

## STATE FIRE COMMISSION MEETING

• WV State Fire Marshal's Office • Charleston, WV •

October 14, 2016

The official business meeting was called to order at 09:07 a.m. by Chairman Carl Sizemore.

### **ROLL CALL:**

#### **Commissioners Present**

Carl Eastham, Doug Estep, Grant Gunnoe, Phil Hart, Thomas Keefer, Doug Mongold, Jim Oldaker, Ted Shriver, Carl Sizemore, and Virgil White.

#### **Commissioners Absent**

Dave Camp, Robert Miller and Vic Stallard.

### **APPROVAL OF MINUTES:**

Commissioner Mongold made a motion to accept and approve the minutes of the August 19, 2016 meeting. Commissioner White seconded the motion. The ayes and nays have been taken on a voice vote, the motion passed.

### **COMMITTEE REPORTS:**

Commissioner Mongold read the Committee Report from Meeting – October 13, 2016 as follows:

#### **Call to Order**

Commissioner Mongold called the meeting to order at 10:15 a.m.

#### **Roll Call**

Members present: Hart, Gunnoe, Oldaker and Mongold.

Members absent: Camp and Sizemore.

Quorum reached.

Commissioner Mongold requested to adjust the agenda to move the New Fire Department Evaluation System to the bottom of the agenda.

#### **Old Business**

Jefferson County 911 Dispatching Dispute Update - Counsel Connolly spoke regarding the Jefferson County 911 Dispatching Dispute Update. Counsel stated that Chairman Sizemore, Marshal Tyree and himself attended the Jefferson County Commission Meeting on September 29, 2016. He stated that the

Commission was very attentive and that a system is in place to fix the issues, however some time for that process is a little lengthy. Counsel noted that the Prosecuting Attorney of Jefferson County provided an updated letter to the State Fire Commission. Commission Mongold inquired about the time frame to make the corrections and Counsel Connolly noted that Jefferson County officials stated that there are approximately 6000 changes required to be made. Counsel stated that some officials are pleased with the current routing, while others are not, so again they are making the changes to satisfy the majority and follow the codes of law. However, Jefferson County officials believe by the December 2016 Fire Commission Meeting these changes will be made and in effect.

Commissioner Mongold thanked the Staff for attending on behalf of the Commission and he feels confident in the progress in being made.

2016-033 Wharncliffe VFD Update - Assistant State Fire Marshal, Bradley Scott spoke. It was noted that Chief Kandice Chaffins has resigned from Wharncliffe and provided the WV State Fire Marshal's Office a letter of such. Mr. Scott spoke and stated that a new Chief, Chief Forest Trent, is in place and has made great strides in correcting the deficiencies noted in the Evaluation. All deficiencies have been corrected and Mr. Scott would make the recommendation to the full Commission for recertification. Commissioner Gunnoe suggested that if the full Commission approves the recertification that Assistant State Fire Marshal Scott revisits and reevaluates the Fire Department before the next Commission Meeting (December 2016).

Commissioner Oldaker made a motion to recommend lifting the suspension of operations for Wharncliffe VFD to the full Commission with the recommendation that the WVSFMO revisit and reevaluate the Department and that the WVSFMO report back at the next Commission meeting (December 2016) for a full recertification, seconded by Commissioner Gunnoe. With all the ayes and nays having been taken on a voice vote, the motion passed.

#### New Business

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

James Cottrill	Spelter VFD	FO2
Allen Long	Jefferson VFD	FO2
Timothy Bradley, Jr.	Tri Towns VFD	FO1 & FO2
John C. Johnson	Malden VFD	FO2
Allan D. Casto	Hurricane VFD	FO1 & FO2

Commissioner Gunnoe made a motion to recommend approval to the full Commission of all the aforesaid FO1 and FO2 applications, second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Mr. Scott further presented a list of departments that needed to be recertified after coming out of the 180 day period as follows.

East Fork VFD  
East Bank VFD  
Cowen VFD  
Baxter VFD

Masontown VFD  
White Sulphur Springs VFD  
Lester VFD  
Coalton VFD  
Beverly VFD

East Fork Chief John Hall spoke and commended the Fire Marshal's Office more specifically Assistant Fire Marshal Scott in his work and the Evaluation Process. He stated it helps the Departments understand more about the State Fire Marshal's Office as a whole and what requirements are needed from the Departments. He noted that the hands on visit increases department and community morale.

