

## WV STATE FIRE COMMISSION MEETING

Flatwoods Conference

Flatwoods WV

October 4<sup>th</sup>, 2024

### PLEASE NOTE:

The following minutes have been provided and are considered unofficial, until they are submitted for approval at the next scheduled meeting.

The official business meeting was called to order at 9:02am 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, Brian Jones, Doug Mongold, Jim Oldaker, and Virgil White.

It is noted that Counsel Brandolyn Felton-Earnest is in attendance as well.

### Commissioners Absent

Ted Shriver

### APPROVAL OF MINUTES:

Commissioner White made a motion to accept and approve the minutes of the August 2<sup>nd</sup>, 2024 Fire Commission Meeting, seconded by Commissioner Mongold. With the ayes and nays having been taken on a voice vote, the motion passed.

### RECOGNITION

None

SOUND THE ALARM – Commissioner Byers provided information on the upcoming Red Cross Sound the Alarm event in Monongalia County starting Saturday, November 2<sup>nd</sup>, 2024 at 9:00am. There over 900 smoke detectors to be installed and Commissioners are welcomed to attend the event along with him. The event will originate at the Erickson Alumni Center.

### SFMO & DIVISIONAL REPORTS:

Deputy Stewart presented the Inspections/Plan Review and Fire Department Services report, and Marshal Tyree gave the Services and Investigations Report, and his Operations report to the Commission containing staffing, legislative, updates, and fire department funding loss updates. Marshal Tyree also provided clarification regarding W.VA Code §8-13-13 as the means for a municipality expand provided service areas. He noted there is some legislative concern about this process.

A discussion among Commissioners, Staff and the Public in attendance ensued on how charges are applied, monies are dispersed and who has the authority to do so.

Chairman Gunnoe has requested Staff to reach out to those areas that have used this process and ask that they provide us the coverage area per the 87CSR6 rule.

#### Entertained Questions

Commissioner Mongold requested an update on the NFIRS reporting system changes. Marshal Tyree responded that it is currently in BETA testing and WV was not included. At last word, March is when they are fully implementing it. In February Marshal Tyree and Ms. Morrison in Fire Department Services are supposed to attend the Fire Academy on the subject.

#### COMMITTEE REPORTS:

The Legislative, Disciplinary and Grant Committees did not meet.

### Fire Department Services Committee Meeting Report

#### **Meeting Minutes**

October 3<sup>rd</sup>, 2024

#### Call to Order

Commissioner Byers, called to order the regular meeting of the Fire Department Services Committee at 10:00AM on October 3<sup>rd</sup>, 2024 at Flatwoods Conference Center

#### Roll Call

The following commissioners were present:

Steven Byers  
Jim Oldaker  
Phil Hart  
Brian Jones  
Dave Camp  
Doug Mongold  
Grant Gunnoe

The following commissioners were absent:

None

#### Unfinished Business

##### **1. Consideration of Jefferson County Fire Prevention Unit Request to be Recognized as a Fire Department.**

Commissioner Oldaker made a motion to recommend to the Full Fire Commission the approval of the Certification as a Fire Department, seconded by Commissioner Hart. With the ayes and nays having been taken on a voice vote, the motion passed.

#### New Business

### **1. Consideration of Fire Chief Applications**

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

- a) Jeff Thaxton (Tyler Mountain)
- b) James Green (Clarksburg)
- c) Paul Neidbalski Jr. (Hurricane)
- d) Nyle Whittington (Eleanor)
- e) Clarence Orndorff Jr (Roderfield)
- f) Garson Taylor (Benwood)
- g) Freddie Purdue II (Montgomery)
- h) Melisa Channell (Bunners Ridge)
- i) Cody Clevenger (Diana)
- j) Carl Brannon (Grantsville)

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

### **2. Report on Fire Department Receiving 180 Days to Achieve Compliance.**

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

- a) Rivesville VFD
- b) Grant Town VFD
- c) Valley VFD
- d) Friendship VFC
- e) Shepherdstown VFD

No Action Needed.

