

**State Fire Commission Meeting**  
**Holiday Inn Express, Elkins, WV**  
June 17, 2015

The official business meeting was called to order at 0903 by Chairman Carl Sizemore.

**Commissioners Present:**

Dave Camp, Larry Goodwin, Grant Gunnoe, John Holstein, Doug Mongold, Rick Scott, Ted Shriver, Carl Sizemore and Virgil White

**Commissioners Absent:**

Gary Bonnett, Tom Keefer, Robert S. Miller, Vic Stallard

**Approval of Minutes:**

Commissioner Mongold made a motion to accept and approve the minutes of the April 15m 2915 regular meeting. Commissioner Goodwin seconded the motion. The ayes and nays having been taken on the voice vote, the motion passed.

**Committee Reports:**

**Training Committee Report**

Called to order at 1145.

Members Present; Commissioners White (Chair), Scott, and Holstein.

Unfinished Business-

Technical Rescue Core Class Written Examination- Commissioner Grant Gunnoe discussed written exam concerns from paid and volunteers chiefs that the test questions reflect only a few chapters of the book and would like to have it reviewed. RESA Mike Freeman responded that it was rewritten approximately one month ago to reflect at least 2 questions from each chapter. In question is NFPA 1670 qualifications in comparison to the NFPA 1006 (Previous exam was written based on the 1006 standard before). Many of the chapters are not in the NFPA 1006 standard. Skills did not change- rope, etc. Invalid test bank because of unrelated test questions based on NFPA 1006 (95% of the Job Performance Requirements (JPRs) are rope related questions). Chairman White feels as a longtime instructor that they should be tested on all the material that is taught, not just the NFPA 1006 standards. It was determined that no written exams were given prior to this class for the Awareness and Operations Classes only skills. Written exams were only given for the Technician Level Training. Rick Scott mentioned that the Rescue Core course does give firefighter's "Awareness" level training in all the technical rescue disciplines. Discussion continued on the merits of the Rescue Core curriculum course written exam. It was determined that the examination based on all chapters of the student manual exceeded the NFPA 1006 standard and would still meet the WV State Fire Commission requirements.

New Business-

Asst. Fire Marshall Bradley Scott brought forth a training reciprocity request from a Maryland Firefighter for FF1 and FF2 that was rejected by WVU Fire Service Extension. Chairman White recommends that the recommendation from WVU Fire Service Extension be upheld and that the individual can "Challenge" the existing FF1 and FF2 written and practical examination. Bradley Scott will send a letter of reply from the Fire Commission.

WVU Fire Service Extension- Mark Lambert suggesting reciprocity review process fee in the future and introduced a new employee- Jodi Goodwin from the fire academy. He also noted that Junior Firefighter Class dates would be June 27-July 2 with students from other states and countries.

RESA Mike Freeman announced the ASSET Conference Commission Roundtable would be held on November 15, 2015.

Commissioner Scott made a motion to adjourn at 1245, seconded by Commissioner Holstein. The ayes and nays having been taken on the voice vote, the motion passed.

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

#### **Disciplinary Committee Report**

Did not have a quorum, so there was not a report

#### **Legislative, Codes & Regulations Committee Report**

Members Present; Commissioners Shriver (Chair), Camp and Goodwin were present as well as Counsel Connolly, Fire Marshal Tyree and Staff.

Jack Jamison spoke of the recent Skills completion and that the attendance was less than expected. He also thanked Marshal Tyree for sending a Marshal to assist in the observations and grading.

Chairman Shriver stated that he attended the Code Officials Board meeting last week in Flatwoods as well as attending the Residential Energy training conducted by Charles Roskovensky on the 2009 International Energy Code. The participants were mostly Code Reviewers, Inspectors, and Officials and no home builders.

#### **Old Business**

Counsel Connolly stated that he has received no update on the City of Lumberport provisional status but the City Salem issue will be resolved today.