Commissioner Oldaker made a motion to go into Executive Session at 10:31 a.m., second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Hart made a motion to come out of Executive Session at 11:38 a.m., second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

It is noted that no action was taken during the Executive Session.

Commissioner Hart made a motion to recommend recertification of following ... East Fork VFD, East Bank VFD, Cowen VFD, Baxter VFD, Masontown VFD, White Sulphur Springs VFD, Lester VFD, Coalton VFD, and Beverly VFD, second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold briefly discussed that the Committee reviewed the New Fire Department Evaluation System with the WV State Fire Marshal's Office Staff. The same topic is on agenda before the full Commission tomorrow, October 14, 2016.

It is the Committees recommendation that the members continue to review the materials and further discussion will take place during the December 2016 Commission Meeting.

Commissioner Hart made a motion to adjourn at 11:40 a.m., second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

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

• Sub Committee Recruitment and Retention

Commissioner Sizemore concluded that the Sub Committee Recruitment and Retention did not hold a Committee Meeting. Next regularly scheduled Committee Meeting is set for Thursday, December 8, 2016 at Stonewall Jackson Resort.

No Committee Report to Report.

• Legislative, Codes & Regulatory Committee

Commissioner Shriver read the Legislative, Codes & Regulatory Committee Report from Meeting – October 13, 2016 as follows:

Call to Order

Chairman Commissioner Shriver called the meeting to order at 1:08 p.m.

Roll Call

Members present: Shriver, Oldaker, Keefer and Gunnoe (In place of Sizemore).

Members absent: Sizemore, Camp and Miller.

Quorum reached.

Approval of Agenda

Commissioner Shriver requested to remove item #3 in Old Business (International Building Code & Appendix Adoption) as the topic was handled in the full Commission Meeting during August 2016 Commission Meeting. It was noted that an appendix is not automatically adopted. No objections on the removal from agenda.

Division Deputy Allan Casto spoke regarding a request for a Provisional Status by an employee for City of Fairmont that come in while he was on vacation and after the Agenda was set. Counsel Connolly stated that the requirement for Agenda addition / modification like such is required 3 days prior to meeting. However Counsel stated that the Fire Marshal can give approval and the topic be brought before the full Commission in December 2016. Discussion evolved around the new code / law requirements labeling the requests for individuals rather than Cities for Provisional Status.

Delegation

None

Old Business

AHIT Course Training with Maryland Applicants - Commissioner Shriver read the previous motion and noted the code ruling. Discussion was in depth of what is required by other training facilities in and out of the State of West Virginia. Marshal Casto explained that the school or training facilities don't normally offer the National test but it is the responsibility of the participant to complete his or her certification by taking such before applying.

Commissioner Keefer made a motion to retract the prior motion made in the August 2016 Commission Meeting involving AHIT Course Training. Furthermore, Commissioner Keefer requested that the full Commission revisit and revise the requirements for AHIT Course Training during the Commission Meeting tomorrow, October 14, 2016. Seconded by Commissioner Oldaker, with all the ayes and nays having been taken on voice vote, the motion passed.

Process for Notifying Jurisdictions and Stakeholders of the New Rules - Marshal Tyree spoke and stated that staff had made and updated a list of contact officials. Administrative Secretary Shawna Goodwin more specifically made contact with the WV Hotel / Hospitality group and provided the update

requirements in addition to receiving a point of contact to communicate with. The group is eager to work with the WVSFMO in disbursing the information.

Provisional Status Updates – Marshal Casto spoke and provided many verbal updates for the City of Wheeling, City of Logan, Jefferson County, and Town of Ridgely. It is noted that the City of Logan has met the necessary requirements and is requesting the Provisional Status be lifted.

Commissioners asked if the updates are all within the defined timelines, and Marshal Casto responded back positively stating yes. It was briefly discussed that the new rules requires the individuals rather than a City request the Provisional Status.

Commissioner Keefer made a motion to recommend to the full Commission, lifting the Provisional Status for the City of Logan as they have met all the necessary requirements and to continue the probationary period of status for the City of Wheeling, Jefferson County and Town of Ridgely. Seconded by Commissioner Gunnoe, with all the ayes and nay having been taken on voice vote, the motion passed.

Consideration of Municipality Home Rule Board Rulings - Counsel Connolly spoke and stated that he had met with others within his office and studied to find 5 other challenges similar. 1 in Supreme Court and 4 in Kanawha County Circuit Court of which had been combined into one and eventually dismissed due to Legislation adjustments.

