May 4<sup>th</sup> with a goal of installing 1500 smoke alarms that day. I'd encourage each of us to get involved in whatever way we can.
  
- Entertain questions! Made clarification on 87-6 pertaining to how the rule does have application of all Fire Depts and the Fire Commission has enforcement authority pertaining to certification and training of all State Fire Departments.

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

**UNFINISHED BUSINESS:**

**Consideration of Martinsburg Fire Department Evaluation Update**

Commissioner Gunnoe stated there were no further issues and Martinsburg Fire Department will be recertified and they are in the process of appointing a new fire chief.

**Consideration of Harper's Ferry Swiftwater Training Incident**

Commissioner Gunnoe called for comments from other commissioners and the audience.

Public Service Training Coordinator David Plume stated that the public service coordinators want to thank the WV Fire Commission for bringing these issues to their attention and will look at the National Fire Protection Association (NFPA) and other standards and will make a written safety procedure/policy to present at the next Fire Commission meeting. Also, mentioned that the Fire Office 1 packet of materials were brought today for review by the WV Fire Commission.

Commissioner Gunnoe recommended that a letter be sent to the head of the Public Service Training agency to inform them of the concerns from this swiftwater training incident and asked if someone would like to make this motion? He also stated that he would like to formally follow up on these types of close call investigative reports. Commissioner Gunnoe asked if the Public Service Training (PST) or WVU Fire Service Extension agencies had other swiftwater training scheduled? The response from both agencies was nothing scheduled at this time. PST Coordinator Robbie Bailey stated that with that being said Spring is coming and he expects requests for swiftwater training coming as flood season will be here. Commissioner Gunnoe emphasized that any training between now and the next Fire Commission

meeting in April should be completed with due diligence after the concerns discussed and asked who this letter from the Fire Commission should be sent too?

PST Coordinator David Plume said to send it to to Mendy Marshall, Executive Director of Adult Education.

Commissioner George made a motion to prepare a letter to send to Mendy Marshall, Executive Director of Adult Education with a copy of the Harper's Ferry Swiftwater Incident report, the safety concerns that the WV Fire Commission has, and request an official response returned to the WV Fire Commission at the next meeting stating what safety precautions and procedures are being put in place, etc., seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

PST Coordinator Robbie Bailey informed the Fire Commission that there were other 3<sup>rd</sup> party swiftwater training contracted agencies outside of PST and WVU Fire Service Extension that provide this training too.

Commissioner Gunnoe stated that in the beginning he thought that this incident may've been through a 3<sup>rd</sup> party training agency and was thinking about what the Fire Commission could do to address them. This was before he found out that it was a Public Service Training Instructor that provided the training.

#### **Consideration of Reciprocity of Equivalent Training Certificates (IFSAC, Pro-Board, etc.)**

Commissioner Gunnoe asked if equivalency of all these certifications could be misinterpreted that someone in a career department having one of the other certifications would be exempt from the United States Department of Labor Apprenticeship program. There was discussion that this isn't the intent of this equivalent training clarification and that this was to assist the Public Service Training and WVU Fire Service Extension personnel when these types of reciprocity requests are made.

Commission White made a motion that International Fire Service Accreditation Conference (IFSAC) certifications, Bureau of Apprenticeship and Training of the United States Department of Labor certifications and Pro Board National Board on Fire Service Professional Qualifications Systems training certifications be equivalent to WV Fire Commission approved certification, second by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

#### **Consideration of 2018-051**

Commissioner Eastham made a motion to grant the Bunner's Ridge Volunteer Fire Department until the next regularly scheduled Fire Commission meeting an extension to correct deficiencies, second by Commissioner Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

#### **Consideration of 2018-055**

Commissioner Estep made a motion to grant the Rand Volunteer Fire Department until the next regularly scheduled Fire Commission meeting an extension to correct deficiencies and to send a letter to Rand VFD Fire Chief Bill White stating how important it is to get these deficiencies during the first extension of 180 days and that he personally appear at the next Fire Commission meeting, seconded by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.

Kanawha County Emergency Manager CW Sigman asked if a firefighter did not have any formal swiftwater training and responded to a swiftwater rescue situation and they had a failed attempt, what would happen? Commissioner George commented that there may be a duty to act for a first responder and in situations like this the Good Samaritan act may apply to situations like this.

Kanawha County Emergency Manager CW Sigman then asked if there's a law that prevents first responders from attempting a swiftwater rescue without formal training? The response was that there isn't a law that requires swiftwater training to respond to a call.

Commissioner Gunnoe stated that all training classes the Fire Commission approves and issues certificates for need to have safeguards in place to lessen the risk of harm to the participants.

Commissioner White stated that the WV Fire Commission has a Memorandum of Understanding (MOU) with the Public Service Training and WVU Fire Service Extension agencies not only to provide these classes, but to insure that they are implemented safely and correctly.