### **3. Consideration of Fire Department Recertification**

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

- a) Welch VFD
- b) Greenwood VFD
- c) Tyler Mountain VFD
- d) Maysville VFD
- e) Fairview VFD

- f) Winfield District VFD
- g) Blue Ridge Mtn VFD
- h) Grantsville VFD

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

#### **4. Consideration of Fire Department with Perfect Evaluations Recertification.**

ASFM Bradley Scott presented the following Departments with Perfect Evaluations for Recertification.

- a) Baxter VFD
- b) Farmington VFD
- c) Monongah VFD
- d) Worthington VFD
- e) Bunnors Ridge VFD
- f) Barrackville VFD
- g) Boothsville VFD
- h) Fairmont FD
- i) Bakerton VFD
- j) Middleway VDC
- k) Citizens VFC
- l) Independent FC
- m) Jefferson County Fire Prevention Unit

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

#### **5. Discussion on 87CSR6**

Marshal Tyree discussed a meeting that was held at the request of Senator Jeffries, and Senator Woodrum over the authority of the Fire Commission/Fire Marshal's office to intervene, as necessary in the operations of a VFD when it comes to public safety. Concerns had been raised due to a recent issue where multiple members of a VFD left in one evening, resulting in low staffing levels, lack of mutual aid support and the public feeling that their needs were not being met. At the time, the agency did not believe they had the authority to act but Counsel has advised that §87-6-5.1.10 does give the authority to intervene if a complaint has been registered that concludes public safety is at risk.

A discussion on the matter and the complaint process ensued and Marshal Tyree entertained questions from the Committee, members of the Commission and the public.

No Action Taken.

#### **6. Consideration of Ruling on Applicability of W.VA Code §8-15-1**

Marshal Tyree addressed the Committee on a letter from the Putnam County Commission requesting a determination of whether W.Va Code §8-15-1 or Fire Commission Rule 87CSR6 would take precedence regarding a change to the county fire protection boundaries.

Per Counsel, Code/Statute trumps Rules, therefore §8-15-1 would apply.

Commissioner Gunnoe made a motion to recommend to the Full Fire Commission that counsel draft a letter of response to the Putnam County Commission, explaining that §8-15-1 is applicable, and that the Commission will approved the new boundary in a separate business, seconded by Commissioner Mongold. With the ayes and nays having been taken on a voice vote, the motion passed.

#### **7. Consideration of New Boundary Areas Hurricane VFD**

Commissioner Jones made a motion to recommend to the Full Fire Commission to approve the boundary change, seconded by Commissioner Hart. With the ayes and nays having been taken on a voice vote, the motion passed.

#### **8. Consideration of FDID# for Fayette County Fire Prevention & Training Bureau.**

Mr. John McGinness of the Fayette County Fire Fighters Association came before the Committee outlining their goals to become a Fire Prevention and Training Unit titled the "Fayette County Fire Prevention and Training Bureau" and to request a FDID number. After some discussion with the Committee and the knowledge that the Commission can only issue FDID numbers to certified Fire Departments and what is required to be certified, Mr. McGinness requested the Committee table the matter until the December meeting.

Commissioner Oldaker made a motion to recommend to the Full Fire Commission to table the matter until the December meeting, seconded by Commissioner Jones. With the ayes and nays having been taken on a voice vote, the motion passed.

#### **Adjournment**

Having no additional business Commissioner Jones, moved to adjourn the meeting at 10:50am, seconded by Commissioner Oldaker. Without objection, the meeting adjourned.

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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 vote the motion passed.

## Training Committee Meeting Report

### Meeting Minutes

October 3<sup>rd</sup>, 2024

#### **Call to Order**

Commissioner White called to order the regular meeting of the Training Committee at 11:15am on October 3<sup>rd</sup>, 2024, at Flatwoods Conference Center.