Counsel Connolly stated that when the action was taken before the Commission in August the issue was that the Home Rule Board hadn't officially approved the minutes approving the Clarksburg and Bridgeport request. He noted that since that time, the minutes have been approved and Clarksburg and Bridgeport are removed from the authority of the Fire Commission.

Counsel now believes we are in a better position to file those challenges the Commission just needs to decide where to take the steps, outside of that, counsel stated it is ready to file.

Commissioner Gunnoe made a motion to take the topic to the full Commission tomorrow, October 14, 2016. Seconded by Commissioner Keefer, with all the ayes and nays having been taken on voice vote, the motion passed.

#### Legislative

WV Code Chapter 29, Article 3, Section 5b – Discussion was brief. Counsel Connolly spoke and said that Marshal Tyree had submitted the ruling to DMAPs of which had responded back that it would be submitted to the Governor. Commissioner Shriver briefed that this is part of an energy code.

No action needed. Informational status only.

#### New Business

Consideration of City of Richwood Provisional Status – Division Deputy Marshal Allan Casto spoke and stated that the Division had received a request from James Vannoy. Additional paperwork such as a hardship letter requested has also been provided by the City. Marshal Casto foresees no issues therefore recommend approval from the Commission.

Consideration of City of Princeton Provisional Status – Division Deputy Marshal Allan Casto spoke and stated that the Division had received a request from William Tyran Smith. Additional paperwork such as

a hardship letter requested has also been provided by the City. Marshal Casto also foresees no issues therefore recommend approval from the Commission.

Commissioner Shriver asked what qualifies and determines the Hardship. Marshal Casto explained a city's inability to hire a fully accredited individual therefore the provisional is requested to allow an individual to fulfil the requirements. Commissioner Gunnoe made mention and asked if the cities had to provide proof of seeking other individuals. It was suggested perhaps to have them attach such in the future.

Commissioner Gunnoe made a motion to recommend approval of provisional status for James Vannoy with the City of Richwood and William Tyran Smith for the City of Princeton to the full Commission, second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Gunnoe suggested that the Marshal's Office go forward and give the approval of Provisional Statuses in the future to a requester unless problems are foreseen, and then provide the Commission with an updated list of who has been granted and updates thereafter.

Commissioner Oldaker made a motion adjourn at 1:48 p.m., second by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.

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

Commissioner Gunnoe inquired to Counsel Connolly about giving the Marshal authority to approve Provisional requests prior to Commission Meetings. It was suggested and requested that the topic be added to the December Committee and Commission meetings.

#### • Training Committee

Commissioner Sizemore made note that the Training Committee did not meet. Members present were Eastham and Estep. Members absent were White, Miller, Stallard and Sizemore. There was no quorum, therefore the Committee concluded that the Training Committee would meet at the next regularly scheduled time of Thursday, December 8, 2016 at Stonewall Jackson State Park / Resort in Roanoke, WV.

No Committee Report to Report.

#### • Disciplinary Committee

Commissioner Eastham read the Disciplinary Committee Report from Meeting – October 13, 2016 as follows:

#### Call to Order

Chairman Commissioner Eastham called the meeting to order at 2:12 p.m.

### Roll Call

Members present: Eastham, Shriver, Hart, and Gunnoe (In place of Sizemore).

Members absent: Sizemore and Stallard.

Quorum reached.

### Approval of the Agenda

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

### Old Business

2015-056 Elk District VFD (Mineral Co.) – Assistant State Fire Marshal Bradley Scott spoke and stated that the members enrolled in classes are finishing up. Robbie Bailey stated that the individuals should be completed within 30 days.

Commissioner Gunnoe made a motion to recommend to the full Commission an extension of time to Elk District VFD until the December, 2016 Fire Commission, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

2015-057 Tri Towns VFD (Mineral Co.) - Assistant State Fire Marshal Bradley Scott spoke again and stated that the members enrolled in classes are finishing up. Robbie Bailey again confirmed that the individuals should be completed within 30 days.

Commissioner Gunnoe made a motion to recommend to the full Commission an extension of time to Tri Towns VFD until the December, 2016 Fire Commission, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

### New Business

2016-011 Hanover VFD (Wyoming Co.) – Assistant State Fire Marshal Bradley Scott spoke and stated that Department requested an additional 60 days due to Fire Officer Training won't be completed until the end of October. It is the staff recommendation to grant.

Commissioner Gunnoe made a motion to recommend to the full Commission an extension of 60 days to Hanover VFD, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

2016-014 Waverly VFD (Wood Co.) – Assistant State Fire Marshal Bradley Scott spoke and stated that Department requested an additional 60 days due to Fire Officer Training still ongoing. It is the staff recommendation to grant.