**NEW BUSINESS:**

**Consideration of 2018-090, 2019-001, 2019-004, 2019-005, 2019-008 and 2019-009.**

Commissioner Mongold made a motion to grant the Wharnccliffe Volunteer Fire Department (VFD), Green Valley VFD, Ona VFD, City of Huntington Fire Department, Salt Rock VFD and Culloden VFD 180day extension to correct deficiencies as reported in the Disciplinary Committee Report, with a second by Commissioner George. With all the ayes and nays having been taken on a voice vote, the motion passed.

**Consideration of Fire Officer 1 & 2 Applications**

Commissioner Mongol made a motion to accept and approve the following applications for Fire Officer Training Certifications:

Justin Antle	FO 2	City of Huntington
Brent Kessler	FO 1	Charleston Fire Department

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

**Consideration of Recertification of Fire Departments**

Commissioner Mongold made a motion to accept and approve Recertification of the following fire departments, noting they are coming out of 180-day extension:

East Lynn	Wayne County
Wayne	Wayne County
Lavalette	Wayne County
Greenwood	Doddridge County
Buffalo Creek	Logan County
Logan County # 2	Logan County

Town of Man  
Bakerton  
Martinsburg

Logan County  
Jefferson County  
Berkeley County

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

Commissioner Mongold made a motion to accept and approve recertification of the following fire departments, noting these departments had perfect evaluations:

Ohio River Road  
Milton  
Elkins

Cabell County  
Cabell County  
Randolph County

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

### **Consideration of Legislative Rule 87-5-3 Exemptions- Mike Reel- WV Association of Home Inspectors.**

Commissioner Eastham made a motion to allow home inspectors to offer more advanced or specialized inspections and to recommend to the Full Commission, with a second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

### **Consideration of New 180 Day Request Form**

Commissioner Eastham made a motion to recommend the approval of the New 180 Day Request Form, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

### **Consideration of Imminent Risk of Harm List for Fire Department Evaluations**

Commissioner Gunnoe discussed removing item # 2 No Self-Contained Breathing Apparatus (SCBA) Annual Flow Testing (How long of period since last flow test?) with Commissioner Keefer, Mongold and Oldaker and that after removal this would continue to be an item that would be covered under the NOTE at the bottom of the list that states: *\*Note: This List is not all inclusive.* Asst. Fire Marshal Bradley Scott reassured the Fire Commission that whenever he requested a fire department to voluntarily shut down (beyond not having workers compensation, liability or property insurance coverage) there were multiple infractions during the evaluation, not just one item.

Commissioner Mongold made a motion to recommend the approval of the Imminent Risk of Harm List for Fire Department Evaluations with the removal of Item #2 No Self-Contained Breathing Apparatus (SCBA) Annual Flow Testing (How long of period since last flow test?), seconded by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.

### **Consideration of Nicholas County Fire Boundary Update Approval**

Commissioner Mongold made a motion to recommend the approval of the Nicholas County Fire Boundary Update, seconded by Commissioner Hess. With all the ayes and nays having been taken on a voice vote, the motion passed.

### **Consideration of Fire Commission Legislative Liaison**

Commissioner Gunnoe discussed the approval of Commissioner George and Commissioner Shriver as the WV Fire Commission's representatives during the WV Legislative Sessions.

Commissioner White made a motion to recommend the approval of Commissioner George and Commissioner Shriver as the WV Fire Commission's representatives during the WV Legislative Sessions, seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

### **Consideration of Fire Officer Training Review for Volunteer Fire Departments**

Commissioner Oldaker discussed the issues that was brought up to him during conversations with legislators at the WV State Capital concerning the Fire Officer 1 course.

Public Service Training Coordinator David Plume stated that the Fire Officer Student Manual and a flashdrive with the instructor materials were provided this morning for review by the Fire Commission as requested from the Training Committee Meeting yesterday.

Commissioner Oldaker will review this information with other commissioners to consider recommendations for further action.

### **Consideration of Oxford House Legal Review**

Fire Marshal Tyree stated that general counsel Will Valentino was doing a legal review of Oxford Houses and how these facilities pertain to WV legal cases. There are 28 registered Oxford Houses in WV and legal precedence that requires these facilities not to exceed 16 people in a residence. When you go beyond the number of 5 people in a sober living facility, these facilities possible require sprinkler systems and fire alarm systems. Fire code enforcement can't be placed upon these facilities and there are concerns about the safety of these places and addiction / sober living facilities. The Department of Military Affairs and Public Safety (DMAPS) legal team is looking at those that are not considered registered Oxford houses, but say they are "like" registered Oxford Houses to provide an opinion to the Fire Commission.

Commissioner Gunnoe discussed the requirements of the nonprofit Oxford House residents and living arrangements of these facilities and the difference in a boarding house facility. He mentioned that there are both types in Charleston, but others that want to be treated like registered Oxford Houses technically don't meet the requirements of a registered Oxford House.

