

WV STATE FIRE COMMISSION MEETING
South Branch Inn, Moorefield WV.

June 18th, 2021

The official business meeting was called to order at 9:00am by Chairman Grant Gunnoe.

ROLL CALL: by Kathryn L Burns

Commissioners Present

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

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

Commissioners Absent

Phil Hart. Tom Keefer and Ted Shriver

APPROVAL OF MINUTES:

Commissioner Eastham made a motion to accept and approve the minutes of the April 16th, 2021 Fire Commission Meeting, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote, the motion passed.

SPECIAL RECOGNITION

Commissioner Mongold asked that all in attendance observe a moment of silence for the passing of two Hardy County Firemen: Julian Hott, who had 58 years of fire service with 44 of those as Fire Chief of Capon Valley and from the same department Earl Strawderman who had 45 years of service.

SFMO REPORT:

Field Deputy Allan Casto gave the Inspections/Plan Review Divisional Report. There were no questions.

Field Deputy Dave Blaylock gave the Licensing and Fire Department Services Divisional Report. There were no questions.

Marshal Kenneth Tyree gave the Investigations Divisional Report in the absence of Deputy Jason Baltic.

Marshal Tyree gave his June 18th, 2021 report to the Commission containing updates on new uniforms, staffing issues, legislative items, the resuming of Fire Department evaluations and the Image Trend program.

Chairman Gunnoe complemented all staff on their efforts during the recent Stakeholders meetings.

Entertained Questions - None

COMMITTEE REPORTS:

Fire Department Services Committee Meeting Report

Meeting Minutes

June 17th, 2021

Call to Order

Commissioner Mongold called to order the regular meeting of the Fire Department Services Committee at 10:00am on June 17th, 2021 at the Moorefield VFD Bingo Hall, Moorefield WV.

Roll Call

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

Dave Camp
Doug Mongold
Jim Oldaker

The following commissioners were absent: Phil Hart

A quorum was met.

It is noted that Counsel Nowicki is 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.

Christopher Keyes (Keyser) FO 1, Deborah Rinehart (River Road) FO 2, Luke Miller (Bancroft) FO 1.

Commissioner Oldaker made a motion to recommend to the Full Fire Commission to approve the applications as listed, seconded by Commissioner Camp. 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 10:03am, seconded by Commissioner Oldaker. 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 presented, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote, the motion passed.

Grant Funding Committee Meeting Report

Meeting Minutes

June 17th, 2021

Call to order

Commissioner Mongold called to order the meeting of the Grant Funding Committee at 10:04AM on June 17th, 2021 at the Moorefield VFD Bingo Hall, Moorefield WV.

Roll call

Commissioner Mongold conducted the roll call. following commissioners were present:

Steven Byers
Doug Estep
Doug Mongold
Jim Oldaker

The following commissioners were absent: Phil Hart

A quorum was met.

It is noted that Counsel Nowicki is present.

Unfinished business

Counsel Nowicki updated the Committee on the status of the previously approved Grant. The monies have been dispersed. Marshal Tyree briefed the Committee on documents that have been received from the Cabinet Secretaries office regarding procedures for any future grant to streamline the process. Counsel noted the Fire Departments need to be made aware that departments must use the monies for the items that were approved.

New business

1. Consideration of WV VFD Fire Service Equipment and Training Grant Funding Program Policy.

Marshal Tyree provided an update to the Commissioner for policy clarification.

Commissioner Oldaker made a motion to recommend to the full Fire Commission to accept the policy as presented by Marshal Tyree, seconded by Commissioner Estep. With the ayes and nays having been taken on a voice vote the motion passed.

Adjournment

Commissioner Byers moved to adjourn the meeting at 10:15AM, seconded by Commissioner Estep. 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 presented, seconded by Commissioner White With the ayes and nays having been taken on a voice vote the motion passed.

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 10:18AM on June 17th, 2021 at the Moorefield VFD Bingo Hall, Moorefield WV.

Roll Call

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

Virgil White
Jim Oldaker
Doug Estep
Dave Camp

The following commissioners were absent: Tom Keefer

A quorum was met.

It is noted that Counsel Nowicki is present.

Unfinished Business

None

New business

1. Consideration of New Training Material – Swift Water 1006, Fire Officer 4th Edition (Fire Officer 1, Fire Officer 2), and Rope Rescue 2021.