Commissioner Gunnoe made a motion to recommend to the full Commission an extension of 60 days to Waverly VFD, second by Commissioner Shriver. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to enter into Executive Session at 2:20 p.m., second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to come out of Executive Session at 3:02 p.m., second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to find probable cause on 2016-057. Second by Commissioner Gunnoe with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to recommend a 180 day extension to correct deficiencies for Newton VFD. Second by Commissioner Gunnoe with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to accept the Attorney General's Report and Finding on 2016-009-BCO and further recommends dismissal to the Full Commission given the report outcome. Seconded by Commissioner Gunnoe with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to defer 2016-010 East Bank VFD other disciplinary issues to the full Commission Meeting tomorrow, October 14, 2016, second by Commissioner Gunnoe. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to adjourn at 3:07 p.m., second by Commissioner Hart, with all the ayes and nays having been taken on a voice vote, the motion passed.

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

● Operations Committee

Chairman Sizemore stated that the Operations Committee did not hold a Committee Meeting on October 13, 2016, but would rather would like for the Staff to provide their full reports now.

Deputy Fire Marshal Allan Casto spoke for Fire Department Services. Mr. Casto broke down the division into 3 sections within Fire Department Services (Regulatory and Licensing, Public Education and Fire Department Services). Mr. Casto briefly detailed the duties included within each section of his Division.

Marshal Casto provided the following Regulatory and Licensing Section Numbers for the period of August 01, 2016 to September 30, 2016:

Total Licenses Issues: 2,666  
Total Certifications Issued: 60  
Total Applications Processed: 363  
Total Permits Issued: 147  
Online Renewals: 199

Marshal Casto provided the following Regulatory and Licensing Section Numbers for the period of January 1, 2016 to September 30, 2016:

Total Licenses Issues: 17,723  
Total Certifications Issued: 227  
Total Applications Processed: 2,173



Total Permits Issued: 853  
Online Renewals: 6,137

Ms. Courtney Rosemond spoke on behalf of the WVSFMO Public Education Section. She discussed the Division's accomplishments and upcoming plans.

Ms. Rosemond distributed and discussed the nicely prepared Gazette Mail Fire Safety newspaper insert. She furthermore discussed Fire Safety Prevention week that is currently taking place. Ms. Rosemond detailed Smoke Detector installations and installments that have occurred along with many networking event and functions she and the staff have attended over the last 2 months.

In closing, Ms. Rosemond discussed the Public Education Sections upcoming events and plans over the course of the next 2 months, along with discussing the October issue of the WVSFMO Safety Spotlight Newsletter.

Deputy Fire Marshal Joe Leake spoke for the Fire Inspection and Plan Review Division. Mr. Leake described the Divisions job duties in brief detail.

Marshal Leake provided the following Fire Safety Inspection & Plans Review Division Numbers for the period August and September, 2016:

1673 Inspections Conducted  
265 Plans Reviewed  
53 Occupancy Permits Issued  
858 Licenses Checked

Marshal Leake provided the following Fire Safety Inspection & Plans Review Division Numbers for the period January thru September, 2016:

5902 Inspections Conducted  
1060 Plans Reviewed  
196 Occupancy Permits Issued  
2705 Licenses Checked

Deputy Fire Marshal Jason Baltic spoke for Investigations. Mr. Baltic detailed the work of fires, explosion, firework mishaps, assisting in Inspection Division and Fire Department Services. Mr. Baltic explained the Investigation Division handles all criminal aspects of a fire, making arrests and assisting other law enforcement agencies when requested. Investigations responds to all fatality fires.

Marshal Baltic provided the following Investigation Division Numbers for the period August 1 to September 30, 2016:

Total number of Fires: 96  
Accidental: 11  
Incendiary: 23  
Undetermined: 61  
Natural: 1

Chief Deputy Fire Marshal Sharp spoke and stated that Marshal Tyree was at DMAPS to assist the Judges with the Fire Prevention Week Statewide Poster Contest, so he would be giving the overall Operations Report for the WVSFMO.

Chief Deputy Sharp noted and discussed the following ....

