

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

October 18, 2019

The official WV Fire Commission meeting was called to order at 9:00 a.m. by Fire Commission Chairman Grant Gunnoe.

ROLL CALL: by Administrative Secretary Kathryn Burns

Commissioners Present

Edward George, Grant Gunnoe, Dave Camp, Doug Estep, Martin Hess, Doug Mongold, Phil Hart, Jim Oldaker, Mark Stroop, Thomas Keefer, and Virgil White. It is noted that Counsel Will Valentino.

Commissioners Absent

Ted Shriver and Carl Eastham

APPROVAL OF MINUTES:

1. Commissioner Mongold made a motion to accept and approve the minutes of the August 15, 2019 Fire Commission Meeting, seconded by Commissioner Hess. With all the ayes and nays having been taken on a voice vote, the motion passed.

SPECIAL RECOGNITION:

Marshal Tyree told the Commissioners of the heroic acts of Lt. Tony Hess, Firefighter Josh Huffman of South Charleston Fire Department Cpl. Aharon Davis and Patrolman Chris Withrow of the South Charleston Police Department and presented them with plaques recognizing their Excellence and Bravery. The Commission along with all in attendance gave them a standing ovation.

COMMITTEE REPORTS:

• Legislative, Codes & Regulatory Committee

Commissioner George read the Legislative, Codes & Regulatory Committee Report from Meeting – October 17th, 2019 as follows:

Call to order

Commissioner George called to order the regular meeting of the Legislative, Codes and Regulatory Committee Meeting at 10:08am October 17, 2019 at the WV Fire Marshal's Office, Charleston, WV.

Roll call

The following commissioners were present:

Jim Oldaker
Tom Keefer
Mark Stroop
Edward George

The following commissioners were absent: Ted Shriver

It is also noted Counsel Will Valentino is in attendance.

Unfinished Business- None

New business-

1. Consideration of Appeal Request for Rockhaven Bed & Breakfast, Harper's Ferry, WV after 3year allowance to provide a 3rd floor fire escape. (Lynne & Christian Pechuekonis).

Fire Marshal Tyree explained the 3 year allowance that has been given in 2017 to Lynne & Christian Pechuekonis; who own the Rockhaven Bed & Breakfast, Harper's Ferry, WV, to provide a 3rd floor escape. Marshal Tyree commented that adding a sprinkler system would meet the requirements as well. He noted that they will be expected to have that completed in June 2020 and that is why they wish to come before the Commission at this time. Due to the Historical Value of the home the owners do not feel it would be aesthetically feasible and they had sent a letter from the WV Division of Culture and History noting they too felt it adversely affect the historic home.

Commissioner George asked if this was an aesthetic issue for the Commission.

Marshal Tyree stated that it is considered a Life and Safety issue.

Commissioner George inquired about a recent discussion in front of the Commission about a proposed residential system.

Marshal Tyree noted that there had been however that system works well in new construction but not really in old construction. He gave a description of how he thought a sprinkler system could be added.

Commissioner Gunnoe asked if the fire escape can be built or is it being prohibited.

Marshal Tyree responded that they can, but the WV Culture and History recommends against it.

Chief Deputy Sharp explained that the code states the commission should consider the recommendation, but they do not have to honor it.

Commissioner George asked if that would cause them to be removed from the Historical Homes but there was not any definitive answer. He then read Cultural and History's statement to the Committee. Once completed he stated for clarity that it is the Fire Marshal's Staff recommendation that the Commission does not follow the recommendation of the of the WV Cultural and History Department.

Commissioner Gunnoe noted that it wasn't recommended that we waive both

recommendations but that is what the owners want.

Commissioner Keefer noted that they do have a balcony that would be reachable and wondered if they talked to the fire department. No one was aware of any discussion.

Commissioner George asked the Staff if the owners want a variance to do neither.

Deputy Sharp responded in the affirmative.

Commissioner Gunnoe stated for the committee that it is Staff's recommendation that we don't grant that.

Marshal Tyree Explained some of the provisions in the code and how staff had suggested changes in hopes they would work for everyone involved such as switching their living to the third floor and move the guests to the second. He also noted that he is not aware of any precedent in this regard.

Commissioner George asked if there were any other questions and there were none. He then asked if any actions needed to be taken.

A discussion was held and the Full Commission will wait to hear from the owners and not make any decisions at this time.

2. Consideration of Provisional Maintenance and Housing Inspector Matthew Lively- Whitesville, WV

Marshal Tyree explained the request for Mr. Lively and that we normally grant such requests.

Commissioner Oldaker made a motion to recommend the approval of Matthew Lively- Whitesville, WV as a Provisional Property Maintenance and Housing Inspector to the Full Fire Commission, seconded by Commissioner Keffer. With all the ayes and nays having been taken on a voice vote, the motion passed.

3. Consideration of Provisional Commercial Building Inspector 6 Month Extension Roy Tucker, Berkeley County.

Chief Deputy Sharp explained that it is Staff's recommendation that this be granted.