Mr. Freeman of WV Public Service Training spoke to the Committee and briefed them on the updates to the material.

Commissioner Estep made a motion to recommend to the Full Fire Commission to approve the new training curriculum submitted by the PST - Swift Water 1006, Fire Officer 4th Edition (includes Fire Officer 1 and Fire Officer 2) and Rope Rescue, seconded by Commissioner Camp. With the ayes and nays having been taken on a voice vote the motion passed.

2. Notification of Training Complaint Regarding WVU Fire Fighter 1 Certification by Sissonville VFD.

Commissioner White provided the information regarding a complaint submitted to the WV SFMO over the perceived denial of a training certificate. The complainant was under the impression it was going to be denied as he completed the training under another provider.

Mr. Lambert of WVU Fire Services Extension addressed the Committee regarding Mr. Elmore's certification. He has yet to be informed what WVU instructor told Mr. Elmore that he would not be getting a certificate. He thought the issue may have resulted in confusion between Pro Board certification as opposed to regular certification. He noted his concerns that his first knowledge was when he was contacted by Chief Deputy Bailey. He was under the understanding the matter had been resolved.

Chairman Gunnoe wanted to clarify that the final decision to accept testing and training from another provider had been agreed upon at a previous Commission meeting and that WVU makes the final decision not the

instructor.

Mr. McNemar of WVU Fire Services Extension confirmed that all involved had been informed of how to complete the certification.

No action taken.

Adjournment

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

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

Disciplinary Committee Meeting Report

Meeting Minutes

June 17th, 2021

Call to order

Commissioner Eastham called to order the regular meeting of the Disciplinary Committee Meeting at 10:31AM on June 17th, 2021 at the Moorfield VFD Bingo Hall, Moorfield WV.

Roll call

Commissioner Eastham conducted the roll call. The following commissioners were present:

Carl Eastham
Doug Mongold
Edward George
Steven Byers

The following commissioners were absent: Ted Shriver

A quorum was met.

It is noted that Counsel Nowicki is present.

Unfinished business

1. Update on FDC FY 2021-011 Sophia Area

Due to the need to go into executive session item 1 was addressed following items 2, 3 and 4 on unfinished business.

2. Update on FDC FY 2021-013 Cottageville VFD

Marshal Tyree updated the Commission noting the reception of the monthly report requested by the Commission at their April meeting. Commissioner Eastham asked if the automatic aid had been completed. Marshal Tyree will report on that matter at the full Fire Commission meeting during the Operations report. Commissioner George stated the department should be complimented on their response and willingness to take corrective action. No action taken.

3. Update on FDC 2021-002 Blue Ridge

Assistant State Fire Marshal Scott updated the Commission on the status of the complaint and the results of the evaluation per the Commission's request. ASFM Scott noted all deficiencies found during the evaluation have been corrected.

Commissioner George made a motion to recommend to the Full Commission to close FDC 2021-002 (Blue Ridge), seconded by Commissioner Mongold. With the ayes and nays having been taken on a voice vote, the motion passed.

4. Update on FDC 2021-006 Craigsville, Beaver, Cottle VFD.

Assistant State Fire Marshal Scott updated the Commission on the status of the complaint and the letter of response from the department. He noted the two officers that did not have the appropriate training have been removed as officers until they obtain the necessary training.

Commissioner George made a motion to report to the full Fire Commission the status Craigsville, Beaver, Cottle (CBC) VFD, seconded by Commissioner Byers. With the ayes and nays having been taken on a voice vote the motion passed.

At this time, the Committee returned to item 1.

1. Update on FDC FY 2021-011 Sophia

Commissioner Mongold made a motion to go into executive session at 10:41am, 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 leave executive session at 10:59am, seconded by Commissioner Mongold. 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 Commission to reconsider and refer to the Fire Marshal for further action FDC FY 2021-011, seconded by Commissioner George. With the ayes and nays having been taken on a voice vote, the motion passed.

New business

None

Adjournment

Commissioner George moved to adjourn the meeting at 11:01AM, seconded by Commissioner Mongold, 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 presented, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote, the motion passed.

Legislative, Codes and Regulatory Committee Meeting Report

Meeting Minutes

June 17th,

Call to order

Commissioner George called to order the regular meeting of the Legislative and Codes Committee Meeting at 11:16AM on June 17th, 2021 at the Moorefield VFD Bingo Hall, Moorefield WV.

