

WV STATE FIRE COMMISSION MEETING

Blackwater Falls Resort State Park

April 14th, 2023.

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

ROLL CALL: by Kathryn L Burns

Commissioners Present

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

Commissioners Absent

Brian Jones (conference phone not available)

APPROVAL OF MINUTES:

Commissioner White made a motion to accept and approve the minutes of the February 3rd, 2023 Fire Commission Meeting, seconded by Commissioner Mongold. With the ayes and nays having been taken on a voice vote, the motion passed.

RECOGNITION

Chairman Gunnoe noted the job well done by Commissioner Hart at a recent fire and is glad for the good outcome of a serious situation. He also noted how well the Commission is working together and appreciates the participation of all the Commissioners and their expertise.

SFMO & DIVISIONAL REPORTS:

Deputy Dave Blaylock gave the Inspection/Plan Review Department Report.

Entertained Questions – Commissioner George asked about the requirements to become an ASFM IT and the training that follows. Staff provided the information.

Marshal Tyree gave the Investigations Report, Services Report and his April Operations report to the Commission containing staffing, legislative updates, and fire department funding loss updates. In particular he noted the discussion held during the Legislative and Codes meeting regarding IBC 142-21. He hoped that there may be something at the Legislative level to implement IBC 142-21 in new builds and will continue to work towards that goal. Due to a recent complaint, he reminded the Commission of a Court Ruling in Civil Action No. 09-C-212 dated 8/3/2010 which found W.VA. Code §15-5-15 does not apply to a VFD and as such, a felon is not prohibited from being associated with the VFD. He informed the Commission that the office most likely will be relocating to a new location at 1700 MacCorkle Ave in Kanawha City. That move is tentatively planned for August. He also spoke of planned visits, meetings and received correspondence.

Entertained Questions - Chairman Gunnoe discussed the Court Ruling Marshal Tyree brought to their attention. He noted that since it was a county ruling that a complaining party could reach out to their county.

COMMITTEE REPORTS:

Disciplinary Committee Meeting Report

Meeting Minutes

April 13th, 2023 (Did not meet).

Fire Department Services Committee Meeting Report

Meeting Minutes

April 13th, 2023

Call to Order

Commissioner Mongold called to order the regular meeting of the Fire Department Services Committee at 10:00AM on April 13th, 2023 at Blackwater Falls Resort Park Lodge, Davis WV 26260.

Roll Call

The following commissioners were present:

Doug Mongold
Jim Oldaker
Phil Hart
Dave Camp

The following commissioners were absent:

Brian Jones (no conference call available)

Unfinished Business

1. Review/Consideration of Policy/Procedure to Establish Fire Department or Fire Prevention Unit and Policy Requirement for Local Fire Departments.

The Committee, Staff and Counsel reviewed the proposed new policy on Requirements for a Local Fire Department. A discussion on the matter ensued. The Committee would like to work with the Training Committee on the item and will come back to the item at a later point in Committee Meetings.

New Business

1. Consideration of Fire Officer Applications.

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

- a. Alan Roby FO 2 (City of Huntington)
- b. Robert Ferguson FO 2 (Summersville)
- c. David Boley FO 2 (Ansted)

- d. Bennie Cogar FO 2 (Webster Springs)
- e. Michael Rowe FO 1 (City of Huntington)
- f. David Gaeger FO 1 (City of Huntington)
- g. Steve McCormick FO 1 (City of Huntington)

Commission 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.

2. Consideration of Fire Chief Applications.

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

- a. Bradley Asbury (Birch River)
- b. Joshua Hartzler (Burlington)
- c. Noah Gilroy (Tygart Valley)
- d. David A Schoolcraft (Big Otter)
- e. Debra Rinehart (River Road)
- f. Craig Matthews (Charleston)
- g. Larry Dent (Wileyville)
- h. Rodney Twyman (Ridgeley)
- i. Tyrone Powell (Mount Hope)
- j. Matt Osbourne (Rainelle)

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.

3. Report on Fire Department Receiving 180 Days to Achieve Compliance.

ASFM Scott briefed the Committee on the Departments receiving 180 days.