Marshal Tyree stated it is evident that testing hasn't been completed and that is the reason for the request.

Commissioner George explained the Staff recommendation to the Committee and asked if there was a motion.

Commissioner Keefer made a motion to recommend the approval of Roy Tucker, Berkeley County as a Provisional Commercial Building Inspector for a 6 Month Extension 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.

Commission George asked if there were any other issues.

Marshal Tyree explained that it is likely that there will be an emergency rule concerning Title 87, Series 8 so the Voluntary Fire Service training won't lag behind.

Commissioner George asked about the length of an emergency rule.

Marshal Tyree stated he believes it is 2 years.

Commissioner George asked if Marshal Tyree was just making the Committee aware there might be an issue.

Marshal Tyree responded in the affirmative.

There were no other questions or comments.

Adjournment

Commissioner Keefer moved to adjourn the meeting at 10:33AM, second 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 Keefer. 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 – October 17th, 2019 as Follows:

Call to Order

Commissioner Mongold called to order the regular meeting of the Fire Department Services Committee at 11:37am on October 17, 2019 at the WV Fire Marshal's Office, Charleston, WV.

Roll Call

The following commissioners were present:

Dave Camp
Doug Mongold
Jim Oldaker
Mark Stroop
Phil Hart

The following commissioners were absent: None

It is noted that Counsel Will Valentino is present as well.

Commissioner Gunnoe explained some of the processes of the disciplinary agenda and that 180 Day Compliance has been moved to the Fire Department Services agenda so not to put these departments in unnecessary negative light.

Unfinished Business-

1. Consideration of North Fork VFD Update

Assistant Fire Marshal Bradley Scott discussed the North Fork VFD and the results of his investigation. The department had previous deficiencies that had taken over a year to correct and that now their air packs have failed testing and they are voluntarily shut down at this time. He noted that the department had received a grant and his recommendation to them was to use that money for new air packs, but the department had not done so. Currently the department lacks a chief and as of his last discussion he recommended to them they combine with another department.

Commissioner Mongold asked for confirmation that they are still shut down.

Assistant State Fire Marshal Scott replied in the affirmative.

Commissioner Gunnoe noted that they are voluntarily shut down, but do we feel we need to take a formal action to shut them down until deficiencies are corrected.

Commissioner Estep asked if they are still receiving funding and it was confirmed they are. He then wanted to know if their area is being covered and that was confirmed as well by Keystone VFD.

Assistant State Fire Marshal Hamrick explained the number of calls that North Fork VFD received and how it seems that when they are open, they have an excessive number of calls and questions why.

Robbie Bailey of WV Public Service Training has offered their services for training but hasn't had any takers. He also explained to the commission that that Keystone is a separate municipality from Norfolk. He explained the coverage of the departments and that multiple departments are assisting with coverage.

There was some additional discussion concerning deficiencies, coverage and explanation of the workings of the municipalities.

Commissioner Hart made a motion recommend further discussion and possible action to the Full Fire Commission, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote, the motion passed.

2. Report on [§29-3-5f](#) Fire Service Equipment and Training Fund Grant Criteria

Fire Marshal Tyree gave a report on proposed grant criteria for funds (at this time \$12,641.54) that will be available for distribution from the Fire Service Equipment and Training Fund. The Staff thoughts are that we will just maintain the money until Interim meetings and that additional funding might be added. He explained why there was only a portion of the money dispersed to the fund as the department that lost the funding had met the necessary criteria to retain the additional funding they had received.

Commissioner Mongold asked if there were any additional questions and there were none.

New Business

1. Fire Officer I and II Applications

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

- a. James Caudill FO1
- b. Michael Shane Ullom- FO2

Commissioner Oldaker made a motion to approve these applications and recommend 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. Fire Departments to be Recertified:

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

- a. Hundred VFD
- b. Silver Hill VFD
- c. Reader VFD
- d. Pine Grove VFD
- e. Jacksonburg VFD
- f. Nettie VFD
- g. Frankford VFD
- h. Anthony Creek VFD
- i. Mount Storm VFD
- j. Petersburg VFD
- k. Mathis Baker VFD.

3. Fire Departments with perfect evaluations to be Recertified

Commissioner Stroop made a motion to approve these applications and recommend 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.

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

- a. West Liberty VFD
- b. Valley Grove VFD
- c. Bethlehem VFD

- d. Mozart VFD
- e. City of Wheeling Fire Department
- f. Glen Dale VFD

Commissioner Camp made a motion to approve these applications and recommend 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. Report on Fire Departments Receiving 180 Days to Achieve Compliance:

Assistant Fire Marshal Bradley Scott gave a report on fire departments receiving 180day to achieve compliance as follows:

- a. Duval VFD.
- b. Clearview VFD
- c. Dallas VFD
- d. Triadelphia VFD
- e. Stone Church VFD
- f. Coalwood Caretta VFD
- g. Mount Olivet VFD
- h. Sherard VFD
- i. Benwood VFD
- j. McMechen VFD
- k. Limestone VFD
- l. Cameron VFD
- m. Fork Ridge VFD
- n. Roberts Ridge VFD
- o. Washington Lands VFD
- p. Saint Joesph VFD

No action was needed and the committee moved on to number 5.