#### **Roll Call**

The following commissioners were present:

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

The following commissioners were absent:

None

#### **Unfinished Business**

None

#### **New Business**

##### **1. Public Service Training Report**

Mr. Mike Freeman of Public Service Training spoke of the upcoming Escape Conference on February 26<sup>th</sup> through March 2<sup>nd</sup> of 2025 and that the Asset Conference will be December 5<sup>th</sup>-7<sup>th</sup> of 2025. He noted frequent requests to expand IFSAC certification courses and that the processes have begun to do so. He also discussed the addition of QR verification codes on their certificates. He provided a sample certificate to the Committee members, so they could see how the QR codes work.

##### **2. WVU-FSE Report**

Mr. Mark Lambert of WVU FSE addressed the Committee with following updates: The next Junior Camp will be held on June 14<sup>th</sup>-19<sup>th</sup> of 2025, and that October addition of Fire House magazine will have a story on the camp; The reception of a \$500,000 AFG grant; While in Illinois he attended a roundtable discussion about recruitment and retention that had 35 States represented. One of the biggest concerns they saw was Fire Station Culture and the problem with groups and clicks; The Alternative Fuels Vehicle Training program is going well; and WVU FSE will be going to digital credentialing for verification.

### 3. Review of list of WV Fire Service Approved Courses

Chairman Gunnoe asked the Committee, Staff and the Training entities to review the list so it can be updated at the December meeting.

No Action Taken.

### 4. OSHA Statement Re: Emergency Response Rulemaking and Volunteer Emergency Responders.

Mr. Anthony Milam the OSHA Compliance Assistance Specialist in the Charleston WV office addressed the Committee regarding the September 17<sup>th</sup>, 2024, statement issued by OSHA regarding the proposed Emergency Response Standard. A large volume of public comments has been received over the concerns of the financial feasibility of volunteer organizations to meet these proposed standards. While the public comment period closed, OSHA asks that groups affected continue to make comments, up until the November 12<sup>th</sup>, 2024 rulemaking hearing, so they can understand, how this may affect volunteer groups.

A lengthy discussion on the potential affect to over 400 VFD's that operate independently of a City, County, or State was embarked upon. Committee, Commission, Staff and the public in attendance all voiced their concerns over the potential financial and legal problems the proposal could result in, and the possible end to many VFDs.

Commissioner Mongold made a motion to recommend to the full Commission that letters be sent to our US Congressional and US Senate members in opposition to the Emergency Response Standard, seconded by Commissioner Estep. With the ayes and nays having been taken on a voice vote, the motion passed.

#### Adjournment

Having no additional business, Commissioner Keefer moved to adjourn the meeting at 12:22pm, seconded by Oldaker, without objection. Meeting adjourned.

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

## Recruitment and Retention Committee Meeting Report

### Meeting Minutes

October 3<sup>rd</sup>, 2024

#### **Call to Order**

Commissioner Gunnoe called to order the regular meeting of the Recruitment and Retention Committee at 12:24pm on October 3<sup>rd</sup>, 2024 at the Flatwoods Conference Center.

#### **Roll Call**

TBD

#### **Unfinished Business**

None

#### **New Business**

#### **5. Re-establishment of the Committee**

Marshal Tyree noted via an informal meeting the Speaker of the House, who extended an invitation to the Commission on how they could be a help with Recruitment and Retention through Legislation and Language. In turn, Marshal Tyree asked the Chairman to re-establish the Committee, so they can bring their ideas to Speaker of the House.

Chairman Gunnoe explained that Commissioner Oldaker has agreed to Chair the Committee and he will be selecting a Vice Chair and getting that Committee established.

#### **Adjournment**

Having no additional business, without objection. Meeting adjourned at 12:29pm.

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Chairman Gunnoe noted no business took place other than the re-establishment of the Committee, so no action is needed on this report.



**FULL COMMISSION MEETING**

UNFINISHED BUSINESS:

See FDS Report.

**1) Consideration of Jefferson County Fire Prevention Unit Request to be Recognized as a Fire Department.**

Commissioner Hart made a motion to approve the certification as a Fire Department, seconded by Commissioner Jones. With the ayes and nays having been taken on a voice vote, the motion passed.

