

WV STATE FIRE COMMISSION MEETING
WVSFMO • Charleston, WV •

June 5th, 2020

The official business meeting was called to order at 09:50AM by Chairman Grant Gunnoe.

ROLL CALL: by Kathryn L Burns

Commissioners Present

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

Commissioners Absent- Doug Mongold and Mark Stroop

SPECIAL NOTICE:

Commissioner Grant made note of Marshal Tyree being an Ex-Officio Non-Voting Member of the Fire Commission.

APPROVAL OF MINUTES:

Commissioner White made a motion to accept and approve the minutes of the April 17th, 2020 Fire Commission Meeting, seconded by Commissioner Eastham. With the ayes and nays have been taken on a voice vote, the motion passed.

SFMO REPORT:

Marshal Tyree gave his report to the Commission

Mr. Chairman, members of the Commission:

- **Personnel Staffing:**
 - **New Employee:** ASFM-In-Training - Dee Lamar Maynard, Richard Hacker Inspection Division
 - **Promotions/Reallocations:**
 - **Resignation/Termination/Retirement:**

- We have **6 vacancies** within the agency: **Three (3)** ASFM in Training for Inspection Division; **one (1)** Public Information Specialists; **One (1)** Office Assistant 3, Admin Div., and **One (1)** Regulatory Licensing Spec. 2, Services Division.

- **Legislative update:**

- SB 586 **DMAPS Bill** Fire Marshal & Fire Commission separation of duties and Bed & Breakfast language edits (**Eff. 5-28-2020**)
- SB 705 Military Allowance for Electrician & Sprinkler Fitter Certs (**Eff. 6-5-2020**)
- HB 4275 State Fire and State Building Code (**8-1-2020 effective dates**)
- HB 4409 Transfer of Excess Workers Comp Funds to Fire Service Equipment and Training Fund (**Eff. 6-3-2020**)
- HB 4444 Establishment of Medal of Valor Award (**Eff. 6-5-2020**)
- HB4611 Relating to Fireworks -Lowering certification fees & Single Payment Option. (**Eff. 6-5-2020**)
- HB 4620 Recovery Residence Clarification of Single-Family Dwellings.(**Eff. 6-1-2020**)
- HB 4803 Electrical Inspector License (**Eff. 6-5-2020**)
- HB 4715 Municipal Fire Dept L.E. Powers (**Eff. 6-5-2020**)

- **Fire Department Loss of Funding:**

- (The two deadlines involved are the quarter deadline and then 90 days later, the grace period deadline. Other than being decertified, not submitting their NFIRS incident reports by the prescribed due date is the only way to lose their funding. It has nothing to do with the 180-day issue. Once they miss the grace period deadline, the money is lost and reallocated to the departments that were complying. There is no getting it back after hat.) Share info rec. letters from Treasury; we'll be making an inquiry to see if there are earlier notification/communications that can be provided to help and assist departments to prevent the loss of their distributions.

- **Two Significant Pursuits**

- Bid Process for Software and Technology infrastructure to enhance efficiencies within the Inspection Division; Fire Dept. Services Section, and Licensing and Certification Division
 - Goal: Begin launch at beginning FY 2021 with full implementation by December 2020.

- **Visits and Meetings**

- Summarize Stakeholders Meetings on 586 Restructuring and VFD Grant Funding

- **Commendations:**

- Express public gratitude for Bob Sharp's invaluable contribution to the agency. Many projects he took the lead on and others we've worked on together and his representative of this agency with SIREN and SERC will be missed. My many year association and friendship has impacted my life and all who've worked with and he has led is greatly appreciated.

- **Correspondence and Material Receipt:**
 - **WVPST Curriculum Material rec'd for Haz Mat, Trench Rescue and Water Rescue Course curriculum material received. Wanted to note this material will be used as a part of the Pilot program approved previously for utilizing most current NFPA and other Standard material.**

The Commission had no questions for Marshal Tyree

COMMITTEE REPORTS:

Only Disciplinary Committee met due to Covid 19 restrictions.

• Disciplinary Committee

Commissioner Eastham asked Administrative Secretary Kathryn Burns to give the report.

Disciplinary Committee Meeting Report
Meeting Minutes
June 5th, 2020

Call to order

Commissioner Eastham called to order the regular meeting of the Disciplinary Committee Meeting at 9:00am on June 5th, 2020 at WV State Fire Marshal's Office via conference call.

Roll call

The following commissioners were present:

Carl Eastham
Edward George
Ted Shriver

The following commissioners were absent: Doug Mongold

Unfinished business

1. Consideration of (FDC FY20-08) West Side

Commissioner Gunnoe updated the Commission on the complaint.