5. Consideration of New Fire Boundary Benwood VFD & Sherrard VFD (Boggs Run VFD former area)

Commissioner Mongold asked if there were any concerns or questions.

Commissioner Camp asked who was covering the areas and coverage was explained.

Commission Oldaker made a motion to approve the New Fire Boundary Benwood VFD & Sherrard VFD and recommend to the full Fire Commission, with a second by Commissioner Stroop. With all the ayes and nays having been taken on a voice vote, the motion passed.

6. Consideration of County Fire Board By-Laws for Berkeley, Ohio, Mercer, Morgan, Upshur, Randolph, Putnam and Wood Counties.

Assistant State Fire Marshal Scott explained that this was all of the fire boards.

Commission Oldaker made a motion to approve the County Fire Board By-Laws for Berkeley, Ohio, Mercer, Morgan, Upshur, Randolph, Putnam and Wood Counties and recommend to the full Fire Commission, with a second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Adjournment

Commissioner Camp moved to adjourn the meeting at 12:01pm, seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner George 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.

• Disciplinary Committee

Commissioner Eastham read the Committee Report from Meeting – October 17th, 2019 as follows:

Call to order

Commissioner Mongold called to order the regular meeting of the Disciplinary Committee Meeting at 10:35AM on October 17, 2019 at the WV Fire Marshal's Office, Charleston, WV.

Roll call

The following commissioners were present:

Doug Mongold
Edward George
Martin Hess

Absent: Ted Shriver and Carl Eastham

It is noted that Counsel Will Valentino was in attendance as well.

Unfinished business - None

New business

Commissioner Hess made a motion to go into executive session at 10:40am, seconded by Commissioner George. With all of the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner George made a motion to come out of executive session at 11:20am, seconded by Commissioner Hess. With all of the ayes and nays having been taken on a voice vote, the motion passed.

1. Consideration of Complaint Investigation Review (FDC FY19-017)

Commissioner George made a motion to find probable cause on (FDC FY19-017) seconded by Commissioner Hess. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Hess motion to recommend further action 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. Consideration of WV Division of Labor Complaint (FDC FY20-08)

Commissioner George made a motion to instruct the Marshal's Office to do an investigation to the full Fire Commission on this complaint, seconded by Commissioner Hess. With all the ayes and nays having been taken on a voice vote, the motion passed.

Adjournment

Commissioner George moved to adjourn the meeting at 11:26PM, seconded by Commissioner Hess. With all the ayes and nays having been taken on a voice vote, the motion passed.

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

• Recruitment and Retention

Commissioner Hess shared that Gilmer County held a First Responders day and over 100 people attended. It resulted in 7 new recruits. He noted that this shows how with effort additional Firemen can be found.

Commissioner Hess explained that going forward Recruitment and Retention is going to be handled in the Full Commission.

• Training Committee

Commissioner White read the Committee Report from Meeting – October 17th, 2019 as follows:

Call to order

Commissioner White called to order the regular meeting of the Training Committee Meeting at 12:07pm October 17, 2019 at the WV Fire Marshal's Office, Charleston, WV.

Roll call

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

Virgil White
Tom Keefer
Jim Oldaker
Doug Estep
Edward George

The following commissioners were absent: None

Unfinished Business

1. Consideration of Fire Officer Training Review for Volunteer Fire Departments.

Commissioner White discussed the IFSTA Guide for the FO1 & 2 Instructor material concerning labor management information, etc. He explained we will keep it on the agenda and have a special work shop meeting to discuss all of the curriculum that was submitted to the office.

2. Consideration of Fire Training Complaints.

Commissioner Gunnoe explained that there was a complaint were the individual couldn't attend WVU training and wasn't allowed to take it from WV PST (Public Service Training). He asked if that was correct.

Ralph McNemar of WVU – FSE stated it would depend if they would want Pro Board or just a WVSFC Certificate. He noted they would accept it if a PST instructor was there.

Ralph Koser of WVPST stated they wouldn't have an issue either if it could be properly documented.

Robbie Bailey of WVPST suggested cleaner language would be practical training skills. He would have no problem scanning the skill sheets and allowing another instructor sign off.

A discussion was held by all interested parties noting that it would be required that everyone be made aware of the request by the student and that it be prior approved. The student can't just decide on their own show up at a class.

Mike Freeman of WV PST doesn't want to see it only being practical skills. He thinks it should cross over the classroom needs.

Commissioner Gunnoe thought the issue would be you are teaching out the different manuals and have different test.

Mr. Freeman replied that it is all based on the same standard.

Commissioner Gunnoe stated that the Commissioners will think about it the necessary wording, so it is ready for the full agenda.

3. Consideration of WVPST Training Curriculum Updates.

Commissioner White explained that we have all of the information for the Committee to review.