- Legislative auditors are finished with their report. Marshal Tyree addressed the Senate Finance where the Post Audit Report was presented.
- Fire Marshal Tyree was also requested to address the Joint Committee on Finance concerning the Report on Worker's Compensation Issues for Volunteer Fire Departments.
- Concerning the Assistant Fire Marshal Deputation program, WVSFMO is about finished with the application and hope to launch packets/applications the 1<sup>st</sup> week of November.
- Concerning the Commission on Oil & Natural Gas Safety; currently collaborating with Antero Resources and J&H Consulting to produce a series of documents for First Responder Best Practices During Oil & Gas Incidents. Proposed topics include:
  - Pre-emergency planning (attached)
  - Hazardous atmosphere release, non-fire
  - Fire
  - Sustained fuel
  - Stationary equipment
  - Wild land fire
  - Special rescue
  - High angle rescue
  - Confined space rescue
  - Right-of-way/wilderness rescue
  - Hydrogen sulfide gas (H<sub>2</sub>S) rescue
  - Hazardous material response
- The online renewal system for Electrician Renewals went well; received 6138 renewals online. Working to make things more efficient for our customers and employees and are working toward using the "Lock Box" service next year.
- Personnel Staffing:
  - New Employee- James Lewis (Inspection Division). He is the recent recipient of the Fusion Liaison Officer of the Year Award for the assistance he gave while working for the Department of Health and Human Resources.
  - Currently have 7 vacancies within the agency (2 Investigators, 2 Inspectors, 1 Plans Reviewer and 2 Public Information Specialists); hopeful to get all vacancies filled in the next few months.
  - Former Forestry Division Employee Preference Status.

- Have two Fire Marshal 3 positions in the Investigations Division to fill and have interviewed 3 of internal personnel to fill these positions.
- Policy Update:
  - 9006 Social Media Policy
  - 3015 Hours, Schedules and Overtime
  - 3002 Personal Grooming and 3002A Dress and Uniforms
  - 1005 Job Description Revisions
  - 4002 Master Training and Career Progression Plan
- Consumer Fireworks Executive Summary and Fireworks Program Legislative Report. First allotment of fireworks tax funds released for the first two months of sales was \$740,000. 75% or 550,000 went to the Veterans Home Fund, while 25% or \$183,000 goes to the Volunteer Fire Departments (Estimated \$433 per VFD).
- Fire Department Loss of Funding: 7 for this past quarter
  - (The two deadlines involved are the quarter deadline and then 90 days later, the grace period deadline. Other than being decertified, not submitting their NFIRS incident reports by the prescribed due date is the only way to lose their funding. It has nothing to do with the 180 day issue. Once they miss the grace period deadline, the money is lost and reallocated to the departments that were in compliance. There is no getting it back after that.)
- Vulnerability Assessment Program sponsored by the National Fallen Firefighters Foundation and the US Fire Administration. Key Features:
  - Three parts- Department Profile, Assessment Survey of 412 Yes or No questions and a Community Survey.
  - Online and interactive
  - Secure with all data password protected
  - Comprehensive focus on root cause of LODDs
  - User friendly with only Yes and No questions
  - Free
- Visits and Meetings Attended:
  - 15<sup>th</sup> Anniversary 9/11 Ceremony in Charleston, WV
  - Patriot Day Ceremony in Huntington, WV
  - Wood County Fire School
  - Jefferson County Commission Meeting
  - Elkins Fire Parade Judging

- Training:
  - IAAI Fall Training in Morgantown
  - SIRN Conference Radio Programming Training Camp Dawson
  - Firearm Fall Qualification is scheduled in November 15-16
  - Search & Seizure Training- Steve Connolly on November 16-17
  
- This week was national NFPA Fire Prevention Week and the theme is: “Don’t Wait Check the Date”-Replace Smoke Alarms Every 10 Years. Fire Prevention Week is October 9-15.
  - Fire Safety Newspaper Insert sent to approximately 36,000 subscribers
  - Fire Prevention Poster Contest and Challenge
  - Public Education Network Newsletter
  - WV Fallen Firefighter Ceremony is Sunday October 16 @ 1pm- WV State Capitol Cultural Center.
  
- Annual Report Draft; to be finalized and sent to Governor NLT/on October 31<sup>st</sup>
  
- Commended the staff and their contribution to the agency. Much to do and will continue to progress by prioritizing and addressing every aspect of the agency to make it better.

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

**UNFINISHED BUSINESS:**

Consideration of Jefferson County Boundary / Dispatching Dispute – Commissioner Sizemore addressed the group and asked if a final agreement had been worked out between the parties. Counsel Connolly spoke and stated that Marshal Tyree, Chairman Sizemore and himself had attended the Jefferson County Commission meeting back in September. Assistant Prosecutor Nathan Cochran spoke and addressed the Commission. Mr. Cochran thanked the Commission for working with the County and discussed his update letter he had submitted to the WVSFMO and Commission a couple weeks back. Mr. Cochran addressed and reviewed the steps and accomplishments that have been made over the past few weeks. The County Administrators are currently awaiting feedback from a remaining 4 Departments within the County with their requests of equipment for dispatching.