Roll call

Commissioner George conducted the roll call. The following commissioners were present:

Jim Oldaker
Edward George
Grant Gunnoe (ex-officio)

The following commissioners were absent: Ted Shriver and Tom Keefer

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

A quorum has been met.

Unfinished Business

1. Consideration of Amendment to Rules 87CSR1 (potential hearing consideration) 87CSR4, 87CSR6 and 87CSR8.

Counsel Nowicki noted that Legislative Rules for public comment needed to be filed by the end of the month (June 2021) and that 87CSR1's public comment period does include a hearing a public hearing by code.

87CSR1

Marshal Tyree addressed the Committee, briefing them on the recommendations he proposed to 87CSR1 which they had before them and would move the Fire Code to the 2021 NFPA 1 and 2021 NFPA 101. He addressed the additions or deletions on the working copy provided.

The Committee discussed the recommendations and posed questions. Counsel and Staff answered their questions and made additional recommendations.

Commissioner Oldaker inquired about previous editions of the Fire Code and the NFPA standards that dealt with operations of Fire Departments. Marshal Tyree noted it had not been there for a while. He will research the information and address it at the full Fire Commission.

Commissioner George inquired if there were any members of the public who wished to speak.

There were none.

Commissioner Gunnoe made a motion to recommend to the Full Commission to adopt by reference the recommendations of Marshal Tyree, Counsel Nowicki and include Commissioner Oldaker's comments, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote the motion passed.

87CSR4

Marshal Tyree informed the Committee about the Stakeholders meetings and Stakeholder's Committee meetings that had been held in February, March, April, May and June. He noted those in attendance at the meetings. He gave the Committee a synopsis of the items and concerns that had been raised at the meeting and noted all of the concerns had been provided via documents to the Committee. He also discussed the future creation of a State-Wide Building Code Adoption Committee and the length of time that would be needed to move such an item forward. He noted that many of the Stakeholders did feel that until such a time when the Building Code was adopted Statewide and enforcement in place the playing field would never be equal.

Marshal Tyree then discussed the recommendations, concerns and proposed exemptions regarding the 2020 NEC code that had been raised during the meetings. That information has been provided to the Committee as well.

Marshal Tyree's recommended retaining the exemption already in the State Building Code (previously 4.1.1) pertaining to AFCIs and bedrooms that passed last year.

Commissioner Gunnoe made a motion to recommend to the Full Commission that we retain what is already in the Building code as noted by Marshal Tyree pertaining to AFCIs and bedrooms, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote the motion passed.

Marshal Tyree made a second recommendation pertaining to 210.8(F) that GFCI Protection shall not be required on all new HVAC systems including but not limited to mini-split and A/C units until January 1, 2023.

Commissioner Gunnoe made a motion to recommend to the Full Fire Commission the approval of the Marshal's recommendation, subject to the review of Counsel, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote the motion passed.

Marshal Tyree next addressed the IECC and the corresponding ASHRAE 90.1. He noted the Stakeholders Committee all agreed we should be moving forward. He then discussed the recommendations, concerns and exemption proposals that had been raised. Those items have been presented to the Committee as well.

Marshal Tyree recommends on the residential side to move forward to the 2015 edition of the IECC with one exception to: 4.1.f.1. Section, R402.4.1.2. Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding ~~three~~ five air changes per hour in Climate Zones 3 through 8. Testing shall be conducted, and a written report shall be provided following the same requirements as identified in Section R402.4.1.2. He noted the only real change was the change in air exchanges going from 3 to 5.

Commissioner Gunnoe made a motion to recommend to the Full Fire Commission to approve the proposal of the Fire Marshal subject to the review of Counsel on the residential section of the Energy Code, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote the motion passed.

Marshal Tyree shared the concerns and recommendations regarding the ASHRAE 90.1 that arose during the IECC Committee meetings and that they had been provided to the Committee.

Marshal Tyree's recommendation regarding the Commercial side is to move to the 2013 ASHRAE 90.1.

Commissioner Gunnoe made a motion to recommend to the Full Fire Commissioner to move to the 2013 ASHRAE 90.1 subject to review by Counsel, seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote the motion passed.

Marshal Tyree then moved to the Building Code Committee meetings. He noted the information that had been provided to him has been provided to the Legislative and Codes Committee.