- a. Mabscott VFD
- b. Rhodell VFD
- c. Talcott VFD
- d. Smithers VFD
- e. Sophia Area VFD
- f. Bradley Prosperity VFD
- g. Loup Creek VFD
- h. Barrackville VFD
- i. Prichard VFD

- j. Nuttall VFD
- k. Wayne VFD
- l. East Lynn VFD

No Action Needed.

4. Consideration of Fire Department Recertification

Assistant State Fire Marshal Bradley Scott presented the following departments for Recertification.

- a. Oceana VFD
- b. Burlington VFD
- c. Keyser VFD
- d. Rowlesburg VFD
- e. Tri Towns VFD
- f. Capon Springs VFD
- g. Slainesville VFD
- h. Gauley River VFD
- i. Gauley Bridge VFD
- j. Rhodell VFD

Commissioner Hart made a motion to recommend to the Full Fire Commission the recertification of the listed departments, seconded by Commissioner Camp. With the ayes and nays having been taken on a voice vote, the motion passed.

5. Consideration of Fire Department with Perfect Evaluations Recertification.

Assistant State Fire Marshal Bradley Scott presented the following Perfect Evaluations for Recertification.

- a. Armstrong Creek VD
- b. Grafton VFD
- c. Trap Hill VFD
- d. Pax VFD
- e. City of Beckley FD
- f. Oak Hill VFD
- g. Boomer VFD
- h. Meadow Bridge VFD
- i. Danese VFD
- j. Sophia City VFD
- k. Beaver VFD
- l. Fayetteville VFD
- m. Ansted VFD
- n. Mount Hope VFD

Commissioner Hart made a motion to recommend to the Full Fire Commission the recertification of the listed departments, noting their perfect evaluations, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote, the motion passed.

6. Consideration of Name Change – Craigsville Beaver Cottle to Craigsville VFD.

Commissioner Camp made a motion to recommend to the Full Fire Commission to approve the name change as

presented, seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

7. Discussion/Consideration of Verification of Certificates for FO Equivalency Applications.

The Committee reviewed the current application and noted that it already contains a signed verification noting all statements are true.

No Action Taken.

8. Advisement of Hundred VFD Complaints.

Commissioner Hart made a motion to go into Executive Session at 10:48am, seconded by Commissioner Camp. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Hart made a motion to leave Executive Session at 11:02am, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote, the motion passed.

No Action Taken.

9. Advisement of VFD Quarterly Funding Loss

Marshal Tyree discussed the notice provided regarding VFD funding loss and entertained questions.

No Action Taken.

Commissioner Hart made a motion to suspend the meeting at 11:13am, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Camp made a motion to resume the meeting at 2:30pm, seconded by Commissioner Hart. With the ayes and nays having been taken on a voice vote, the motion passed.

At this time Item 1 under Unfinished Business was resumed.

Unfinished Business

1. Review/Consideration of Policy/Procedure to Establish Fire Department or Fire Prevention Unit and Policy Requirement for Local Fire Departments.

At the request of the Committee, Commissioner Keefer provided recommendations for necessary edits to the policy.

Commissioner Camp made a motion to follow the recommendations and amend page 5 under section 1.04 in the definition of as follows:

“Fire Brigades that operate strictly on industrial facilities only are exempt from the requirements of this policy. Fire Brigades that operate and serve beyond industrial facilities shall meet the fire training requirements for volunteer fire departments of the State Fire Commission. If these same said departments operate hazardous material incidents, they shall meet the minimum requirements of the State Fire Commission based on their level of training provided for in NFPA 472.”

seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Camp made a motion to follow the recommendations and amend page 11 in section 5.03.05 as follows:

“Paid fire department members and officers shall be trained in NFPA 472, Professional Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents. All Fire Department personnel shall be certified at the Awareness level. Paid fire department personnel that operate at hazardous materials incidents must minimally meet U.S. Environmental Protection Agency and U.S. Occupational Safety, Health Administration requirements, and NFPA 472 for response at Operations and/or Technicians level.”

seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote the motion passed.