Commissioner Mongold questioned Mr. Cochran as to the dispatching issues to assure they are not just for structure fire but also motor vehicle accidents. Mr. Edward Hannon with the Jefferson County Emergency Services assured the Commission the equipment and calls will be dispatched accordingly and how the Departments request.

Commissioners thanked the County officials for working diligently on the matter, giving it priority and providing feedback to the commission on a regular basis. Commissioner Oldaker pointed out that communication is important to all including the citizens, departments involved and the Commission.

It is noted the Commission took a recess at 10:26 a.m. and returned to meeting at 10:44 a.m.

Consideration of 16-001-HI – Mark Pemberton dba A-Pro Home Inspection Service – Counsel Connolly spoke and reviewed the case for the Commissioners reminding them of the complaint and situations

that has occurred over the past few months. Counsel stated that Mr. Pemberton is present and representing himself today to answer any questions the Commission may have.

Mr. Pemberton spoke and reviewed his report. He stated he has been in the Inspection Field for 16 years and detailed the specific equipment / unit that the inspection report is referring to. Mr. Pemberton stated that he made a mistake given the timing of the inspection, the age of the unit and the variances of operations. It was noted that the Commission nor the WVSFMO had any previous or prior complaints on Mr. Pemberton.

Commissioner Mongold made a motion to dismiss the complaint. Seconded by Commissioner Oldaker. With all the ayes and nays having been taken on voice vote the motion passed.

Consideration of 16-002-HI – Lee Harless – Counsel Connolly stated that Mr. Harless remains incarcerated at this time.

Commissioner Shriver made a motion to table the consideration of 16-002-HI Lee Harless to the December, 2016 Commission Meeting. Seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-006-BCO – Division Deputy Marshal Casto spoke and read aloud a letter submitted to the WVSFMO in regards to the complaint received. Marshal Casto stated that the City of Williamstown does not have an adopted building code. In the past, Division Deputy Marshal Leake stated that the city was submitted plans to the WVSFMO for review. The letter Mr. Casto received and read aloud briefs that the City will cease.

Commissioner Mongold made a motion to dismiss 2016-006-BCO, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Approval of AHIT Course Training with Maryland Applicants – Commissioner Shriver made discussion of the previous Commission meeting motion that required the Training provider AHIT Course Training to provide and administer the National Test as part of its training certification. However, after review by the WVSFMO and questions from staff at AHIT Course Training it is determined that the administration or taking of the test to be certified is the responsibility of the participant. Therefore, WVSFMO staff and Commissioners discussed revising the motion.

Commissioner Shriver made a motion to rescind the motion previously made during the August 2016 Commission Meeting regarding AHIT Course Training with Maryland Applications and furthermore makes the motion to approve AHIT Course Training provided the course description is updated to include WV Legislative Rule 87CSR5 and involves 80 hours of training. Seconded by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-033 Wharnccliffe VFD Update - Assistant State Fire Marshal, Bradley Scott spoke. It was noted that Chief Kandice Chaffins has resigned from Wharnccliffe and provided the WV State Fire Marshal's Office a letter of such. Mr. Scott spoke and stated that a new Chief, Chief Forest Trent, is in place and has made great strides in correcting the deficiencies noted in the Evaluation. All deficiencies have been corrected and Mr. Scott would make the recommendation to the full Commission for recertification. Commissioner Gunnoe noted that the Fire Department Services recommended the

recertification given that Assistant State Fire Marshal Scott revisits and reevaluates the Fire Department before the next Commission Meeting (December 2016).

New Chief Forest Trent spoke to the Commission and detailed the corrected deficiencies.

Commissioner Mongold made a motion lifting the suspension of operations for Wharncliffe VFD with the recommendation that the WVSFMO revisit and reevaluate the Department and that the WVSFMO report back at the next Commission meeting (December 2016), seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Municipality Home Rule Board Rulings - Counsel Connolly spoke and stated that he had met with others within his office and studied to find 5 other challenges similar. 1 in Supreme Court and 4 in Kanawha County Circuit Court of which had been combined into one and eventually dismissed due to Legislation adjustments.