Chairman Shriver stated that WV Code Title 87-1 State Fire Code, 87-4 State Building Code, 87-7 Code Officials Rules had been out for public comment which ended on June 1<sup>st</sup>. A Public Hearing was held on May 29 for the Fire Code and Marshal Leake was the only speaker. ICC and NFSA both sent letters of support of the proposed Rule.

Chairman Shriver stated that Stakeholder meetings were held with all parties including the Marshals office, the WV Department of Energy, the WV Code Officials, the WV Home Inspector's, the WV Home Builders Association, the National Fire Sprinklers Assoc., NFPA and International Code Council.

Commissioner Goodwin made a motion to accept Marshal Leake modifications to the Fire Code and Commissioner Camp seconded. After a voice vote, all ayes and motion passed.

Commissioner Goodwin made a motion to file the Agency approved rule to the secretary of state legislative rules making committee and Commissioner Camp seconded. After a voice vote, all ayes and motion passed.

WV Code 87-7 State Building Code and 87-7 Code Officials Rule received no written comments during the public comment period.

Commissioner Goodwin made a motion to file the Agency approved 87-4 and 87-7 to the secretary of state legislative rules making committee and Commissioner Camp seconded. After a voice vote, all ayes and motion passed.

Chairman Shriver stated he consulted with Jack Jamison representing the Electrical Inspectors and recommend that ECSTI be approved as a Continuing Education Course. Commissioner Goodwin made a motion and seconded by Commissioner Camp, after a voice vote, all ayes and motion passed.

City of Lewisburg Code Official Extension required no action as the Code Official passed the exam and regain the certification.

#### New Business

Chairman Shriver stated that as requested in the past he is going to ask the Commission to consider opening WV Code Chapter 29 Article 3, the Fire Prevention Act to eliminate the Energy Code language that was added a few years ago to comply with the Federal Stimulus money. This language now impacts future changes in the ability to update the energy codes and should be removed in the State Code and allow for updates in the State Building Code. The current Statue states the Energy Code is based upon 2009 IECC while manufacturers are using the 2015 Codes and the Home Builders are trained for the 2012 IECC.

Chairman Shriver along with Home Inspector Mike Reel, reviewed the Continuing Education Course submitted by HAAG and found the submission to be acceptable. Commission Camp made a motion to accept the course and Commission Goodwin second and after a voice vote, all ayes and the motion passed.

Chairman Shriver called on Fire Marshal Tyree and he stated the staff accepted the JADE Learning course as a continuing education course. Commissioner Camp thanked Marshal Tyree for taking care of this approval.

Commissioner Goodwin made a motion to adjourn at 1420, seconded by Commissioner Camp. The ayes and nays having been taken on the voice vote, the motion passed.

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

#### **Fire Department Services Committee Report**

Called to order at 1000.

Members Present; Commissioners Mongold (Chair), Goodwin Camp and Gunnoe.

The Fire Services committee met at the Holiday Inn Express in Elkins on June 16, 2015 @ 10:00am with the Commission Chairman Sizemore opening the meeting by introducing guest Kelly Nix Ph.D. From WVU. She gave a presentation on Recruitment and Retention.

Mr. Scott from the Fire Marshal's office presented the committee with the following applications for **Fire Officer I and II.**

Steve Odell – FO I

James Roberts – FO II

Vic Morris – FO I and II

Steve Davis – FO I  
Larry Rea- FO I and II

Commissioner Goodwin made a motion to approve all of the applications and Commissioner Camp second the motion and it was approved.

Mr. Scott presented a list of departments that needed to be recertified because they meet all the requirements of the commission. They are as follows:

Circleville  
Kessler's Cross Lanes  
Follansbee  
Craigsville  
Wellsburg  
Bartow Frank Durbin  
Cass  
Mount Olivet  
Thornton  
Spencer – Roane  
Valley Grove  
Danville  
Cameron  
McKinleyville  
Baisden  
Grafton  
South Berkeley

Commissioner Gunnoe made a motion to approve all the departments for recertification second by commissioner Camp. Motion was approved

With no other business we adjourned at 11:45am.

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

### **Operations Committee Report**

Called to order at 1425.