Commissioner Oldaker wanted to ensure that we aren't holding anything up.

Commissioner Gunnoe asked if we could do this as a pilot project.

A discussion ensued regarding the paperwork it would generate and what steps would need to be taken to achieve that.

Marshal Tyree explained what would be required if it was done as a pilot. It would be easier if we could get it changed in emergency rule. He also explained the processes involved concerning emergency rules.

Counsel Will Valentino gave additional information on the same subject.

Commissioner Gunnoe wondered if the time frame would impact the availability of books. He suggested doing a pilot program to use the most current standards in lieu what is in Title 87 Series 8.

Marshal Tyree will consult with counsel.

Additional questions were raised about the paperwork involved to which Marshal Tyree noted it wouldn't require new applications.

Marshal Tyree stated we will confer with Counsel make sure that we can do this, and it could be discussed at the afore mentioned special work shop meeting and then finalize at the December meeting.

New business

1. Staff/Counsel

Marshal Tyree explained an email about a study being proposed regarding Fire and Emergency Service Personnel Knowledge and Skills Proficiency.

Ralph McNemar gave some additional information to the Committee on this issue.

Greg Cade of NFPA explained how the Research Foundation works. It is their job to coordinate the research but not physically do it. Then they report the information that is gathered. He explained the changes of the Foundation over the years and how those attending could participate.

Marshal Tyree noted that the public comment period ends November 15th. There may be a need for the Commission to ask the Staff to submit comments to some of these standards. The office will research it and get back to the Commission if need be prior to November 15th.

2. WVU Fire Service Extension

There wasn't any information given.

3. WV Public Service Training/WV Dept. of Education

Ed Hicks PST Coordinator explained that at a recent meeting concerning the Job and Hope Initiative, a question was brought up if the first responders could be included with the funding. He wanted to bring it to the Commission and suggested this could be an incentive, but it is just in the works.

Michael Freeman of WVPST stated they will be holding its bi-annual ASSET conference for instructors on November 16th and 17th at Canaan Valley and invites the Fire Commission to attend a roundtable discussion on Sunday, November 17th at 9:00am.

4. Consideration of EPA Hazardous Materials Firefighter Operations and Technician Courses.

Chief Deputy State Fire Marshal Sharp discussed the request from EPA Instructor Christine Wagner. He explained the courses they are teaching, and the question was asked if the Fire Commission would except this for Hazemat training. They provide everything but location and air packs. Would it meet the Awareness level?

A discussion was held about the requirements for the various levels of instruction various concerns were brought up by Commissioners and those in attendance.

The Committee will add this to the discussions at the afore mentioned special work shop.

Adjournment

Commissioner Oldaker moved to adjourn the meeting at 1:00pm, seconded by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion

Commissioner Mongold made a motion to accept the report, seconded by Commissioner Stroop. 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 and that he will give the overall agency operations report.

Public Information Specialist 2 Courtney Rosemond gave a report on the Public Education efforts for the period of August 1, 2019 through September 30, 2019:

Media Releases – 7

- “Not Every Hero Wears A Cape” is this year’s Fire Prevention Week theme
- W.Va. State Fire Marshals arrest three affiliated with a Raleigh fire department
- Upshur County man faces arson charges over August house fire
- Mother charged in Mason County fire that killed son
- W.Va. State Fire Marshals seek information in Upshur investigation
- Mercer Co. couple charged with operating illegal tire dump site
- W.Va. State Fire Marshals charge Upshur County man

Social Media interactions – 255 new Facebook subscribers since Aug. 5th, weekly safety messages and news updates are disseminated through Facebook and Twitter. We total 10,255 subscribers.

Top engagement post: Upshur Co. Arson Video

22,545 people reached

8,347 post clicks

Public Education Network – 3 new members since June, 127 total members since April 2016.

Public interactions completed – 15

- Fairmont State University RA Training
- Campus Fire Safety Fairmont State University
- Malden Fire Prevention Event
- Sissonville Fire Prevention Event
- Oak Hill Fire Prevention Safety Day
- Fire Safety Podcast Recording with Kanawha-Charleston Health Department
- Freshmen Orientation Safety at WVSU
- Parade of Lights in Raleigh Co.
- St. Albans Senior Safety Event
- Preparedness Expo
- Senior Advisory Committee
- Public Relations interaction with WVU Mountaineer
- Public Relations interaction with Marshall Mascot
- Fallen Firefighter Memorial
- Marshall County LEPC Presentation

Ongoing Projects:

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 WVSFMO will be made available along with other commemorative items. To celebrate the anniversary, we are collecting interviews from former employees and retired Marshals and Deputies. The video will be available for viewing at the open house and 110th Anniversary celebration.

Poster Contest – The fourth annual State Fire Marshal Fire Safety Poster Contest will begin when kids go

back to school. Students in grades K-5th will design fire safety messages that will be judged and made into a calendar. The contest will begin in mid-august and conclude in mid-September with judging to take place in October.

