

**STATE FIRE COMMISSION MEETING**  
**Holiday Inn**  
**South Charleston, WV**  
**December 6, 2013**

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

**COMMISSIONERS PRESENT:**

Bob Sullivan, Chairman	Grant Gunnoe
John Holstein	Gary Bonnett
Thomas Keefer	Robert S. Miller
Doug Mongold	Larry Goodwin
Rick Scott	Carl Sizemore
Virgil White	Mike Butcher
Ted Shriver	

**APPROVAL OF MINUTES**

Commissioner White made a motion to accept and approve the minutes of the October 16, 2013 regular meeting. Commissioner Scott seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

**COMMITTEE REPORTS:**

Training Committee –

The Training committee met at the Holiday Inn West in South Charleston at 13:10 hours.

Commissioners present were White, Miller, Scott, Goodwin, and Holstein.

Unfinished Business.

Staff presented a presentation on the differences of career and volunteer departments in regards to training and apparatus equipment. This was done by Assistant Fire Marshal Provasnik. He showed several charts with these comparisons. He raised the concern of combination fire departments and how they would be classified. This is something the committee is looking into with legal council to get a clarification.

RESA/West Virginia Department of Education

Dr. Varner presented the committee with a list of the differences of the 2008 and 2013 curriculum change. There was a concern over the HazMat awareness and HazMat Ops classes in regards to Firefighter Level 1. This was conveyed by Tom Miller of the State Fireman's Association (WVSFA). Mike Freeman of RESA gave an explanation to try and clear the confusion of this. It was then discussed that in the 2013 standards it recommends physicals that must meet NFPA 1582 before certain training can be done. This discussion went in depth and concerns of cost and feasibility to justify this. This concern was conveyed by Jim Oldaker of the WVSFA. Commissioner Gunnoe stated that the career departments already adhere to the type of physical prior to employment. It was stated by Chairman White that the standard would be looked at further for the volunteer departments and any curriculum change pertaining to the 2013 standards would be for the career departments. Commissioner Scott stated that the career fire departments that participate in the JATC program has already adopted the 2013 standards.

RESA and WVDE submitted two curriculums to address the volunteer training and career training for FF1, FF2, HazMat Awareness, HazMat Awareness&Ops.

A motion was made by Commissioner Scott, 2nd by Commissioner Holstein to take before the full commission to approve the FF1 curriculum for the career departments with the deletion of the 1 minute rule for donning PPE. All yeas.

A motion was made by Commissioner Miller 2nd by Commissioner Holstein to take to the full commission for approval to accept the volunteer curriculum for FF1 with the same exception of the 2008 standards for the 30 day comment period for approval. All yeas.

Motion by Commissioner Goodwin 2nd by Commissioner Miller to take to the full commission for approval to accept the volunteer curriculum for FF2, HazMat Awareness, HazMat Awareness&Ops with the same exception of the 2008 standards for the 30 day comment period. All yeas.

A motion made by Commissioner Scott 2nd by Commissioner Miller to take before the full commission to approve the FF1, FF2, HazMat Awareness, HazMat Awareness&Ops curriculum for the career departments. All yeas.

West Virginia Fire Service Extension (WVFSE)

Lanny Adkins stated that Dept. Of Energy is having a class on nuclear transport. This will be held in January on the 8,9,10&11. This is a 2 day class and will be help at the Training Academy. It is open to anyone that is involved in interstate operations. Such as fire,ems,police, state road, etc. The cost is free.

Public questions or comments

None

Motion by Commissioner Goodwin 2nd by Miller to adjourn. All yeas.

Meeting concluded at 1445 hours.