Members Present; Commissioners Gunnoe (Chair), White, Holstein by phone and Mongold.

#### **Old Business:**

Policies and Procedures Update by Fire Marshal (FM) Tyree. FM Tyree requested a September 1, 2015 extension with in-house training between now and then. Chapter 1-9 of the Policies and Procedures are Fire Commission specific and 10-15 Division specific. Any questions can be referred to FM Tyree. Mr. Shriver said he like the examples presented in the policies. Senior staff input before September 1<sup>st</sup> was requested by Commissioner Gunnoe. Commissioner Mongold is requesting changes to be sent as they are made and more time to review. Gunnoe suggests that a special meeting be held by the Operations Committee to have more in-depth discussion of the Policies and Procedures.

New Business:

Commissioner Gunnoe would like to have copies of reports for all divisions are passed out to all Commissioners before the general Fire Commission Meeting.

Deputy Fire Marshal's Division Reports given by:

Services- Bradley Scott

Inspections- Joe Leake

Investigation- Fire Marshal Tyree

Fire Marshal Tyree gave a report on filling vacant agency positions, interviews for Deputy Fire Marshal of Investigations and of Services Divisions, personnel reclassification process, community risk reduction plan, NFIRS Training, HB 103 Report Update (Gunnoe recommended update of HB 103 be given to Commission to see if they need any assistance with this before the August Meeting)- Gunnoe asked if the State Fireman's Association should be asked to assist with the task of gathering information pertaining to funding information of fire departments, Resignation of Charles , New Employees-Deputy Fire Chief Bob Sharp, Fire Marshall in Training Heather Bostic, Civilian Virginia Taylor and Laurie Ralston (Plans Reviewer), Report on the new Inspection Division move to 1<sup>st</sup> floor of central office and other restructuring of office.

Mongold requested dates on Commission Dates be updated on Fire Commission Web Site. FM Tyree would like to add all state training dates to our website each year.

Gunnoe asked if the minutes from the Fire Commission main meeting could be added as a "Draft" or "Subject to impending Approval" instead of waiting the 2 months before it is approved at the next Fire Commission Meeting.

Chairman Sizemore mentioned possibly having the October Fire Commission Meeting at central office to let everyone see the new changes to the office.

Commissioner Gunnoe made a motion to adjourn at 1515, seconded by Commissioner White. The ayes and nays having been taken on the voice vote, the motion passed.

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

Fire Marshal Ken Tyree addressed the Fire Commission on some updates to his report on the Operations of his office as follows:

- Reassignment of Asst. Fire Marshals- Bradley Scott to Fire Dept. Services and Tim Provaznik to Inspection Division. Heather Bostic moved from the Office Assistant II position to the Asst. Fire Marshal in training Inspection Division.
- New Organization Chart
- Renovations to 1<sup>st</sup> Floor, moving Inspection Division there and the Conference Room.
- 2<sup>nd</sup> Floor renovations will include a new Hearing Room and moving the Investigation Division from 3<sup>rd</sup> floor down to 2<sup>nd</sup> floor.
- Interviews for Deputy Chiefs to fill the 2 positions (Investigations and Services) will be conducted on Thursday June 18 and Monday June 22. We will continue to work on filling the Leslie's ASA

position, Executive Assistant and Public Education positions. Looking to fill these by August 1<sup>st</sup>, 2015.

- An update of the reclassification of employee positions was given.
- Community Risk Reduction Plan- GIS portion utilization is next step to focus on fire fatalities, education efforts, etc.
- Six NFIRS & Data Collection classes were taught by Alice Morris, who is doing a great job. 35 fire departments were represented at these classes and 60 people attended these.
- In answer to the question by the Fire Commission about the specific fire departments that lose state funding, they were Summit Park VFD and Capon Bridge VFD for not sending necessary reports over the last 6 months. The process is 90 days to send in the reports and then there can be a request for a 90 day extension.
- House Bill 103 Update on process and it is due in December 2015.
- Fire Marshall Tyree made personal visits to the Mingo County Fire School, Fayette County Fireman's Association Meeting and the WV Silver Haired Legislature meeting.
- Public Education general revenue funds are being diversified between advertisement and other efforts, unlike prior years of only using for advertisement.
- Staff resignations- Charles Vannatter and Chris Martin
- New employees- Laurie Ralston is now in Plans Review and Virginia "Rose" Taylor is the new office receptionist. Bob Sharp is the Chief Deputy.