Deputy State Fire Marshal Baltic's report on the Investigation Division for the period of August 1, 2019 through September 30, 2019:

Total Number of Fires 01AUG19 to 30SEPT19 – 96

Accidental – 15

Incendiary – 24

Undetermined – 52

Fatality Total 01AUG19 to 30SEPT19 –6

Injury Total 01AUG19 to 30SEPT19 – 2

Total \$ loss 01AUG19 to 30SEPT19 - \$7,051,806

Educational - \$0

Mercantile - \$3,550,000

Other Structures - \$0

Outside / Special Properties - \$0

Residential - \$3,043,706

Storage - \$45,000

Vehicles - \$31,100

Total \$ loss 01AUG19 to 30SEPT19 that are declared Incendiary - \$7,051,806

Total number of fires cleared by arrest or exceptional means – 6

Deputy State Fire Marshal Baltic's report on the Investigation Division for the period of January 1, 2019 through September 30, 2019:

Total Number of Fires 01JAN19 to 30SEPT19 – 487

Accidental – 72

Incendiary – 126

Undetermined – 282

Fatality Total 01JAN19 to 30SEPT19 -- 33

Injury Total 01JAN19 to 30SEPT19 – 10

Total \$ loss 01JAN19 to 30SEPT19 - \$25,994,349

Educational - \$1,000

Mercantile - \$4,122,000

Other Structures - \$151,400

Outside / Special Properties - \$11,501

Residential - \$17,587,498

Storage - \$405,350

Vehicles - \$148,600

Total \$ loss 01JAN19 to 30SEPT19 that are declared Incendiary - \$4,590,408

Total number of fires cleared by arrest or exceptional means – 40

Questions:

None

Marshal Tyree shared the report on the Inspection and Plans Review Division for the period of August 1, 2019 through September 30, 2019:

INSPECTIONS CONDUCTED: 976

INITIAL	ANNUAL	FOLLOW-UP	CONSTRUCTION	FINAL	SYSTEM	FIREWORKS	AGST
89	406	47	282	93	56	3	0

PLANS REVIEWED: 307 (Does not include walk-in consultations with architects and designers)

OCCUPANCY PERMITS: 40

COMPLAINT INVESTIGATIONS: 61

FIRE CODE	ELECTRICAL	BLASTING	FIREWORKS	EXPLOSIVE MAGAZINE
44	12	5	0	0

LICENSE CHECKS: 536

ELECTRICAL	LOW VOLTAGE	FIRE PROTECTION	PYRO
362	42	93	39

WARNINGS	CITATIONS	CRIMINAL COMPLAINTS	EXECUTE ARREST WARRANTS
2	4	37	2

State Fire Marshal Tyree shared his report on the Fire Service Division for the period of August 1, 2019 through September 30, 2019:

	AUG	SEP	TWO MONTH TOTAL
Total Licenses Issued:	527	454	981
Total Certifications Issued:	34	23	57
Total Permits Issued:	62	34	96
Total Applications Processed:	200	233	433
Online Renewals:	178	127	305

Total Consumer Fireworks Certificates Issued

Permanent:	0	0	0
Temporary:	0	0	0
Wholesaler:	0	0	0
Outdoor Storage:	1	0	1
Novelties:	0	3	3

State Fire Marshal Tyree shared his report on the Fire Service Division for the period of January 1, 2019 through September 30, 2019:

1 Electrician Licenses issued:	15,587 (5,100 online; 8,694 Lockbox; 1,792 office)
2 Temporary Electrician Licenses issued:	76
3 Pyrotechnician Licenses issued:	654
4 Blaster Licenses issued:	833
5 Fire Protection Licenses issued:	526
6 Building Code Official Certifications issued:	53
7 Home Inspector Certifications issued:	170
8 Electrical Inspector Certifications issued:	48
9 Fireworks Display Permits issued:	291
10 Explosive Magazine Permits issued:	554
11 Explosive Magazine Applications reviewed:	105
12 Exam Applications processed:	2,200
13 Number of Applications Returned:	424
14 Number of tests graded:	1,763
15 Letters of Good Standing issued:	136
16 Miscellaneous:	38

Summary:

Total Licenses Issued: 17,676

Total Certifications Issued: 271

Total Permits Issued: 845

Total Applications Processed: 2,200

Consumer Fireworks

Permanent:	52
Temporary:	228
Wholesaler:	20
Outdoor Storage:	182
Novelties	710

Summary:

Total Certificates Issued: 1,192

FIRE DEPARTMENT SERVICES						
RECENT ACTIVITY						
2019						
	AUG 2019	SEP 2019	TOTAL	2019 YTD	FY2019	FY2018
FIRE DEPT EVALUATIONS	11	12	23	90	101	72
DEPTS RECERTIFIED	17	0	17	64	96	67
DISCIPLINARY	13	0	13	40	61	44