Marshal Tyree's recommendation is we update to the 2018 I Code with the exception of the International Energy Conservation Code which will be the 2015 version and the language pertaining to refrigerants as noted on the working copy that had been presented to the Committee.

Commissioner Gunnoe made a motion to recommend to the Full Fire Commission the adoption of the State Building Code as presented by the Fire Marshal, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner George commended Marshal Tyree and staff on the work they have done regarding the Stakeholders meetings.

Commissioner George asked if there were any members of the public that would like to discuss the recommendations Marshal Tyree had addressed.

Tim McClintock addressed the Commission in support of moving forward to the 2020 NEC with the exemptions as noted by Marshal Tyree.

Discussion on 87CSR6 and 87CSR8 was tabled at this time.

At 12:30pm the Committee took a short recess and reconvened at 12:38pm.

New business

1. Consideration of New Fire Chief Rule.

Counsel described the proposed rule that has been provided to the committee.

Commissioner Gunnoe made a motion to recommend to the Full Fire Commission to approve the New Fire Chief Rule as presented by Counsel, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Estep had a question regarding the application process and Counsel addressed it. Counsel also addressed Commissioner Gunnoe's and Commissioner George's questions regarding when it will take effect, how long it will be in effect and when the application will be ready.

Commissioner Gunnoe made a motion to recommend to the Full Fire Commission that the Fire Marshal's office develop the application, subject to review by Counsel, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote the motion passed.

2. Consideration of New Junior Fire Fighter Rule.

Counsel described the proposed rule that had been provided to the Committee.

A discussion ensued and Counsel clarified and got clarification on the proposed rule.

Commissioner Gunnoe made a motion to recommend to the Full Fire Commission the Junior Fire Fighter rule as described and as prepared by Counsel, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote the motion passed.

3. Consideration of New AFFF Foam Rule.

Marshal Tyree explained the New AFFF Foam Rule as presented to the Committee. He also briefed them on the definitions included in the rule.

Commissioner Gunnoe made a motion to recommend to the Full Fire Commission to approve the proposed AFFF Foam rule as presented along with edits and review by Counsel, seconded by Commissioner Oldaker. With ayes and nays having been taken on a voice vote, the motion passed.

4. Consideration of New Specialized VFD Training Rule.

Counsel addressed the Committee and inquired if they wanted this to be a stand-alone rule. They concurred they did.

Commissioner Gunnoe made a motion to recommend to the Full Fire Commission to give Counsel the leeway to develop the language appropriate to address the concerns of a stand-alone rule on Specialized VFD Training, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote the motion passed.

5. Consideration of 103CSR4 (Fireworks Rule).

Marshal Tyree addressed the Committee informing them that the rule will sunset in May of 2022 and that requires that we submit a rule. He noted the changes as shown in the items presented to the Committee.

Commissioner Gunnoe made a motion to recommend to the Full Fire Commission to approve the changes to 103CSR4 as presented by the State Fire Marshal, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote the motion passed.

Adjournment

Commissioner Gunnoe moved to adjourn the meeting at 1:20pm, second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

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

UNFINISHED BUSINESS:

1) Update on FDC FY 2021-011 – Sophia Area

Commissioner Mongold made a motion to reconsider and refer to the Fire Marshal for further action on FDC FY 2021-011, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote, the motion passed.

2) Update on FDC FY 2021-013 – Cottageville

Commissioner Gunnoe noted the reception of the required monthly report. Marshal Tyree updated the Commission on the automatic aid status regarding Cottageville. The 911 director has instructed Cottageville that they can request assistance from departments at the time of incidents but there is not an agreement in place at this time. Chairman Gunnoe stated will keep this on the agenda for the next meeting to follow through on the Commission's request that Cottageville obtains automatic aid agreements. He noted it does appear the department is improving.

Commissioner Mongold stated we should extend the offer for someone from the Commission or Staff to assist obtaining the aid if needed.

No action taken.

3) Update on FDC FY 2021-002 – Blue Ridge

Commissioner George made a motion to close FDC FY 2021-001, seconded by Commissioner Eastham. With the ayes and nays having been taken on voice vote the motion passed.

4) Update on FDC 2021-006 – Craigsville, Beaver, Cottle VFD

Chairman Gunnoe noted this item will be on the agenda again for the next meeting as a follow up on the status of the former Officer's training.

No action taken.

5) Consideration of Amendment to rules 87CSR1 (potential hearing consideration), 87CSR4, 87CSR6 and 87CSR8.