Commissioner Scott asked the question about how many people were in the Fire Department Services section and if this was enough. FM Tyree replied that he felt that for now one person with some assistance could manage the approximate 80 fire department evaluations each year during a 5 year cycle, but would monitor this and make adjustments as needed.

#### **Executive Session**

Commissioner Gunnoe made a motion to go into executive session from 1030 to 1151; seconded by Commissioner White with Commissioner Scott recusing himself from the session. The ayes and nays having been taken on the voice vote, the motion passed.

The Commission resumed the regular meeting at 1158.

#### **Unfinished Business**

City of Clarksburg- Saved for executive session discussion. Afterwards it was recommended to be continued until the next meeting in August 2015.

Arson Classes- Mark Lambert reported that the slides for the class arrived on Monday and he will be working on the arson classes.

City of Kenova- Counsel Steve Connolly reported that a professional Engineer had been hired and he would make a report at the August meeting.

James Davis and Llanzee Complaint- Saved for executive session discussion. Afterwards it was recommended to be continued until the next meeting in August 2015.

Follansbee VFD- Equivalency documents received and approved.

Dunbar Extension Request- Counsel informed that they were granted provisional status from February 2013 to February of 2015 (2 years) an extension on February 29, 2015; another extension in April 2015. Another extension request was sent to the FM office on May 21, 2015 by Mr. Hugh Leishman. Commissioner Gunnoe suggested that he be granted a conditional extension if he passed his May 27, 2015 B-2 exam and that Mr. Leishman attend the August meeting to report on his status to the Fire Commission. Commissioner Mongold made a motion to grant this conditional extension to Mr. Leishman; seconded by Commissioner Shriver. The ayes and nays having been taken on the voice vote, the motion passed.

Lewisburg extension- The gentleman in question passed his examinations and is approved.

ECSTI Training Course- approved as a Continuing Education Course in committee meetings.

### **New Business**

WV Code Title 87-1 State Fire Code- Commissioner Shriver made a motion to file the Agency approved rule to the secretary of state legislative rules making committee and Commissioner Mongold seconded. After a voice vote, all ayes and motion passed.

WV Code Title 87-4 State Building Code- Commissioner Shriver made a motion to file the Agency approved rule to the secretary of state legislative rules making committee and Commissioner Mongold seconded. After a voice vote, all ayes and motion passed.

WV Code Title 87-7 Code Officials Rules- Commissioner Shriver made a motion to file the Agency approved rule to the secretary of state legislative rules making committee and Commissioner Mongold seconded. After a voice vote, all ayes and motion passed.

2014-59, 2014-69, 2014-73, 2014-88, 2014-92, 2015-22, 2015-23, 2015-24, 2015-27, 2015-28, 2015-29, 2015-31, 2015-34, 2015-35 and 2015-37 saved for executive session discussion.

Commissioner White made a motion to find probable cause on 2014-59, 2014-73, 2014-88 and 2014-92 to give a 60 day extension; seconded by Commissioner Goodwin with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner White made a motion to find probable cause on 2015-22, 2015-23, 2015-24, 2015-27, 2015-28, 2015-29, 2015-31, 2015-34 and 2015-37 to give a 180 day extension; seconded by Commissioner Mongold with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner White made a motion to send a cease and desist order to 2015-35 Anawalt VFD for not having apparatus insurance; seconded by Commissioner Goodwin with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner White made a motion to begin the decertification process to 2015-35 Anawalt VFD; seconded by Commissioner Mongold with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner White made a motion to begin the decertification process to 2014-69 Keystone VFD; seconded by w Goodwin with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Gunnoe recommended that fire departments with no violations during initial evaluation be recognized in the future.