Commissioner White made a motion to accept the volunteer curriculum for FF1 with the saem exception of the 2008 standards for the 30 day comment period for approval. The motion was seconded by Commissioner Sizemore. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner White made a motion to approve FF1 curriculum for the career departments with the deletion of the 1 minute rule for donning PPE. Commissioner Mongold seconded the motion. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner White made a motion to approve FFI, FF2, HazMat Awareness, HazMat Awareness&Ops curriculum for the career departments. Commissioner Gunnoe seconded the motion. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner White made a motion to accept the volunteer curriculum for FF2, HazMat Awareness, HazMat Awareness&Ops with the same exception of the 2008 standards. Commissioner Sizemore seconded the motion. With all the ayes and nays having been taken on a voice vote, the motion passed.

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

Disciplinary Committee –

Minutes are attached to the end of this document.

Motion was made by Commissioner Mongold to accept these issues. Commissioner White seconded the motion. With all the ayes and nays having been taken on a voice vote, the motion passed. Commissioner Gunnoe was opposed to this.

Discussion was held on the City of Clarksburg and Commissioner Scott excused himself from the discussion. It was decided the Commission has no authority on code enforcement complaints.

Discussion was held that when a department is not paying workers compensation someone needs to be notified.

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

Legislative Codes & Regulations Committee-  
**Legislative Code and Regulatory Committee**  
**December 5, 2013**  
**Holiday Inn West, South Charleston, WV**

**Call to Order**

The Noticed Meeting for 2:00pm was called to order at 3:00pm by Co-Chairman Shriver.

**Roll Call**

A quorum was present with Co-Chairman Gunnoe, Commission members Goodwin, Bonnett and Keefer along with Fire Marshal Carrico and Counsel Steve Connally.

**Delegations**

Co-Chairman Shriver asked if anyone would like to speak in regards to the Agenda or any items they wish for us to add to future meetings.

**Old Business**

Fire Marshal Carrico reported that the Fire Code Rule, Home Inspector Rule, Electrical Inspectors Rule were moving along in the Legislative Interims with little changes or issues. Co-Chairman Shriver asked that Co-Chairman Gunnoe and I be notice of any future meetings.

Commissioner Gunnoe then followed up by saying that all Commissioners should be notified of any event or meeting so that we can be informed when someone calls or inquires.

Entertain a motion

City of Hurricane Ordinance and issue with the Home Inspectors is still in litigation but we hear that mediation and resolution is near.

**New Business**

No other Legislative items were discussed other than those in Old Business except Commissioner Bonnett discussed his recent findings while attending the Mid Atlantic Conference where Kentucky Fire Fighters are self insured for Workers Compensation. He has asked that West Virginia look into this as an option.

Since the Marshals' Office Notice of the Cease and Desists to The City of Weston, they have asked for a Provisional Status of their Building Code Official due to them not having a certified person but they now have a qualified person retained and have begun the testing process. Counsel stated that the adoption of their Building Code needs refined to meet the intent of the Commission and the State Law for the State Building Code.

Page 2

The Committee voted unanimously to Grant the Provisional Status to the City of Weston for their Code Enforcement once the Marshals' Office has the proper paperwork and Resolution of the Building Code in their possession.

Entertain a Motion

The City of Clarksburg was on the Agenda regarding their Code Official but the City has withdrawn the request for discussion.

AmeriSpec has submitted all the proper documents for requesting to be a testing entity of the 80 hour Home Inspectors training. The Committee voted unanimously accepted AmeriSpec and requested that the Marshals' office review the past accepted entities to make sure they meet the newest requirements of the Law.

Entertain a Motion

Much discussion was centered on the Building Code Officials and the disciplinary authority of the Fire Marshal and the Committee voted unanimously to direct the Staff and Counsel to begin working on a complete rewrite of the Rule.

Entertain a Motion

### **Adjourn**

We were adjourned at 3:49pm with a Motion entertained by Co-Chair Shriver and Second by Co-Chair Gunnoe

Report by Ted A Shriver, Co-Chairman

Commissioner Gunnoe made a motion to grant provisional status to the City of Weston when correct paperwork comes in. Commissioner Holstein seconded the motion. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Scott made a motion for the Staff to rewrite the building code officials and the disciplinary authority of the Fire Marshal. Commissioner Holstein seconded the motion. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Gunnoe made a motion to accept AmeriSpec Home Inspector training. Commissioner White seconded the motion. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Gunnoe made a motion to notify the full Commission by either text and or email of any legislative meetings. Commissioner Miller seconded the motion. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner White made a motion to accept the committee's report. Chairman Sullivan seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Fire Department Services Committee –

Fire Dept. Services Committee: December 5, 2013, 1000 hours.