87CSR1

Commissioner George made motion to approve 87CSR1 for adoption by reference the recommendations of Marshal Tyree as prepared by Counsel Nowicki, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote, the motion passed.

87CSR4

Commissioner George made a motion to approve 87CSR4 as recommended by Marshal Tyree and prepared by Counsel Nowicki, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote, the motion passed.

87CSR6

No action needed.

87CSR8

No action needed.

NEW BUSINESS:

1) Consideration of Fire Officer Applications.

Christopher Keyes (Keyser) FO 1, Deborah Rinehart (River Road) FO2, Luke Miller (Bancroft) FO 1.

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 WV VFD Fire Service Equipment and Training Grant Funding Program Policy.

Commissioner Mongold made a motion to the Grant policy as presented by the Fire Marshal, seconded by Commissioner White. With all the ayes and nays haven been taken on a voice vote the motion passed.

3) Consideration of New Training Material – Swift Water 1006, Fire Officer 4th Edition, Fire Officer 1, Fire Officer 2, and Rope Rescue 2021

Commissioner White made a motion to approve the submitted curriculum provided by Public Service Training (Swift Water 1006, Fire Officer 4th Edition (Fire Officer 1 and Fire Officer 2 included) and Rope Rescue 2021, seconded by Commissioner Eastham With all the ayes and nays having been taken on a voice vote, the motion passed.

4) Notification of Training Complaint Regarding WVU Fire Fighter 1 Certification by Sissonville VFD.

The matter has been resolved. No action taken.

5) Consideration of New Fire Chief Rule.

Commissioner George made a motion to approve the New Fire Chief Rule as promulgated, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

The emergency rule will go into effect 45 days after being filed with the Secretary of State's Office. The regular Legislative Rule will be filed at the same time and will be out for comment for 30 days. Commissioner Gunnoe asked for the SFMO to develop the necessary application for review by Counsel so it will be available to be completed.

6) Consideration of New Junior Fire Fighter Rule.

Commissioner George made a motion to approve the Junior Fire Fighter rule as drafted and promulgated seconded by Commissioner White. During discussion Counsel provided the Commission and those in attendance with a description and intent of the rule. Commissioner Gunnoe also shared the rule was necessary for clarification on what a Junior can do on a scene. With all the ayes and nays having been taken on a voice vote, the motion passed.

7) Consideration of New AFFF Foam Rule.

Commissioner George made a motion for the Commission to adopt the new AFFF as drafted by the Fire Marshal, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

8) Consideration of New Specialized VFD Training Rule.

Commissioner George made a motion the Commission adopt as proposed the new Specialized VFD Training Rule, seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

9) Consideration of 103CSR4 (Fireworks Rule).

Marshal Tyree noted the need for the rule due to the sunset date in May of 2022 of the current rule.

No action needed.

RECRUITMENT AND RETENTION:

Tom Perry of ISO spoke regarding an agreement between T-Mobile and the State of WV that allows Fire Departments to sign a contract with T-Mobile which allows an unlimited text, data and mobile calling plan for every certified Fire Fighter for 10 years at 0 cost to the department.

Staff is requested to get the information out to all departments, and it may be used as a recruitment tool.

Marshal Tyree noted that Commissioner Hart is at the Southern Region Chiefs meeting and hopefully he will bring some information for the August meeting.

Mark Lambert of WVU spoke regarding the July 17th and 18th, Recruitment and Retention seminar at Jackson's Mill. There are 25 spots sponsored but he believes additional persons can attend.

SPEAKERS:

Laura Baker wanted to thank Marshal Tyree for the job done during the Stakeholders meetings. She appreciates the Commission moving forward with the codes.

Ralph McNemar noted they will be providing all certificates on-line moving forward and students will be able to log on and print at any time they want. He noted they are trying to streamline their website and moving towards being paperless as possible. The site will allow the student to update their address.....as well as printing their certificates.

CORRESPONDENCE:

None

GOOD OF THE ORDER:

TIME AND PLACE OF NEXT MEETING(S):

Committee Meetings 10:00am August 16th, 2021 and Fire Commission Meeting 9:00am August 17th, 2021 at Stonewall Resort.

Commissioner White made a motion to adjourn at 11:00am, second by Commissioner George. With all the ayes and nays having been taken on a voice vote, the motion passed.