Commissioner Oldaker made a motion to recommend to the full Commission to approve the policy change as amended and allow the Fire Marshal to make technical edits as needed, seconded by Commissioner Camp. With the ayes and nays having been taken on a voice vote, the motion passed.

Adjournment

Having no additional business, Commissioner Oldaker moved to adjourn the meeting at 2:45pm without objection. Meeting adjourned.

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

Training Committee Meeting Report

Meeting Minutes

April 13th, 2023

Call to Order

Commissioner White called to order the regular meeting of the Training Committee at 2:09pm on April 13th, 2023 at Blackwater Falls Resort State Park, Davis WV 26260.

The following commissioners were present:

Virgil White
Jim Oldaker
Doug Estep
Tom Keefer
Dave Camp
Doug Mongold

The following commissioners were absent:

None

Unfinished Business

1. Update on FireFighter Training Certification Access/Repository Program.

Deputy Chief Bailey presented the instructions for repository program access to the Committee. The instructions will be pushed out to departments, chiefs, training providers, and social media. He hopes to see a significant increase in participation by the June meeting.

A discussion was held on the best means to increase use of the program and the item will be revisited in June.

No action taken.

2. Discussion/Consideration on making EVOC (Emergency Vehicle Operation Course) a Prerequisite.

Deputy Bailey presented the revised policy to the Committee.

Commissioner Mongold made a motion to recommend to the Full Commission to approve the policy change as presented, seconded by Commissioner Estep. With the ayes and nays having been taken on a voice vote, the motion passed.

New Business

1) Consideration of Change to Fire Chief/Department Approval of Participation in Modular Program Application.

Deputy Chief Bailey presented the application with the proposed change.

Commissioner Oldaker made a motion to recommend to the Full Commission to approve the application as presented, seconded by Commissioner Mongold. With the ayes and nays having been taken on a voice vote, the motion passed.

Adjournment

Having no additional business, Commissioner Oldaker moved to adjourn the meeting at 2:30pm without objection. Meeting adjourned.

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

Legislative, and Codes Committee Meeting Report

Meeting Minutes

April 13th, 2023

Call to Order

Commissioner Shriver called to order the regular meeting of the Legislative and Codes Committee meeting at 11:35am on April 13th, 2023, at Blackwater Falls Resort State Park, Davis WV 26260

Roll Call

The following commissioners were present:

Jim Oldaker
Tom Keefer
Edward George
Ted Shriver
Doug Mongold

The following commissioners were absent:

Brian Jones (no conference call available)

Unfinished Business

1. Update on pending/completed Legislation – 87CSR5 Repealed (Home Inspectors).

Marshal Tyree addressed the Committee on the completed legislation, repealing 87CSR5.

No Action Taken

New Business

1. Consideration of Effective Dates of:

- a. **87CRS3 (Haz Mat Training Industrial Brigades).**
- b. **87CSR8 (VFD Training).**

Commissioner Mongold, made a motion to recommend to the Full Commission to make the effective date May 1st, 2023, seconded by Commissioner Keefer. With the ayes and nays having been taken on a voice vote, the motion passed.

2. Consideration of update to 87CSR1.

Marshal Tyree presented the proposed updates to 87CSR1 to the Committee and the need to try to get it in line with the National Codes. He drew attention to items of note on the proposed changes. A discussion ensued and Marshal Tyree addressed their questions and concerns. The item will be on the June agenda. A Stakeholders meeting and public comment period is necessary and a special meeting in July may be necessary.

No Action Taken

3. Discussion on IBC and Adult Changing Stations.

Marshal Tyree reviewed IBC E142-21 with the Committee and what would be necessary for its' implementation in WV.

No Action Taken.

4. Discussion on AFFF Disposal HB 2860.

The Committee reviewed HB2860. Marshal Tyree informed the Committee on his meeting with the DEP on the item. Chairman Gunnoe noted that a Special Committee consisting of Commissioner Keefer as Chair, Commissioner George as Vice Chair and Commissioner Camp, Commissioner White and Commissioner Oldaker along with staff will be formed.

No Action Taken.

5. Advisement on 103CSR1, 103CRS3, 103CSR5 and 103 CSR7.

Marshal Tyree made the Committee aware of the passed Fire Marshal Legislation.