Counsel Connolly stated that when the action was taken before the Commission in August the issue was that the Home Rule Board hadn't officially approved the minutes approving the Clarksburg and Bridgeport request. He noted that since that time, the minutes have been approved and Clarksburg and Bridgeport are removed from the authority of the Fire Commission.

Counsel now believes we are in a better position to file those challenges the Commission just needs to decide where to take the steps, outside of that, counsel stated it is ready to file. Discussion evolved around the time constraints within the two court systems.

Commissioner Mongold made a motion to file the proceedings with the Supreme Court. Seconded by Commissioner White, with all the ayes and nays having been taken on voice vote, the motion passed. It is noted that Commissioner Phil Hart sustained from the vote.

It is noted that Counsel Connolly provided copies of the filing for Chairman Sizemore signature.

Consideration of 2015-056 Elk District VFD – Commissioner White made a motion to grant extension for Elk District VFD until the December, 2016 Commission Meeting, seconded by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2015-057 Tri Towns VFD – Commissioner White made a motion to grant extension for Tri Towns VFD until the December, 2016 Commission Meeting, seconded by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Shriver made a motion to life the City of Logan Provisional Status, given they have met all the necessary requirements, seconded by Commissioner Gunnoe. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham made a motion to dismiss 2016-009-BCO, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

## **NEW BUSINESS:**

Consideration of Southern West Virginia Community and Technical College Training. Chairman Sizemore briefed the emails received on the Fire Commission Email and inquired if anyone was present to speak. Mr. Steve Stone, Chief of Main Island Creek CFD spoke and inquired about the training facilities approved by the WV State Fire Commission more specifically he inquired about Southern West Virginia Community and Technical College. Commissioner White responded stating that Southern West Virginia Community and Technical College was not currently listed as an approved WV State Fire Commission Training provider.

Mr. James Porter of the Logan County Commission spoke and stated that a class had taken place in Logan County that prompted the concern and questions. Commissioners responded that Southern West Virginia Community and Technical College is a higher education facility and provide education or instruction although it might not necessarily meet the WV State Fire Commission code for certification or be WV State Fire Commission approved. Mr. Porter made mention that it is an investment to send individuals for such training and he hopes the community doesn't have a false sense of certification by sending a participant to train at Southern West Virginia Community and Technical College.

Mr. Carl Baisden of Southern West Virginia Community and Technical College addressed and identified himself to the Commission. Commissioners inquired about the number of classes that have been offered for FF1 or FF2. Mr. Baisden stated he was not certain on that number but didn't believe any had been at this time. Commissioners inquired about the number of instructors from RESA or WVU. Again Mr. Baisden was not certain or aware but stated the facility had been in existence since 1971 and has a total of 28 instructor's total.

Consideration of New Fire Department Evaluation System – Commissioner Mongold spoke and stated that Marshal Tyree and staff went over in detail the new system with the Fire Department Services. The documents along with a detailed description were provided to the Commissioners. Commissioner Mongold asked that all Commissioners look at the documents in depth and plan to review, provide feedback and potentially put into effect a new system at the December 2016 Commission Meeting.

Discussion evolved around annual assessments that go out in December of each year and are due back by January. Commissioner Gunnoe suggested as a whole that if a Department does not complete these and return them, a Department could potentially lose funding. Commissioner Gunnoe also spoke about the 180 day extensions along with life safety issues for Firefighters and citizens as a whole.

Division Deputy Marshal Casto spoke that everything is adjustable on the scale system or the entire evaluation system for that matter. Because of the detail and in-depth decision / discussion it was suggested and requested by the Commissioners that a special Commission Meeting be held the evening prior to Committee Meetings in December to discuss, review and revise the Evaluation System.

Commissioner Mongold made a motion to hold a special Commission Meeting on Wednesday, December 7, 2016 beginning at 6:00 p.m. with the only agenda topic item being New Fire Department Evaluation System. Seconded by Commissioner Oldaker. With all the ayes and nays having been taken on voice vote, the motion passed.

It is noted that the WVSFMO staff will accommodate such and set up.

Consideration of Mini Distillery as Farm Structure When on Agricultural Property – Counsel Connolly spoke regarding the topic. Discussion was in depth as Counsel Connolly provided some feedback or potential options for the Commission to take. The Commissioners will reevaluate and discuss during the December 2016 Commission Meeting.

Consideration of Millard / Bridgeport Letters – Counsel Connolly Spoke and reviewed / reminded Commissioners of the Bridgeport complaints. However, it is noted that since the Home Rule Board made the ruling and exempted the City from the Fire Commission, the Commission has no say in matter. Counsel stated the letters are informational only.

