

WV STATE FIRE COMMISSION MEETING
Beni Kedem Center • Charleston, WV •

April 16th, 2021

The official business meeting was called to order at 9:06am by Chairman Grant Gunnoe.

ROLL CALL:

Commissioners Present

Edward George, Grant Gunnoe, Dave Camp, Carl Eastham, Doug Estep, Thomas Keefer, Phil Hart, Doug Mongold, Jim Oldaker, Ted Shriver, Mark Stroop, Virgil White, Steven Byers and Marshal Tyree.

It should be noted that Counsel Nowicki is present as well.

Commissioners Absent

None

Approval of Minutes:

Commissioner White made a motion to accept and approve the minutes of the February 5, 2021 and March 25, 2021 Fire Commission Meetings, seconded by Commissioner Mongold. With the ayes and nays having been taken on a voice vote, the motion passed.

Recognition:

Marshal Tyree addressed those in attendance describing the efforts of those being recognized at a residential fire on February 28th, 2021. He presented certificates of recognition to Sgt. Dakota Miller and FF William Conway of the Milton VFD and noted plaques will be received as well. He then recognized members of the Cedar Grove VFD, EMT-B Clayton Young Jr, EMT-B Zach Foster, Paramedic – Zach Daniels and FF-EMT Amanda Holmes for their efforts on March 27th, 2021. They were presented certificates of recognition and will receive plaques.

The Commission gave a standing ovation to all being recognized.

SFMO REPORT:

Marshal Tyree gave his April 16th, 2021 report to the Commission containing staffing, legislative updates, stakeholders meeting information, status of Image Trend program and fire department funding loss updates. He also spoke of planned visits and meetings.

Entertained Questions - None

COMMITTEE REPORTS:

Commissioner Mongold read the Fire Department services report from April 15th as follows:

Fire Department Services Committee Meeting Report

Meeting Minutes

April 15th, 2021

Call to Order

Commissioner Mongold called to order the regular meeting of the Fire Department Services Committee at 11:15 on April 15th, 2021 at the Beni Kedem Center in Charleston WV.

Roll Call

The following commissioners were present:

Doug Mongold
Jim Oldaker
Phil Hart
Mark Stroop

The following commissioners were absent: Dave Camp

It is noted that Counsel Nowicki was present.

Unfinished Business

None

New Business

1. Fire Officer I and II Applications

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

City of Charleston Thomas Blasingim FO 2, Myron Boggess FO 2, Stephen Burford FO 1&2, James Byrd FO 2, Richard Cottrell FO 1&2, Erik Dailey FO 2, Charles Green FO 2, Aaron Hartleben FO 2, Timothy Hartwell FO 2, John Hasting FO 1&2, Brandon Jones FO 2, Charles Lilly FO 2, Robert Mace FO 2 Marshall McDaniel FO 2, Brandon Miller FO 2, Mathew Nicholson, F O 2, Samuel Simpson FO 2, Sterling Smith FO 2, Shawn Wanner FO 2, Wyatt Derr FO 1&2, Richard Symns FO 1&2, Wesley Runyan FO 1, James Roush FO 1, Mathew Mong FO 1, Brent Kessler FO 2, **Handley** - James Black FO 2, **White Sulphur Springs** – Richard Mines FO 1-2

Commissioner Hart made a motion to recommend to the Full Fire Commission to approve the applications as listed, seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote the motion passed.

Adjournment

Commissioner Stroop moved to adjourn the meeting at 11:17 seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham made a motion to accept the report as written, seconded by Commissioner White. With the ayes and nays having been taken on a voice, the motion passed.

Commissioner Mongold read the Grant Funding Committee reports from April 14th and 15th as follows:

Grant Funding Committee Meeting Report

Meeting Minutes

April 14th, 2021

Call to order

Commissioner Mongold called to order the meeting of the Grant Funding Committee Meeting at 10:03AM on April 14th, 2021 at WV State Fire Marshal's Office.

Roll call

The following commissioners were present:

Steven Byers
Doug Estep
Phil Hart
Doug Mongold
Jim Oldaker

The following commissioners were absent: None

It is noted that Marshal Tyree was present along with staff members Deputy Chief Bailey and ASFM Scott.