NEW BUSINESS:

**1) Consideration of Fire Chief Applications.**

See FDS Report.

- a) Jeff Thaxton (Tyler Mountain)
- b) James Green (Clarksburg)
- c) Paul Neidbalski Jr. (Hurricane)
- d) Nyle Whittington (Eleanor)
- e) Clarence Orndorff Jr (Roderfield)
- f) Garson Taylor (Benwood)
- g) Freddie Purdue II (Montgomery)
- h) Melisa Channell (Bunners Ridge)
- i) Cody Clevenger (Diana)
- j) Carl Brannon (Grantsville)

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.

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

See FDS Report.

- a) Rivesville VFD
- b) Grant Town VFD
- c) Valley VFD
- d) Friendship VFC
- e) Shepherdstown VFD

No Action Taken

**3) Consideration of Recertification of Fire Departments.**

See FDS Report.

- a) Welch VFD
- b) Greenwood VFD
- c) Tyler Mountain VFD
- d) Maysville VFD
- e) Fairview VFD
- f) Winfield District VFD
- g) Blue Ridge Mtn VFD
- h) Grantsville VFD

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

#### **4) Consideration of Perfect Evaluation Recertification of Fire Departments.**

See FDS Report.

- a) Baxter VFD
- b) Farmington VFD
- c) Monongah VFD
- d) Worthington VFD
- e) Bunners Ridge VFD
- f) Barrackville VFD
- g) Boothsville VFD
- h) Fairmont FD
- i) Bakerton VFD
- j) Middleway VDC
- k) Citizens VFC
- l) Independent FC
- m) Jefferson County Prevention Unit

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

#### **5) Discussion on 87CSR6**

Chairman Gunnoe briefed those in attendance on the information provided yesterday, that clarifies the authority of the Fire Commission.

See FDS Report.

#### **6) Consideration of Ruling on Applicability of W.VA Code §8-15-1**

See FDS Report.

Commissioner Mongold made a motion to for Counsel to draft a letter to the Putnam County Commission noting §8-15-1 takes precedence and that in separate business the boundary request will be approved, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote, the motion passed.

#### **7) Consideration of New Boundary Areas Hurricane VFD.**

See FDS Report

Commissioner Mongold made a motion to approve the new boundaries, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote, the motion passed.

**8) Consideration of FDID# for Fayette County Fire Prevention & Training Bureau.**

See FDS Report

Commissioner Eastham made a motion to table until the December Meeting, seconded by Commissioner Mongold. With the ayes and nays having been taken on a voice vote, the motion passed.

**9) Consideration of Resumption of Recruitment and Retention Committee.**

No Action Needed.

See Recruitment and Retention Report

Chief Kimble of Buchannon Fire Department spoke of a Recruitment Camp presented by Tiger Schmittendorf. They got a lot from the camp, and he can provide the information to the Commission.

SPEAKERS:

None

CORRESPONDENCE:

OSHA Statement from September 17<sup>th</sup>, 2024

See Training Report

George made a motion to draft a letter to OSHA, Governor Justice, US Congressional and US Senate representatives, noting the Commissions objection to the proposed OSHA Emergency Responder Standards, seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Chairman Gunnoe is establishing the OSHA Emergency Responder Standards Committee, to keep abreast of the proposed standards and make recommendations on the matter to the Full Commission. Commissioner Keefer will chair the committee, with Commissioner White and Commissioner George as members at this time. Commissioner Keefer will reach out to establish an initial meeting.

GOOD OF THE ORDER:

February meeting will be in the TC Energy Building .

TIME AND PLACE OF NEXT MEETING(S):

Committee Meetings - 10:00am Thursday, December 5th, 2024 at and Commission Meeting 9:00am Friday, December 6<sup>th</sup>, 2024 at the Blennerhassett Hotel in Parkersburg.

ADJOURN:

Commissioner White made a motion to adjourn at 10:am, seconded by Commissioner Eastham. Without objection. Meeting adjourned.