Commissioner Eastham made a motion to approve the Provisional Status request for James Vannoy with the City of Richwood as recommended by the Committee. Seconded by Commissioner Shriver. With all the ayes and nays having been taken on voice vote, the motion passed.

Commissioner Eastham made a motion to approve the Provisional Status request for William Tyrand Smith with the City of Princeton as recommended by the Committee. Seconded by Commissioner Shriver. With all the ayes and nays having been taken on voice vote, the motion passed.

Consideration of 2016-011 Hanover VFD – Commissioner Eastham made a motion to grant 60 days extension for Hanover VFD until the December, 2016 Commission Meeting, seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-014 Waverly VFD – Commissioner White Consideration of 2016-011 Hanover VFD – Commissioner Eastham made a motion to grant 60 days extension for Hanover VFD until the December, 2016 Commission Meeting, seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-010 East Bank VFD – Commissioner Gunnoe spoke and stated that Fire Department Services recommend recertification for East Bank VFD as they had corrected deficiencies per WVSFMO from the Evaluation. It is noted however that the WVSFMO has received a written letter / complaint regarding the CPR Training and signing of affidavits required by the Commission. The letter received is written by a member of the East Bank VFD and indicates that the affidavits were signed without a notary present in addition to not fully receiving the training course as required by American Heart Association. Discussion evolved around the deficiencies noted in the Evaluation and Assistant State Fire Marshal Scott spoke and stated that the CPR certification was not one of the deficiencies.

Commissioner Eastham made a motion for the WVSFMO to compose a letter and forward with such the letter / complaint from the East Bank VFD Member to the Kanawha County Emergency Ambulance Authority for further evaluation and research. Seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham made a motion to find probable cause on 2016-057. Second by Commissioner Shriver with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham made a motion to grant a 180 day extension to correct deficiencies for Newton VFD. Second by Commissioner Shriver with all the ayes and nays having been taken on a voice vote, the motion passed.



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

James Cottrill	Spelter VFD	FO2
Allen Long	Jefferson VFD	FO2
Timothy Bradley, Jr.	Tri Towns VFD	FO1 & FO2
John C. Johnson	Malden VFD	FO2
Allan D. Casto	Hurricane VFD	FO1 & FO2

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

Commissioner White made a motion to accept and approve Recertification of the following Fire Departments ...

- East Fork VFD
- East Bank VFD
- Cowen VFD
- Baxter VFD
- Masontown VFD
- White Sulphur Springs VFD
- Lester VFD
- Coalton VFD
- Beverly VFD

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

**CORRESPONDENCE:**

Commissioner Sizemore made mentioned of the correspondence letter from New Haven VFD. Commissioner White commented and said that the letter can be further discussed during the next Training Committee Workshop meeting.

**GOOD OF THE ORDER:**

Commissioner Oldaker made mention of the West Virginia Fallen Firefighter Memorial Service to take place this coming Sunday, October 16<sup>th</sup> at the WV Culture Center in Charleston, WV. Service begins at 1:00 p.m.

Mark Lambert made mention of the Pro Board Challenge. WVU-FSE is offering a Driver / Operator Pumper Pro Board Challenge at the Citizens Fire Company in Charles Town, WV on November 12<sup>th</sup> and 13<sup>th</sup>, 2016. Each day will begin at 8:00 a.m. For further information, contact Ralph McNemar.

It was noted that RESA is now providing testing services for the WV Professional Fire Fighters Apprenticeship Board.

**TIME AND PLACE OF NEXT MEETING:**

A special Commission meeting will take place Wednesday, December 7, 2016 at the Stonewall Jackson State Park / Resort in Roanoke, WV beginning at 6:00 p.m. The special meeting agenda will only include the New Fire Department Evaluation System.

Next Committee Meetings will take place Thursday, December 8, 2016 at the Stonewall Jackson State Park / Resort in Roanoke, WV beginning at 10:00 a.m.

Next regularly scheduled Commission Meeting will take place Friday, December 9, 2016 at the Stonewall Jackson State Park / Resort in Roanoke, WV beginning at 9:00 a.m.

Future meetings are set for February 9<sup>th</sup> and 10<sup>th</sup> at WV State Fire Marshal's Office in Charleston, WV and April 20<sup>th</sup> and 21<sup>st</sup> in or around Twin Falls, WV.

**ADJOURN:**

Commissioner White made a motion to adjourn at 12:01 p.m. Second by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

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