InterNachi pre-licensing- Commissioner Shriver stated that this company was approved in committee, but should be monitored for in-class training. Commissioner Shriver made a motion to approve InterNachi for pre-licensing training; seconded by Commissioner Mongold. The ayes and nays having been taken on the voice vote, the motion passed.

Fire Officer 1 &2 applications were approved as reflected in the committee reports.

Recertification of Fire Departments was approved as reflected in the committee reports.

Commissioner Mongold made a motion to find probable cause for 2015-007-BCO, 2015-008-BCO and 2015-009-BCO recommended that an investigator check out these complaints and report back to the Commission at the August meeting; seconded by Commissioner Gunnoe. The ayes and nays having been taken on the voice vote, the motion passed.

WV Code Chapter 29 Article 3- Commissioner Shriver made a motion to open WV Code Chapter 29 Article 3, the Fire Prevention Act to eliminate the Energy Code language that was added a few years ago to comply with the Federal Stimulus money. This language now impacts future changes in the ability to update the energy codes and should be removed in the State Code and allow for updates in the State Building Code. The current Statue states the Energy Code is based upon 2009 IECC while manufacturers are using the 2015 Codes and the Home Builders are trained for the 2012 IECC. Seconded by Commissioner Mongold. The ayes and nays having been taken on the voice vote, the motion passed.

Vannatter Service Weapon Request- Commissioner Camp made a motion to deny this request; seconded by Commissioner Mongold with all the ayes and nays having been taken on a voice vote, the motion passed.

Pineville VFD Name Change Request to Wyoming County Fire Company- Commissioner Mongold made a motion to approve this request; seconded by Commissioner Holstein with all the ayes and nays having been taken on a voice vote, the motion passed.

### **Correspondence**

Commissioner Sizemore spoke about a letter received from the WV Professional Fire Chiefs requesting that Carl Eastham replace Commissioner Rick Scott beginning July 1, 2015. Commissioner Rick Scott will continue his service until June 30, 2015 and he was thanked for his service to the Fire Commission.

### **Good of the Order**

Dominick Kasmauskas from the National Fire Sprinkler Association introduced himself to the Fire Commission.

Dennis Egan from the Bartow-Frank-Durbin VFD spoke requesting that the Commission consider making considerations on specific personnel that would not be required to have Firefighter 1 certification to drive a water tanker to fires.

Commissioner Camp spoke about concerns that the Oceana VFD is having over Code 21-6-2 and the Junior Firefighters (age 16-18) taking training to become volunteer members and being covered by Workers Compensation. After much discussion it was suggested that these departments with this question work with Senator Hall to sponsor a bill that would clarify this issue. Commissioner Mongold also would like the Fire Commission to work on this and send a request to the Attorney General's office for clarification.

Commissioner Holstein spoke that he believes the Spruce River VFD's request (Training Committee Report) for one of their recruits requesting reciprocity of FF 1 from Maryland be considered again and looked at more closely. RESA and WVU Fire Service Extension staff explained the reciprocity process of approval and/or denial to the Fire Commission.

Commissioner Shriver requested that future Fire Commission meetings not be on the second Tuesday of each month.

Commissioner Sizemore discussed October meeting dates and it was decided to have it at the Fire Commission's Office in Charleston in the newly obtained first floor conference room on October 8-9. Commissioner Gunnoe suggested that rooms may be reserved at the Sheridan 4 Seasons Hotel within walking distance to the central office.

### **Special Meeting Announcement**

Counsel Steve Connolly discussed a Special Meeting of the Fire Commission on Tuesday July 7 at 10am to discuss House Bill 103 at the Fire Commission office in Charleston and that this notice is sent to the Secretary of State to be placed on the Online Meeting Notices.

### **Time and Place of Next Regular Meeting**

Next meeting is in Wheeling, WV at Oglebay Park August 11-12, 2015

### **Adjournment**

Commissioner Goodwin made a motion to adjourn; seconded by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.