Unfinished business

None

New business

1. Consideration of Applications received for VFD Fire Service Equipment and Training Grant Funding

Marshal Tyree, Staff and Commissioners reviewed the applications received.

No Action Taken

Adjournment

Commissioner Oldaker moved to adjourn the meeting at 11:45am, seconded by Commissioner Estep, with all the ayes and nays having been taken on a voice vote, the motion passed.

Grant Funding Committee Meeting Report

Meeting Minutes

April 15th, 2021

Call to order

Commissioner Mongold called to order the meeting of the Grant Funding Committee Meeting at 11:48am on April 15th, 2021 at the Beni Kedem Center in Charleston WV.

Roll call

The following commissioners were present:

Steven Byers
Doug Estep
Phil Hart
Doug Mongold
Jim Oldaker

The following commissioners were absent: None

It is noted that Counsel Nowicki was present.

Unfinished business

1. Consideration of Applications received for VFD Fire Service Equipment and Training Grant Funding

Commissioner Mongold noted the previous days meeting where at which time the applications were reviewed.

Commissioner Hart made a motion to recommend to the Full Fire Commission to award a maximum of \$6000.00 to the qualifying departments (Nitro and Weston did not qualify as they are a combination departments) that submitted applications, seconded by Commissioner Estep. With all the ayes and nays haven been taken on a voice vote the motion passed.

Commissioner Hart made a motion to recommend to the full Fire Commission the approval of grant applications as described in the attachments to the Commission agenda excluding Alum Creek and Moorefield VFDs, seconded by Commissioner Estep. With the ayes and nays having been taken on a voice vote the motion passed.

At this time Commissioner Mongold and Oldaker recused themselves from the meeting.

Commissioner Byers made a motion to recommend to the Full Fire Commission the approval of grant applications for Alum Creek and Moorefield VFDs as described in the attachments to the Commission agenda, seconded by Commissioner Hart. With the ayes and nays having been taken on a voice vote the motion passed.

New business

None

Adjournment

Commissioner Hart moved to adjourn the meeting at 11:56AM, seconded by Commissioner Estep, with all the ayes and nays having been taken on a voice vote, the motion passed.

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

Commissioner White read the Training Committee meeting report from April 15th as follows:

Training Committee Meeting Report

Meeting Minutes

April 15th, 2021

Call to order

Commissioner White called to order the regular meeting of the Training Committee at 10:03 on April 15th, 2021 at the Beni Kedem Center in Charleston WV.

Roll call

The following commissioners were present:

Virgil White
Jim Oldaker
Doug Estep
Tom Keefer

The following commissioners were absent: Dave Camp.

It is noted Counsel Nowicki was present as well.

Unfinished Business

None

New business

1. Consideration of New Policy in Member Training Standards (NFPA editions).

Marshal Tyree addressed the Commission reminding them of the previous approval of the pilot program, the request to use the most current standards of the NFPA certifications and the need to establish a policy.

A discussion ensued between the Commission, Counsel, Staff and the Training providers about the issues that could arise in setting the policy and how to proceed to accomplish the goal.

Commissioner Keefer made a motion to recommend to the Full Fire Commission to resolve the concerns of 87CSR8 dealing with the use of the most current standards of the NFPA certification for training and JPRs, seconded by Commissioner Estep. Discussion: Rick Gobble (WV Public Service Training) asked for clarification about permissions to move to new editions, to which Marshal Tyree provided they could move forward since the pilot program already existed but that the policy needed to be made. With all the ayes and nays having been taken on a voice vote the motion passed.

Adjournment

Commissioner Keefer moved to adjourn the meeting at 10:30 seconded by Commissioner Oldaker, with all the ayes and nays having been taken on a voice vote, the motion passed.

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

Commissioner Shriver read the Legislative and Codes Committee meeting report as follows:

Legislative and Codes Committee Meeting Report

Meeting Minutes

April 15th, 2021

Call to order

Commissioner George called to order the regular meeting of the Legislative and Codes Committee Meeting at 10:34AM April 15th, 2021 at the Beni Kedem Center in Charleston WV.