Fire Marshal Tyree stated that there are 3 registered Oxford Houses in Charleston, 4 in Huntington and 4 in Martinsburg. Commissioner Gunnoe asked when we would have guidance on this Oxford House issue from legal counsel. Fire Marshal Tyree stated that the DMAPS legal team is very busy presently with the legislature session, but he knew legal counsel Will Valentino has been working on this.

Commissioner Gunnoe recognized Charleston Fire Department Captain Shank and asked if he had any additional comments on this issue. He responded that there is some conflict between planning commissions classifying sober living facilities as Oxford Houses, when they are not. That is why this issue needs clarification to assist with the fire code enforcement of these sober living facilities.

Fire Marshal Tyree stated he is hopeful we will have a response from the DMAPS legal counsel by the April Fire Commission meeting.

**CORRESPONDENCE:** Chief Deputy State Fire Marshal Sharp stated that there was only one piece of correspondence:

Greenbrier Valley Rural Volunteer Fire Department appreciation letter from the department President James Wiseman to Assistant Fire Marshal Bradley Scott with his assistance in finding two fire engines for their department to purchase.

**SPEAKERS:**

- 1) James Porter- Asked Commissioner Camp if he most often met with the Fire Chief of a department? Commissioner Camp replied yes, but also on occasion met with a member of a Fire Service Board. Mr. Porter stated that his main concern is to better train Fire Boards throughout the state and prevent some of the fraudulent issues that come up in some fire departments. Concerning the "Managing a Nonprofit Volunteer Fire Department Training Course", he will review the materials he was given and make his own recommendations to the WVU Fire Service Extension.

Mr. Porter asked how long this course will take to complete? Commissioner White state it could vary, but progress is beginning on this project.

Commissioner Mongold asked Mr. Porter to send all training ideas to the Fire Marshal's Office to forward to Steve Connolly and Mark Lambert, etc. in advance of the April Fire Commission meeting because the program may be completed and presented at the April meeting.

- 2) Jack E. Jamison, Jr.- Did not attend.

**GOOD OF THE ORDER:**

Commissioner Hart stated that he has been working with the WV State Fire Marshal's Investigation Division and Fire Inspection Division during the month of January and stated that everyone that he has been working with has been very professional and that there may be an arson arrest soon.

Commissioner Hess stated that there was a funeral for a 98 year old man that was one of the founding members of the fire department in Gilmer County and that Assistant Fire Marshal Alloway represented the WV Fire Marshal's Office in a very professional and positive manner and thanked Fire Marshal Tyree for sending him.

**2019 Fire Commission Meeting Dates & Locations Announced:**

April 24 & 25 (Wednesday & Thursday) Huntington, WV- Pullman Plaza Hotel that will become a Hilton DoubleTree in April after renovations are completed.

June 6 & 7 (Thursday & Friday) Charleston, WV – WV Fire Marshal's Office.

August 14 & 15 (Wednesday & Thursday) The Inn at Charles Town, Jefferson County, WV in conjunction with the WV State Fireman's Association Convention.

October 17 & 18 (Thursday & Friday) Charleston, WV – WV Fire Marshal's Office.

December 5 & 6 (Thursday & Friday) Stonewall Jackson Resort, Logan, WV.

**Other events you may be interested in for 2019:**

Decision-Making for Initial Company Operations Course on February 12 & 13, 2019  
National Fire Academy Courses offered at the Charleston Civic Center, WV.

ESCAPE Conference @ Pipestem, WV February 19-24, 2019

Fire Depart. Instructors Conference (FDIC) Indianapolis, IN April 8-13, 2019

WVU Junior Firefighter Camp, Weston, WV June 15-20, 2019

WV State Fire Marshal's 110<sup>th</sup> Anniversary, Charleston Open House Celebration- July 15, 2019

World Scout Jamboree, Glen Jean, WV July 22 – August 2, 2019

WV Fireman's Association 2019 Convention Dates. Arrive on Wednesday evening August 14. Opening of convention is Thursday August 15, 2019 through Saturday August 17.

TIME AND PLACE OF NEXT MEETING(S):

Next regularly scheduled Committee Meetings will take place Wednesday, April 24, 2019 at the Pullman Plaza Hotel (will become a Hilton Double Tree in April), Huntington, WV beginning at 10:00 a.m.

Next regularly scheduled Commission Meeting will take place Thursday, April 25, 2019 at the Pullman Plaza Hotel (will become a Hilton Double Tree in April), Huntington, WV beginning at 9:00 a.m.

ADJOURN:

Commissioner White made a motion to adjourn at 11:27AM, seconded by Commissioner Oldaker, with all the ayes and nays having been taken on a voice vote, the motion passed.

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