180 DAYS	14	0	14	39	49	48
EMERGENCY VEHICLE PERMITS						
TOTAL PROCESSED	22	27	49	375	509	582
APPARATUS	6	11	17	108	138	193
PRIVATE	16	16	32	267	371	389
DEACTIVATED	30	42	72	546	684	619
APPARATUS	3	12	15	154	155	154
PRIVATE	27	30	57	392	529	465
VERIFIED AND REFUSED	15	10	25	144	148	111
APPARATUS	4	3	7	26	33	32
PRIVATE	11	7	18	118	115	79
NFIRS						
TOTAL REPORTS SUBMITTED	6,767	2,326	9,093	82,284	131,061	126,451
90 DAY GRACE	0	0	0	178	231	250
OUT OF GRACE	8	2	10	169	220	235
FUNDING LOSS	0	0	0	9	11	15
NFIRS CLASSES TAUGHT	0	0	0	1	3	0
COUNTIES REPRESENTED IN NFIRS	0	0	0	2	4	0
NUMBER OF NFIRS STUDENTS	0	0	0	3	7	0
SLACK.COM WORKSPACE MEMBERS	10	7	17	109		
COUNTIES REPRESENTED IN SLACK	7	5	12	64		
NUMBER OF FDS REPRESENTED	9	6	15	100		
FIRE OFFICERS						
TOTAL SUBMITTED	0	2	2	21	40	27
FIRE OFFICER 1	0	1	1	10	17	12
FIRE OFFICER 2	0	1	1	11	23	15
FOIA REQUESTS						
REQUESTS RECEIVED	3	9	12	106	154	170
REPORTS PROCESSED	7	12	19	231	352	311
REPORTS RESEARCHED	7	29	36	332	512	1,546

Questions

None

Operations Report by State Fire Marshal Tyree:

**October 18, 2019
Fire Marshal's Report to Operation's Committee**

Mr. Chairman, members of the Commission:

- **Personnel Staffing:**
 - **New Employee:**
 - **Promotions/Reallocations:** DFM A. Casto, new Inspection Div Director; ASFM E. Chapman and K. Morrison promoted to ASFM 1
 - **Resignation/Termination/Retirement:** ASFM D. Gregory Ret. 28 yrs

- We have **9 vacancies** within the agency: **Five (5)** ASFM in Training and Field Deputy for **Inspection Div.** and **One (1) Investigation Div.**, **one (1)** Public Information Specialists de-activated currently; **One (1)** Divisional Director (DFM) and **One (1)** Admin Services Asst 1; **Services** Division.

- **Legislative Bills update:** State Fire and Building Codes proposed for update.
 - **87CSR1 Fire Code and 87CSR4 Building Code**

- **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.
- **Grant Funding – Fire Equipment and Training Fund Option/Process**
- **Two Significant Pursuits**
 - Filling of Sworn Positions
 - Advanced Research for Software and Technology infrastructure to enhance efficiencies within the Inspection Division; Fire Dept. Services Section, and Licensing and Certification Division
 - Goal: Begin launch at beginning FY 2021 with full implementation by October 2020.

- **Visits and Meetings**
 - NFPA 1 Technical Committee Second Draft Meeting; NFPA HQ which means NFPA 1, 2021 Edition will be up for a vote June 2021 in Orlando
 - Mobile Cooking Operations and Valet Trash Service are concerns being discussed
- **Commendations:**
 -

Questions:

None

Commissioner Mongold made a motion to accept the reports as given, seconded by Commissioner Stroop. With all of the ayes and nays having been given on a voice vote the motion passed.

UNFINISHED BUSINESS:

1. Consideration of Fire Service Training Complaints.

Commissioner Gunnoe explained how both training entities WVU FSE and WV PST agreed that they could allow cross training if there was established policy.

Commissioner Gunnoe tasked the Fire Marshal's office with drafting an agreeable certification policy between WVU and PST.

Commissioner Oldaker made a motion to give the authority for Commissioner White, Commissioner Mongold and the State Fire Marshal's Office to establish the policy, seconded by Commissioner Stroop. With all of the ayes and nays having been taken on a voice vote the motion passed.

2. Consideration of WVPST Training Curriculum Updates.

A work shop will convene (date TBA), review the material and come up with a plan to get the material updated. Possibly using an Emergency Rule and/or pilot program using the new standards.

3. Consideration of Fire Officer Training Review.

The curriculum has been submitted to the office and it will be discussed during a special work shop (date TBA) and will be kept on the Agenda for December.

4. Consideration of North Fork VFD Update.

Commissioner Gunnoe made everyone aware of the issues that were discussed in the previous days Committee meetings and the Commission recommends moving forward to decertify the North Fork VFD (currently voluntarily shut down).

Commissioner Mongold stated it is not the Commission's practice to shut down but it is our duty to keep the Fire Departments safe.

Commissioner Mongold motion for the Fire Marshal's office to start decertification proceedings seconded by Commissioner White. With all of the ayes and nays having been taken on a voice vote the motion passed.

5. Report on [§29-3-5f](#) Fire Service Equipment and Training Fund Grant Criteria.

During the Fire Department services Marshal Tyree had given a report recommending the funding be retained until Interim meetings as additional funding might be added.