Commissioners present: Sizemore, Butcher, Gunnoe, Mongold, and Miller.

FO1 applicants approved: James Lester, Baisden VFD

FO2 applicants approved: Carl Eastham, Huntington Fire Dept. and James Lester, Baisden VFD

Discussion on recertification of fire departments. Motion by Commissioner Miller to recertify the following departments: Bancroft VFD, Hearts VFD, Middleway VFD, West Hamlin VFD and Bethlehem VFD. 2nd by Commissioner Butcher and motion carried.

Discussion on Upshur county commission correspondence in reference to the emergency zone mapping. Motion by Commissioner Gunnoe to bring this issue before the full commission. 2nd by Commissioner Miller. Motion carried.

Discussion on the evaluation process of career and combination fire departments. Discussion on definitions of each of these fire department classifications. Discussion on changes that need to be made to the administrative policy and the continuation on the work of these changes.

Discussion on the reciprocity training for that is on the website. RESA suggested that they be added along with the chief of the applicant to sign off on verification. RESA to present form changes to the next meeting.

Committee adjourned at 1115 hours.

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

Operations Committee-

Operations Committee: December 5, 2013 at 1600 hours.

Commissioners present: Sizemore, White, Holstein, Keefer, and Mongold.

Acting Fire Marshall Carrico reported on the following: Real Estate - right now the best option is looking at staying at the present location with acquiring additional space in the building. HB103 acting Fire Marshall Carrico presented a prepared statement that he provided to the joint committee on finance. No response back as of yet.

Stated that Reed Cook is retiring December 31, 2013 with 24 years of service. Motion by Commissioner White to allow Reed Cook and Carol Nolte to retain their assigned service weapons upon retirement. Second by Commissioner Mongold and motion carried.

New evidence locker has been obtained for the warehouse in Elkview. In near future, evidence will be moved from current location to the warehouse.

Hired a new employee in the plans and review department. Also in the process of hiring a 3rd employee for the plans and review department. This will free up additional inspectors for field work. Discussion on retention and low pay issue.

In the process of replacing 4 vehicles within the department.

Meeting adjourned at 1625 hours.

Commissioner Mongold made a motion to allow Carol Nolte to retain her service weapon. Commissioner Holstein seconded the motion. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Goodwin made a motion to allow Reed Cook to retain his service weapon. Commissioner Bonnett seconded the motion. With all the ayes and nays having be taken on a voice vote, the motion passed.

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

**STAFF REPORT** Nothing to add from the Operations Report.

### **UNFINISHED BUSINESS**

Fire Marshal Posting; Nothing new to report at this time.

City of Hurricane Ordinance; Has already been discussed.

All Fire Department issues have already been discussed.

Commissioner Holstein made a motion to recertify the Logan County #2 VFD. Commissioner Gunnoe seconded the motion. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to recertify the Philippi VFD. Commissioner Bonnett seconded the motion. With all the ayes and nays having been taken on a voice vote, the motion passed.

Mabscott VFD; Has entered into a consent decree.

Alkire vs State Fire Marshal; Brim counsel is dealing with and they are in court as of 9:00 AM today.

Legislative rules; Discussion was held.

Evaluations of Career and Combination FDs; discussion was held on a revision of policy to be continued at the next meeting.

2013-lic-003; no penalties for this improper work.

### **NEW BUSINESS**

Upshur County Commission Boundary Change Request; Commissioner Bonnett recused himself. ASFM Provaznik spoke on and staff recommends granting the boundary exchange. Chief Bonnett tells his departments issues. The Chiefs were not consulted reason why he did not sign. Feels it should go back and be looked at again.