Commissioner George updated the Commission on the meeting held between West Side and Tornado.

Commissioner Gunnoe read the most recent response to the Commission.

Commissioner Eastham will make a motion to the Full Commission regarding the matter, recommending the Full Fire Commission have Counsel draft a letter to West Side regarding the policy in place on underage juveniles being on scene.

2. Consideration of Underage Juvenile Present at Emergency Operation Scene (FDC FY20-018)

Commissioner Eastham 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 Eastham made a motion to recommend to the Full Fire Commission that we accept the letter from the department's legal counsel, seconded by Commissioner George. With the ayes and nays having been taken on a voice vote the motion passed.

3. Consideration of Benwood VFD certification issue.

Commissioner Eastham updated the Commission on the certification issues on the Benwood VFD.

ASFM Scott read his report regarding deficiencies and the response from the department.

Commissioner Eastham made a motion to recommend to the Full Fire Commission that we grant Benwood VFD an extension until the August Commission meeting, seconded by Commissioner George.

Discussion- Commissioner Shriver asked if we could ask the department to attend the next meeting.

Commissioner Gunnoe stated that would depend upon Covid 19 restrictions.

With the ayes and nays having been taken on a voice vote the motion passed.

New business

1. Consideration of Underage Juveniles Present at Emergency Operation Scene (FDC FY20-022)

Commissioner Gunnoe made a motion to go into executive session at 9:32am, seconded by Commissioner Shriver. With the ayes and nays having been taken on a voice vote the motion passed.

Commissioner Shriver made a motion to leave executive session at 9:45am, seconded by Commissioner George. 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 cause, seconded by Commissioner Shriver. With the ayes and nays having been taken on a voice vote, the motion passed.

2. Consideration of Underage Juvenile on Fire Equipment (FDC FY20-023)

Commissioner Shriver made a motion to recommend to the full Fire Commission to find probable cause, seconded by Commissioner George,

Upon discussion Commissioner Eastham noted there was a lack of evidence to prove the complaint and the Committee agreed.

With the ayes and nays having been taken on a voice vote, the motion failed.

Adjournment

Commissioner Eastham moved to adjourn the meeting at 9:49am, seconded by Commissioner George, 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. It was seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

UNFINISHED BUSINESS:

1) Consideration of (FDC FY20-008) West Side

Commissioner Eastham made a motion to move from table FDC FY20-008, 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 that the Fire Marshal and legal counsel draft a letter to West Side accepting their response and requesting a copy of their by-laws, seconded by Commissioner Shriver. With the ayes and nays having been taken on a voice vote the motion passed.

2) Consideration of Underage Juvenile Present at Emergency Operation Scene (FDC FY20-018)

Commissioner Eastham made a motion to take from the table the item, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote the motion passed.

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

Commissioner Gunnoe noted to the Commission that the department is the Moundsville VFD.

Counsel Nowicki provided a report regarding the Moundsville complaint FDC FY20-018, the response from their counsel regarding the departments issuance of a zero tolerance policy and actions taken by the department to rectify the situation and recommended that no further action be taken.

Commissioner Gunnoe clarified the number regarding the second complaint that had been given a second number.

Commissioner Gunnoe made a motion that all items dealing with Moundsville are settled to the Commission's satisfaction at this time, seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote the motion passed.

3) Consideration of Benwood VFD certification issue.

Commissioner Eastham updated the Commission on Benwood VFD issues noting that the Chief does not have Fire Officer 1 and 2 and that they have been on a 180 day to correct the deficiency. They have been

unable to get the certification in part due to Covid 19 restrictions. It is the recommendation of the committee is to grant them an extension until the next Commission Meeting.

Commissioner Eastham made a motion to grant an extension to the Benwood VFD until the next Commission meeting, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote the motion passed.

Commissioner Gunnoe noted that between now and the next Commission meeting ASFM Scott will be in contact with Benwood VFD and advising them that if they have not taken care of this by the next Commission meeting it will be an agenda item to start decertification of the department.

4) Consideration of Berkeley County Local Fire Prevention Unit

Commissioner Gunnoe updated the Commission regarding his discussion with Ed Gochenour regarding the MOUs and noted that Covid 19 restrictions had delayed the progress but he feels confident they will be completed. He will request a written update for the next Commission meeting.

No Action Needed

5) Consideration of EPA Hazardous Materials Firefighter Technicians Course- Christine Wagner

Ms. Wagner addressed the Commission updating them on the latest submissions.