The Commission had no other questions about the report.

6. Consideration of Berkeley County Fire Board Interpretation of Chapter 7, Regarding County Fire Boards.

Legal Counsel Will Valentino addressed those in attendance. He has read both prosecutors position's and agrees that the code is not very clear. Even if the Commission would agree with either of the positions, it does not have the jurisdiction necessary to assist.

NEW BUSINESS:

1. Report on Fire Depts Receiving 180 Days to Achieve Compliance: Duval VFD, Clearview VFD, Dallas VFD, Triadelphia VFD, Stone Church VFD, Coalwood Caretta VFD, Mount Olivet VFD, Sherard VFD, Benwood VFD, McMechen VFD, Limestone VFD, Cameron VFD, Fork Ridge VFD, Roberts Ridge VFD, Washington Lands VFD and Saint Joesph VFD.

2. Consideration of Fire Officer 1 & 2 applications: James Caudill FO1, Ceredo and Michael Shane Ullom FO2, Roberts Ridge.

Commissioner Mongold made a motion to approve these applications, seconded by Commissioner Stroop. With all the ayes and nays having been taken on a voice vote, the motion passed.

3. Consideration of Recertification of Fire Departments: Hundred VFD, Silver Hill VFD, Reader VFD, Pine Grove VFD, Jacksonburg VFD, Nettie VFD, Frankford VFD, Anthony Creek VFD, Mount Storm VFD, Petersburg VFD and Mathis Baker VFD.

Commissioner Mongold made a motion to recertify the Hundred VFD, Silver Hill VFD, Reader VFD, Pine Grove VFD, Jacksonburg VFD, Nettie VFD, Frankford VFD, Anthony Creek VFD, Mount Storm VFD, Petersburg VFD and Mathis Baker VFD, seconded by Commissioner Hess With all the ayes and nays having been taken on a voice vote, the motion passed.

4. Consideration of Perfect Evaluation Recertification of Fire Departments: West Liberty VFD, Valley Grove VFD, Bethlehem VFD, Mozart VFD, City of Wheeling Fire Department, and Glen Dale VFD.

Commissioner Mongold made a motion to recertify these fire departments with perfect evaluations West Liberty VFD, Valley Grove VFD, Bethlehem VFD, Mozart VFD, City of Wheeling Fire Department, and Glen Dale VFD, seconded by Commissioner Hess With all the ayes and nays having been taken on a voice vote, the motion passed.

5. Consideration of EPA Hazardous Materials Firefighter Operations and Technicians Courses.

This item will be added to a special work shop meeting prior the December Commission meeting with the date and time TBA.

6. Consideration of New Fire Boundary Benwood VFD & Sherrard VFD (Boggs Run VFD former area).

Commission Mongold made a motion to approve the New Fire Boundary Benwood VFD & Sherrard VFD, with a second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

7. 7 Consideration of County Fire Board By-Laws for Berkeley, Ohio, Mercer, Morgan, Upshur, Randolph, Putnam and Wood Counties.

Commission Mongold made a motion to accept the submittal of the County Fire Board By-Laws for Berkeley, Ohio, Mercer, Morgan, Upshur, Randolph, Putnam and Wood Counties, with a second by Commissioner George With all the ayes and nays having been taken on a voice vote, the motion passed.

8. Consideration of Provisional Maintenance and Housing Inspector Matthew Lively- Whitesville, WV.

Commissioner George made a motion to recommend the approval of Matthew Lively- Whitesville, WV as a Provisional Property Maintenance and Housing Inspector, seconded by Commissioner White With all the ayes and nays having been taken on a voice vote, the motion passed.

9. Consideration of Provisional Commercial Building Inspector 6 Month Extension Roy Tucker, Berkeley County.

Commissioner George made a motion to recommend the approval of Roy Tucker, Berkeley County as a Provisional Commercial Building Inspector for a 6 Month Extension, seconded by Commissioner White With all the ayes and nays having been taken on a voice vote, the motion passed.

10. Consideration of Appeal Request for Rockhaven Bed & Breakfast, Harper's Ferry, WV after 3 year allowance to provide a 3rd floor fire escape. (Lynne & Christian Pechuekonis).

Chrisian Pechuekonis explained how their Bed and Breakfast came to be. He spoke of the architecture of the home and how it important its' history is.

He explained why they are here asking for a variance allowed by WV Code 16C (d) and (e).

He pointed out the balcony on the home on presented the Commission with some color pictures of the home and a copy the letter from WV Culture and History.

He spoke of the cost that would be involved in adding external stairs or a sprinkler in comparison to the to the income that is brought in. He told of the proximity of the local fire depart. He explained to the commissioners some of the safety things they have done to make the home safe. He explained the logistics of the home interior and the various means of escape for any guests. They do not allow people with mobility issues to stay in the upper floors.

Commissioner Gunnoe asked how many rooms they rent out.

Mr. Pechuekonis stated one on the top and one on the bottom.
Commissioner George if the home was on the National Historic Register.