No Action Taken.

Adjournment

Having no additional business, Commissioner George moved to adjourn the meeting at 12:51pm without objection. Meeting adjourned.

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

Grant Funding Committee Meeting Report

Meeting Minutes

April 13th, 2023

Call to order

Commissioner Mongold called to order the meeting of the Grant Funding Committee Meeting at 11:31AM on April 13th, 2023 at Blackwater Falls Resort State Park, Davis WV 26260.

Roll call

The following commissioners were present:

Steven Byers
Doug Estep
Phil Hart

Doug Mongold
Jim Oldaker

The following commissioners were absent:

None

Unfinished business

1) Update on FY23 VFD Grant.

Administrative Secretary Kathryn Burns provided an update to the Committee on the status of the in-process grants.

New business

1) Discussion on FY24 Grant Availability.

Commissioner Byers made a motion to recommend to the Full Fire Commission to leave the funds in the account until additional funding is available, seconded by Commissioner. With the ayes and nays having been taken on a voice vote, the motion passed.

Adjournment

Commissioner Hart moved to adjourn the meeting at 11:35am without objection. Meeting adjourned.

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

FULL COMMISSION MEETING

UNFINISHED BUSINESS:

1) Update on Fire Fighter Certification Repository Program.

Chairman Gunnoe recapped the discussion during the Fire Department Service Committee. See Training Report.

No Action Taken.

2) Discussion/Consideration of making EVOG (Emergency Vehicle operation Course) a Prerequisite (policy correction).

Chairman Gunnoe recapped the discussion during the Fire Department Service Committee meeting. See Fire Department Services Report.

Commissioner White made a motion to make EVOC a prerequisite in the Modular Program, seconded by Commissioner Eastham . With the ayes and nays haven been taken on a voice vote, the motion passed.

3) Review/Consideration of Amending Policy/Procedure on Establishing Fire Department/Fire Prevention Unit and Policy for Requirements for Local Fire Departments.

Chairman Gunnoe noted the discussion during Fire Department Services Committee meeting. See FDS report.

Commissioner Keefer made a motion to follow the recommendations and amend page 5 under section 1.04 in the definition of as follows:

“Fire Brigades that operate strictly on industrial facilities only are exempt from the requirements of this policy. Fire Brigades that operate and serve beyond industrial facilities shall meet the fire training requirements for volunteer fire departments of the State Fire Commission. If these same said departments operate hazardous material incidents, they shall meet the minimum requirements of the State Fire Commission based on their level of training provided for in NFPA 472.”

seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to follow the recommendations and amend page 11 in section 5.03.05 as follows:

“Paid fire department members and officers shall be trained in NFPA 472, Professional Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents. All Fire Department personnel shall be certified at the Awareness level. Paid fire department personnel that operate at hazardous materials incidents must minimally meet U.S. Environmental Protection Agency and U.S. Occupational Safety, Health Administration requirements, and NFPA 472 for response at Operations and/or Technicians level.”

seconded by Commissioner Keefer. With the ayes and nays having been taken on a voice vote the motion passed.

Commissioner White made a motion to amend proposed document in 5.03.01 B Fire Officer to reads as follows:

“Instructor certification is required by NFPA for national certification at the Fire Officer I and II levels. Instructor certification is not required for Fire Commission approved Fire Officer I and II certification for any department and members participating in Fire Officer Certification”.

Commissioner Mongold seconded the motion. With the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to accept the policy changes as amended and allow the Fire Marshal to make technical edits as needed, seconded by Commissioner Eastham. With the ayes and nays haven been taken on a voice vote, the motion passed

NEW BUSINESS:

1) Consideration of Fire Officer Applications.

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

- h. Alan Roby FO 2 (City of Huntington)
- i. Robert Ferguson FO 2 (Summersville)
- j. David Boley FO 2 (Ansted)
- k. Bennie Cogar FO 2 (Webster Springs)
- l. Michael Rowe FO 1 (City of Huntington)
- m. David Gaeger FO 1 (City of Huntington)
- n. Steve McCormick FO 1 (City of Huntington)

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

2) Consideration of Fire Chief Applications.