Commissioner White made a motion accept the curriculum, seconded by Commissioner Keefer. With the ayes and nays having been taken on a voice vote the motion passed.

NEW BUSINESS:

ASFM Scott gave a report on the departments being recertified.

1) Consideration of Recertification of Fire Departments – Grantsville VFD, Arnoldsburg VFD, Wilderness VFD, RT34 VFD, Welch VFD and Alma VFD.

Commissioner Oldaker made a motion to add Upper West Fork VFD to the recertification list, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote the motion passed.

Commissioner Eastham made a motion to recertify Grantsville VFD, Arnoldsburg VFD, Upper West Fork VFD, Wilderness VFD, Rt 34 VFD, Welch VFD and Alma VFD, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote the motion passed.

2) Consideration of Fire Officer 1 & 2 Applications – Lewis Richmond F/O 1-2 (Glen Dale)

Commissioner Oldaker made a motion to approve Lewis Richmond of Glen Dale F/O 1-2 applications, seconded by Commissioner Eastham. With the ayes and nays having been taken on a voice vote the motion passed.

3) Consideration of Complaint Underage Juvenile FDC FY20-022

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

Commissioner Gunnoe noted FCD FY20-022 involves Rand VFD.

Commissioner Eastham addressed the Commission stating this issue is an on-going problem.

Commissioner Eastham made a motion to the Fire Marshal's office to do additional investigation on the underage juveniles on apparatuses and uncertified persons driving apparatuses, seconded Commissioner George. With the ayes and nays having been taken on a voice vote the motion passed.

Commissioner Gunnoe asked for the Fire Marshal's office and Counsel to have a recommendation prepared for the next Fire Commission meeting.

4) Consideration of Underage Juvenile FDC FY20-023

Commissioner Eastham reported on the findings of the Disciplinary Committee and the failure of the motion to find probable cause due to the lack of evidence.

Carl Eastham made a motion that probable cause has not been proven, seconded Commissioner White. With the ayes and nays having been taken on a voice vote.

Commissioner Gunnoe addressed the Commission regarding the commitment from the Cabinet Secretary and his office to support the Commission in finding the necessary and better methods in dealing with issues at the Fire Chief level.

Recruitment and Retention:

Marshal Tyree updated the Commission on the work that has been done since the last Fire Commission meeting. He noted the office has sent out invitations to Fire Departments trying to get them involved in Smoke Alarm programs, but installation requirements may change due to Covid 19. The office has asked departments to look at programs they might put in place to enhance their Community Risk Reduction. Specific to Recruitment and Retention we have encouraged people to share ideas with one another.

Deputy Sharp updated the Commission on the Length of Service Award program. It has been slowed without staff in the office, but they will be sent out as soon as possible.

Speaker:

Captain Corey Miller of Charleston Fire Department addressed the Commission regarding House Bill 4715 and the Charleston Fire Department Fire Prevention Bureau. He wanted to make all the Commissioners aware of the intentions of the Fire Prevention Bureau for the Charleston Fire Department. They will be adopting the new legislation recently passed under House Bill 4715. This law considers municipal fire marshals as law enforcement officers in regards to W.V. Code of Chapter 61 the arson related crime section. It allows the municipal fire marshals the powers of arrest and the issuing of summons to appear before the magistrate. Currently there are three members assigned full time to the bureau and they have undergone over 180 hours of law enforcement training provided by the Charleston Police Department such as but not limited to, Laws of Arrest, Search and Seizure, Criminal Procedures, Civil Liability, Defensive Tactics, Firearms training and qualifications and Use of Force. The reason this endeavor was undertaken was to reduce duplication of effort among the Charleston Police Department Investigations Division and eliminate lag time in the flow of information.

Captain Miller asked if there were any questions.

Commissioner Eastham commented how happy he is that this is now in place.

Captain Miller responded noted one other municipality has reached out to them and encourages others to do so.

CORRESPONDENCE:

WVPST Notice and Charleston Fire Department

GOOD OF THE ORDER:

Chief Deputy Sharp addressed the Commission regarding his retirement. His hope is that he has helped make things better than when he started and believes the office will continue to do so.

The Commissioners thanked him for his service.

TIME AND PLACE OF NEXT MEETING(S):

Committee Meetings Thursday, August 13th, and Fire Commission Meeting Friday August 14th, 2020 @ WVSFMO
1207 Quarrier Street, Charleston WV.

ADJOURN:

Commissioner Eastham made a motion to adjourn at 10:49, second by Commissioner White, with all the ayes and nays having been taken on a voice vote, the motion passed.