Commissioner Mongold made a motion to postpone for 60 days. Commissioner Butcher seconded the motion. All the ayes and nays having been taken on a voice vote, the motion passed. Note that Commissioner Bonnett abstained from voting.

City of Kenova Request for Provisional Status; Commissioner Miller makes a motion to move to the June meeting. Commissioner Gunnoe seconded the motion. All the ayes and nays having been taken on a voice vote, the motion passed.

City of Clarksburg request for extension of current provisional status; withdrawn.

Burgess v Shepardstown; Counsel Connolly spoke on this and discussion was held.

Commissioner Miller made a motion to join the lawsuit. Commissioner Mongold seconded the motion. With all the ayes and nays having been taken on a voice vote, the motion passed.

### **CORRESPONDENCE**

Greenbrier County; Counsel Connolly says they adopted an invalid code with the wrong standard for property maintenance.

### **GOOD OF THE ORDER**

Chairman Sullivan says our fire fatality rate is number one and that is inexcusable. The legislature is asking what we are going to do about. Public Education is to give a recommendation within thirty days of how to proceed.

Acting State Fire Marshal Tony Carrico says ASFM Provaznik is handling the Public Education duties. They have little resources to work with. Residential sprinklers would greatly help. The General Revenue fund is going to the public service announcements and other media outlets.

Would like to know the amount the cigarette fund and start a Public Education committee by the next meeting.

**TIME AND PLACE OF NEXT MEETING**

To be announced as soon as possible.

**ADJOURN**

Commissioner Scott made a motion to adjourn. Commissioner Shriver seconded the motion. Motion passed.



**Wes Virginia State Fire Commission Disciplinary Committee Minutes December 5, 2013**

Meeting called to order by Chairman Rick Scott with committee members Gary Bonnett and Ted Shriver present.

Motion by Commissioner Bonnett, seconded by Commissioner Shriver to go into executive session to discuss the following disciplinary actions.

**Old Business:**

2013-02 (Mabscott VFD) Recommendation to accept consent order, motion by Commissioner Bonnett, seconded by Commissioner Shriver, all in favor.

2013-03(Chapel VFD) Recommendation to accept consent order, motion by Commissioner Bonnett, seconded by Commissioner Shriver, all in favor.

2013-17 Recommendation to postpone until February meeting, motion by Commissioner Shriver, seconded by Commissioner Bonnett.

2013-28 Recommendation to grant 180 day extension, motion by Commissioner Shriver, seconded by Commissioner Bonnett.

2013-29 Recommendation to grant 180 day extension, motion by Commissioner Shriver, seconded by Commissioner Bonnett.

2013-30 Recommendation to recertify, motion by Commissioner Bonnett, seconded by Commissioner Shriver, all in favor.

2013-31 Recommendation to grant 180 day extension, motion by Commissioner Shriver, seconded by Commissioner Bonnett.

2013-32 Recommendation to grant 180 day extension, motion by Commissioner Shriver, seconded by Commissioner Bonnett.

2013-34 (Warrencliff VFD) Recommendation to accept consent order, motion by Commissioner Bonnett, seconded by Commissioner Shriver, all in favor.

Motion by Commissioner Shriver to return to general session, seconded by Commissioner Bonnett.

**New Business:** City of Clarksburg Code enforcement. Commissioner Scott excused himself. Commissioner Shriver chaired. Three complaints were reviewed and Committee was informed by council that the Commission does not have the authority to issue a disciplinary action under the code. Motion by Commissioner Bonnett to accept council's recommendation, seconded by Commissioner Shriver. There was a discussion on requiring workers comp insurance companies to notify the fire department services division when a fire departments workers comp has lapsed. Motion by Commissioner Shriver to adjourn, seconded by Commissioner Bonnett, all in favor.

Respectfully submitted,



Rick Scott  
Disciplinary Committee  
Chair