Roll call

The following commissioners were present:

Jim Oldaker
Tom Keefer
Edward George
Mark Stroop

The following commissioners were absent: Ted Shriver

Commissioner George thanked Counsel for her hard work during the legislative session.

Commissioner Gunnoe addressed the Commission noting the work of the Commission and how well they worked together in doing what is right for the Fire Service.

Counsel Nowicki addressed the Commission updating them on the status of the bills the Commission ran. She thanked the Firemen's Association on their help with the Fire Chiefs bill, 2621. She noted the rules that need to be taken up in response to that bill. She also discussed other bills that passed the affect the Fire Commission.

Commissioner Mongold asked about the contents of SB 2008 and the changes to licensing, which Marshal Tyree provided.

Ms. Nowicki along with Mr. Valentino will be providing a report on completed legislation that impacts every agency under the umbrella of Homeland Security. She will provide that to the Commission.

Marshal Tyree also updated the Commission on SB 577, HB 2823, and their possible impact.

The Commission had multiple questions regarding HB 2823 which is a bill that exempts agricultural buildings from the Building Code and Fire Code. Marshal Tyree noted the need to get several questions answered regarding the bill, so that the Fire Marshal's office understands it position regarding enforcement when it comes to agricultural buildings being used to hold events.

Marshal Tyree and Chairman Gunnoe explained HB 2953 which addresses counties having paid staff for VFDs.

Commissioner George and Marshal Tyree explained HB 3107 which is the PTSD bill that referred to first responders.

Unfinished Business

None

New business

1. Discussion of Amendment to Rules 87CSR1, 87CSR6 and 87CSR8

Counsel Nowicki suggested to the Commission that they do two emergency rules and one legislative rule.

Commissioner Oldaker made a motion to recommend to the Full Fire Commission to create an emergency stand-alone rule on certification of Fire Chiefs, an emergency stand-alone rule on Junior Fire Fighters and a regular legislative non-emergency rule on specialized training, seconded by Commissioner Keefer. Discussion: Commissioner Mongold inquired how these would proceed and Counsel provided the information. With all the ayes and nays having been taken on a voice vote the motion passed.

Counsel Nowicki reminded the Commission that the emergency rule on the Grant Disbursement rule is currently out for comment and if they had anything that needed to be added it required a comment.

Marshal Tyree inquired of Counsel if anything needed to be attached regarding the disbursements letter to which she replied the letter just needed to be referenced.

Adjournment

Commissioner Stroop moved to adjourn the meeting at 11:05, seconded by Commissioner Keefer. With all the ayes and nays having been taken on a voice vote, the motion passed.

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

Commissioner Eastham read the Disciplinary Committee meeting report as follows:

Disciplinary Committee Meeting Report

Meeting Minutes

April 15th, 2021

Call to order

Commissioner Eastham called to order the regular meeting of the Disciplinary Committee Meeting at 11:19 on April 15th, 2021 at the Beni Kedem Center in Charleston WV.

Roll call

The following commissioners were present:

Carl Eastham
Doug Mongold
Edward George
Steven Byers

The following commissioners were absent: Ted Shriver

It is noted that Counsel Nowicki was present.

Unfinished business

1. Update on FDC FY 2021-011 Sophia Area

Marshal Tyree updated the Commission on the status of the complaint. The letter will be sent as it was delayed to the necessary legislative work by Counsel. Counsel will advise when they expect to complete the letter.

2. Update on FDC FY 2021-013 Cottageville VFD

Assistant State Fire Marshal Scott updated the Commission on the status of the complaint noting the meeting scheduled later in the day with the department Chief.

New business

1. Consideration of FDC 2021-002

Commission George made a motion to go into executive session at 11:22am, seconded by Commissioner Mongold. With the ayes and nays having been taken on a voice vote, the motion passed.

Commission George made a motion to leave executive session at 11:42am, seconded by Commissioner Byers. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner George made a motion to recommend to the full Fire Commission to find probable, seconded by Commissioner Byers. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to recommend to the full Fire Commission to complete an evaluation on the department, seconded by Commissioner George. With the ayes and nays having been taken on a voice vote, the motion passed.