Mr. Pechuekonis responded no but it is in the Historic District, but they are going to seek distinction. Particularly regarding the Black History associated with the home.

Commissioner George asked if they did make the register would it negate taxes.

Mr. Pechuekonis responded that it might on the state side.

Commissioner George inquired if being on the register would provide monies to assist with the upkeep.

Mr. Pechuekonis stated it was a possibility

Commissioner George explained that the Commission recognizes the historic value particularly the black history but we do have to consider life and safety.

Commissioner Gunnoe asked for clarification of the request.

Mr. Pechuekonis responded that we leave the home as is and not do either the external stairs or the sprinkler.

Commissioner Estep is a chain ladder would be a possibility.

Mr. Pechuekonis responded that they have looked into that.

Commissioner George would want to see what staff's opinion of that type of ladder is and asked if they would instruct guests on how to use it.

Mr. Pechuekonis stated they already do safety guidelines and could add information regarding chain ladder use.

Marshal Tyree stated the ladder would not meet secondary means of egress.

Commissioner Gunnoe asked how they keep the disabled from renting.

Mr. Pechuekonis explained that they do not discriminate but do explain the accommodations to interested parties and the need to be able negotiate stairs.

Commissioner George asked if the kitchen in the home was a commercial kitchen.

Mr. Pechuekonis stated it was a residential kitchen.

Commissioner Keefer inquired about the materials used in construction of the home.

Mr. Pechuekonis gave a brief description of the materials in the home.

Commissioner Keefer asked if the Pechuekonis' had spoken with the local Fire Department.

Mr. Pechuekonis stated they had but the fire department doesn't have any special plans for responding to the home.

Commissioner Gunnoe explained to Mr. Pechuekonis that the Commission understands the issue and knows how important tourism in this WV. We want to be as fair as we can. After speaking the counsel there is concern about procedure and formal records and therefore the Commission won't rule today. However, if you wish to seek a variance then we will get you on the December agenda.

11. Consideration of Retired Assistant Fire Marshal Doug Gregory 28years of Service Firearm Request.

Marshal Tyree asked the Commission to grant Retired Assistant Fire Marshal Doug Gregory's request for his Service Firearm after 28 years of service. He also explained that the request is allowable.

Commissioner Mongold made a motion to grant Retired Assistant Fire Marshal Doug Gregory 28years of Service Firearm Request, seconded by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

12. Consideration of Complaint Investigation Review (FDC FY19-017).

Commissioner Mongold made a motion at 10:45am to go into executive session, seconded by Commissioner George. With all of the ayes and nays having been taken by voice vote the motion passed.

Commissioner White made a motion at 11:40am to leave executive session, seconded by Commissioner George. With all of the ayes and nays having been taken by a voice vote the motion passed.

Commissioner Grant noted that there will be a 20-minute break at this time.

The meeting was called back to order at 12:00 noon.

Commissioner Mongold made a motion to find probably cause on FDC FY19-017, seconded by Commissioner George. With all of the ayes and nays having been taken by a voice vote the motion passed.

Commissioner Gunnoe stated that probably cause had been found and asked Assistant Fire Marshal Scott to explain the findings.

Assistant Fire Marshal Scott explained that during a VFD inspection irregularities were found the Department Chief admitted falsifying hose testing records.

Counsel Valentino read the rule **§87-6-10.3**

Commissioner Mongold made a motion to use rule **§87-6-10.3**, seconded by Commissioner George. With all of the ayes and nays having been taken on a voice vote the motion passed.

The Commission is appointing the Fire Marshal and 2 members of the Commission to meet with the chosen board members of the department involved to work out an agreement. Once that agreement is reached it will be brought back to the Commission at the December meeting.

Commissioner Gunnoe addressed everyone in attendance explaining the Commission's response. We (the Commission) want to be fair to everyone but we are not going to allow departments to operate in an unsafe manner. He explained that Commission Counsel will review those chosen to act on behalf of the department to ensure there are not any conflicts of interest. At this time no other statements are necessary from the Chief.

13. Consideration of WV Division of Labor Complaint (FDC FY20-008)

Commissioner George made a motion to continue with the complaint procedure, seconded by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.

SPEAKER: Lynne & Christian Pechuekonis- Owners of Rockhaven Bed & Breakfast, Harper’s Ferry, WV

CORRESPONDENCE: WV Fire Commission Roundtable @ ASSET PST Instructor Conference Nov 17@9am

GOOD OF THE ORDER:

TIME AND PLACE OF NEXT MEETING(S):

Next regularly scheduled Fire Commission Committee Meetings will take place Thursday December 5, 2019 at the Stonewall Jackson Resort, Roanoke, WV at 10:00am.

The next regularly scheduled Full Commission Meeting will be held at the Stonewall Jackson Resort, Roanoke, WV on Friday, December 6th, 2019 at 9:00am.

ADJOURN:

Commissioner White made a motion to adjourn at 12:10pm, seconded by Commissioner George, with all the ayes and nays having been taken on a voice vote, the motion passed.