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

- k. Bradley Asbury (Birch River)
- l. Joshua Hartzler (Burlington)
- m. Noah Gilroy (Tygart Valley)
- n. David A Schoolcraft (Big Otter)
- o. Debra Rinehart (River Road)
- p. Craig Matthews (Charleston)
- q. Larry Dent (Wileyville)
- r. Rodney Twyman (Ridgeley)
- s. Tyrone Powell (Mount Hope)
- t. Matt Osbourne (Rainelle)

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

3) Report on Fire Departments Receiving 180 Days to Achieve Compliance.

- a. Mabscott VFD
- b. Rhodell VFD
- c. Talcott VFD
- d. Smithers VFD
- e. Sophia Area VFD
- f. Bradley Prosperity VFD
- g. Loup Creek VFD
- h. Barrackville VFD
- i. Prichard VFD
- j. Nuttall VFD
- k. Wayne VFD
- l. East Lynn VFD

No Action Taken

4) Consideration of Recertification of Fire Departments.

- a. Oceana VFD
- b. Burlington VFD
- c. Keyser VFD
- d. Rowlesburg VFD
- e. Tri Towns VFD
- f. Capon Springs VFD
- g. Slainesville VFD
- h. Gauley River VFD
- i. Gauley Bridge VFD
- j. Rhodell VFD

Commissioner White made a motion to recertify the listed departments, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote, the motion passed.

5) Consideration of Perfect Evaluation Recertification of Fire Departments.

- a. Armstrong Creek VD
- b. Grafton VFD
- c. Trap Hill VFD
- d. Pax VFD
- e. City of Beckley FD
- f. Oak Hill VFD
- g. Boomer VFD
- h. Meadow Bridge VFD
- i. Danese VFD
- j. Sophia City VFD
- k. Beaver VFD
- l. Fayetteville VFD
- m. Ansted VFD
- n. Mount Hope VFD

Commissioner Eastham made a motion to recertify the departments noting their perfect evaluations, seconded by Commissioner Keefer. With the ayes and nays having been taken on a voice vote, the motion passed.

6) Consideration of Name Change – Craigs ville Beaver Cottle to Craigs ville VFD.

Commissioner Mongold made a motion to approve the name change, seconded by Commissioner Estep. With the ayes and nays having been taken on a voice vote, the motion passed.

7) Discussion/Consideration of Verification of Certificates for FO Equivalency Applications.

Chairman Gunnoe provided a recap of the discussion during the Committee meeting (see FDS Committee Report).

No Action Taken.

8) Consideration of Change to Fire Chief/Department Approval of Participation in Modular Program Application.

Commissioner Mongold made a motion to approve the application as presented, seconded by Commissioner Estep. With the ayes and nays having been taken on a voice vote.

9) Consideration of Effective Dates for:

- a. **87CSR3 Haz Mat Training for Industrial Brigades.**
- b. **87CSR8 VFD Training.**

Commissioner Keefer made a motion to make the effective date May 1st 2023, seconded by Commissioner George. With the ayes and nays having been taken on a voice vote, the motion passed.

10) Consideration of Update to 87CSR1.

Marshal Tyree provided a recap of the discussion. See Legislative and Codes Report.

No Action Taken.

11) Discussion on AFFF Disposal HB 2860.

Chairman Gunnoe noted that an advisement Committee will be formed to address the item. See Legislative and Codes report.

RECRUITMENT AND RETENTION:

No Report.

SPEAKERS:

None

CORRESPONDENCE:

None

GOOD OF THE ORDER:

August meeting is scheduled at Twin Falls Resort State Park on the 3rd and 4th. The local Fire Association will be hosting a cookout on the Thursday evening of the meeting.

TIME AND PLACE OF NEXT MEETING(S):

June 2023 Committee Meetings 10:00am Thursday, June 1st, 2023, at North Bend Resort State Park. Commission Meeting 9:00am Friday, June 2nd, 2023 at North Bend Resort State Park.

ADJOURN:

Commissioner White made a motion to adjourn at 10:30am without objection. Meeting adjourned.