2. Consideration of FDC 2021-006

Commissioner Mongold made a motion to recommend to the Full Fire Commission to find probable cause, seconded by Commissioner George. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to recommend to the full Fire Commission for Counsel and Staff to draft a formal letter to the Department noting the code they are in violation of and that it must cease doing so, seconded by Commissioner George. With the ayes and nays having been taken on a voice vote, the motion passed.

Adjournment

Commissioner Mongold moved to adjourn the meeting at 11:48AM, seconded by Commissioner George. With all the ayes and nays having been taken on a voice vote, the motion passed.

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

UNFINISHED BUSINESS:

1) Consideration of FDC FY 2021-011 – Sophia Area

Marshal Tyree updated the Commission on the status of the complaint. The letter will be sent as it was delayed to the necessary legislative work by Counsel. Counsel will advise when they expect to complete the letter.

2) Consideration of FDC FY 2021-013 – Cottageville

Commissioner Mongold discussed the previous day's meeting with Chief Morrison and President Jewel noting it was a productive meeting. Based on that meeting Commissioner Mongold made the following motion:

Commissioner Mongold made a motion to allow them to keep operating, with the stipulation a monthly report containing information on the list of calls, the personnel and apparatus on the calls is provided to the Fire Marshal's Office monthly for a period of a year, seconded by Commissioner White. There was a discussion on the nature of the original complaint and Commissioner Mongold noted the importance that the information provided by the department be accurate. With the ayes and nays having been taken on a voice vote, the motion passed.

3) Consideration of Review and Update to Fire Department Funding Application

Marshal Tyree and Commissioner Mongold addressed the Commission discussing the reasoning for adding questions to the application and the nature of the questions. If other items need to be added that can be done before the June meeting.

No action taken.

NEW BUSINESS:

1) Consideration of Fire Officer Applications

City of Charleston - Thomas Blasingim FO 2, Myron Boggess FO 2, Stephen Burford FO 1&2, James Byrd FO 2, Richard Cottrell FO 1&2, Erik Dailey FO 2, Charles Green FO 2, Aaron Hartleben FO 2, Timothy Hartwell FO 2, John Hasting FO 1&2, Brandon Jones FO 2, Charles Lilly FO 2, Robert Mace FO 2 Marshall McDaniel FO 2, Brandon Miller FO 2, Mathew Nicholson, F O 2, Samuel Simpson FO 2, Sterling Smith FO 2, Shawn Wanner FO 2, Wyatt Derr FO 1&2, Richard Symns FO

1&2, Wesley Runyan FO 1, James Roush FO 1, Mathew Mong FO 1, Brent Kessler FO 2, **Handley** - James Black FO 2, **White Sulphur** – Richard Mines FO 1&2

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

2) Consideration of Applications received for VFD Fire Service Equipment and training Grant Funding – Review and Approval.

Commissioner Gunnoe addressed those in attendance and explained the need to amend the attachment due to the missing amount approved column.

Commissioner Camp made a motion to recommended that the attachment to the agenda be modified and amended to include the awarded Funding Grant approved amount column, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote the motion passed.

Commissioner Camp made a motion to approve the amended documents, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote the motion passed.

Commissioner Camp made a motion to award a maximum amount of \$6000.00 of the monies requested on the amended document, to the qualifying departments (Nitro and Weston did not qualify as they are a combination departments) seconded by Commissioner White. With all the ayes and nays have been taken on a voice vote the motion passed.

Commissioner Mongold made a motion for the approval of all grant applications as submitted and approved up to the \$6000 cap as described in the amended attachments to the Commission agenda, excluding Alum Creek and Moorefield VFDs, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote the motion passed.

At this time Commissioner Mongold and Commissioner Oldaker recused themselves from the meeting.

Commissioner Estep made a motion for the approval of grant applications for Alum Creek and Moorefield VFDs as described in the attachments to the Commission agenda, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote the motion passed.

3) Consideration of New Policy in Member Training Standards (NFPA editions)

Marshal Tyree addressed the Commission explaining the policy that was before them as a pilot program pertaining to the training standards required for VFDs. The change recognizes the need to use the most current NFPA standards while still complying with 87CSR8. There are some amendments that may be made to the proposed policy.

Commissioner Gunnoe noted for those in attendance that this will not add any additional training.

Commission Oldaker explained the exemptions to the training rule, and they wanted to make sure they did not get lost in this change. Specifically, the requirement for FO 1&2 certification that included a prerequisite for Instructor 2. That had been exempted a long time ago and the providers had abided by that. Also, in 1001 for FF 1 & 2 it required a NFPA physical examination prior to the beginning of the training. It was exempted and that decision was left to the department itself if it wanted to obtain one.

Marshal Tyree also noted the Director Lambert from WVU Fire Service Extension made mention that those requesting IFSAC or Pro Board will still need to follow the path that includes the Instructor 2. Marshal Tyree will work with training staff to make sure that any necessary amendments be made.

Commissioner Oldaker made a motion to approve the policy provided and give the Fire Marshal approval to add any language necessary to meet the discussed items, seconded by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote the motion passed.

4) Discussion of Amendment to Rules 87CRS1, 87CSR6 and 87CSR8.

Counsel Nowicki discussed the legislation that has passed and the necessary rule making that will need to be done. She explained the process of a stand-alone emergency rule and regular legislative non-emergency rule making. Her recommendation is to create an emergency stand-alone rule on certification of Fire Chiefs, an emergency stand-alone rule on Junior Fire Fighters and a regular legislative non-emergency rule on specialized training. These items will be addressed in the June Commission meeting. In addition, she updated the Commission on other legislation of interest.

Staff will work on these items.

No motions made.

Commissioner Gunnoe noted we will skip items 5 and 6 at this time and come back to them after the following items due to the need to go into executive session.

RECURITMENT AND RETENTION:

None

SPEAKERS:

None

CORRESPONDENCE:

No correspondence but Marshal Tyree recognized the great achievement of the ISO 1 rating for the South Charleston Fire Department. There was a round of applause.

GOOD OF THE ORDER:

Commissioner Gunnoe discussed upcoming meetings and the need to get out into the community during the upcoming Fire Commission meetings.

TIME AND PLACE OF NEXT MEETING(S):

After some discussion, June Committee Meetings and Fire Commission Meetings are tbd. In addition, there will be a need to hold a special meeting by phone in early June.

5) Consideration of FDC 2021-002.

Commissioner Mongold made a motion to go into executive session at 10:25am, 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 come out of executive session at 10:38am, seconded by Commissioner George. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham made a motion to find probable cause on FDC 2021-002, seconded by Commissioner George. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham named the department as Blue Ridge Mtn VFD and gave a description of the complaint and the department's response.

Commissioner Eastham made a motion for the SFMO to complete an evaluation on the department, seconded by Commissioner George. With the ayes and nays having been taken on a voice vote, the motion passed.

6) Consideration of FDC 2021-006.

Commissioner Eastham made a motion to find probable cause on FDC 2021-006, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Eastham named the department as the Craigsville-Beaver-Cottle VFD, described the complaint and the department's response.

Commissioner Eastham made a motion for Counsel and Staff to draft a formal letter to the Department noting they are in violation of 87-8-3 and they need to cease, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote, the motion passed.

OTHER ITEMS:

Commissioner Gunnoe requested Marshal Tyree explain the future Grant Funding processes and monies available.

Marshal Tyree addressed the Commission noting that last year there was an account balance in the worker's comp premium that was expiring which was transferred into a fire protection fund. Based on today's awards and previous monies from delinquent departments we will have anywhere from 1.2 to 1.4 million available. We will have a new application period that will begin July 15th with the date of September 15th as a deadline. In October those will be considered by the Grant Committee and by November 15th a notification of awards will be sent to the departments. There are not any regular deposits into the account outside of delinquent fire departments.

Commissioner Gunnoe noted it was important that departments know that at this time this will not be a regular item that can be relied upon. However maybe it is something we can work towards.

ADJOURN:

Commissioner Eastham made a motion to adjourn at 10:51AM, second by Commissioner Oldaker, with all the ayes and nays having been taken on a voice vote, the motion passed.
