

STATE FIRE COMMISSION MEETING
Holiday Inn
South Charleston, WV
February 21, 2014

The official business meeting was called to order at 9:00 AM by Chairman Bob Sullivan.

COMMISSIONERS PRESENT:

Bob Sullivan, Chairman
Gary Bonnett
Thomas Keefer
Doug Mongold
Rick Scott
Virgil White

Grant Gunnoe
Ted Shriver
Robert S. Miller
Larry Goodwin
Carl Sizemore
John Holstein (by phone starting at 930)

COMMISSIONERS ABSENT:

Mike Butcher

APPROVAL OF MINUTES

Commissioner White made a motion to accept and approve the minutes of the December 6, 2013 regular meeting. Commissioner Miller seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to accept and approve the minutes of December 30, 2013 regular meeting. Commissioner Goodwin seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

COMMITTEE REPORTS:

Training Committee –

The Training Committee met at the Holiday Inn West in South Charleston on February 20th 2014 at 1300 hours. Commissioners present were White Miller Holstein and Scott.

Minutes taken by Fire Marshal Staff Leslie Racine.

Unfinished Business

Staff/Counsel

Council stated the changes to the 2008 to the 2013 standards. Council stated that changes **cannot** be made to a rule without going back through the whole formal rule making process. It will take a year to 18 months each time a change for the volunteer training rule.

Motion made to: **To place the approved curriculum for public comment and file a modified rule with the Secretary of State (SOS) Office both as an Emergency Rule and a Legislature Rule to be filled upon the close of the Legislative Session.**

Motion by Miller- 2nd by Scott; All aye.

Lanny Adkins with the West Virginia Fire Service Extension (WVFSE) stated the radiological class had a good turnout and was only comprised of firefighters. No other agencies participated.

There was no report for the 30 day comment due to legality questions.

New Business

Staff/Counsel

Acting Deputy Marshal Lambert spoke about Fire Investigation Classes. It is being worked on to have a uniformed program.

Deputy Leake was asked about the Fire Inspector's Class. He stated it will be worked on with WWFSE to get everything set up. He also explained the difference between the inspector's class that has been taught and the NFPA's Fire Inspector Class.

No further comments from RESAMVDE of WWUFSE

Motion made to: **Adjourn**. Motion by Miller 2nd by Holstein; All aye

Meeting concluded at 13:36 hours.

Commissioner Miller made a motion to accept this committee report. Commissioner Mongold seconded the motion. With all the ayes and nays having been taken on a voice vote, the motion passed.

Disciplinary Committee –

Commissioners present were Scott, Bonnett, and Shriver. Commission's Secretary Leslie Racine took these minutes. Counsel Connolly was also present.

The committee was called to order at 3:00PM and immediately went into executive session.

2013-01 the consent order is in the works and the 6 months is up tomorrow. They have asked for another 6 month extension. Staff recommends laying over until April. Commissioner Bonnett makes a motion to table until the April meeting. Commissioner Shriver seconded the motion. All aye.

2014-02 staff recommends 180 day extension. Commissioner Bonnett makes a motion for a 180 day extension seconded by Commissioner Shriver. All aye.

2014-03 staff recommends 180 day extension. Commissioner Bonnett makes a motion for a 180 day extension Commissioner Shriver seconded the motion. All aye.

2014-04 staff recommends 180 day extension. Commissioner Bonnett makes a motion for a 180 day extension Commissioner Shriver seconded the motion. All aye.

2014-05 staff recommends 180 day extension. Commissioner Bonnett makes a motion for 180 day extension seconded by Shriver. All aye.

2014-06 staff recommends 180 day extension. Commissioner Bonnett makes a motion for a 180 day extension seconded by Shriver. All aye.

2014-07 staff recommends 180 day extension. Commissioner Bonnett makes a motion for 180 day extension seconded by Shriver. All aye. This was after a long discussion was held and Commissioners spoke was ASFM Mark Stewart.

2014-08 staff recommends 180 day extension. Commissioner Bonnett made a motion to give a 180 day extension Commissioner Shriver seconded the motion. All aye.

2014-09 staff recommends 180 day extension. Commissioner Bonnett made a motion to give a 180 day extension seconded by Commissioner Shriver. All aye.

2014-10 staff recommends 180 day extension. Commissioner Bonnett made a motion to give 180 day extension seconded by Commissioner Shriver. All aye.

2014-11 staff recommends 180 day extension. Commissioner Bonnett made a motion to give a 180 day extension seconded by Commissioner Shriver. All aye.

2014-12 staff recommends 180 day extension. Motion made by Commissioner Bonnett to give a 180 day extension Commissioner Shriver seconded the motion. All aye.

2014-14 staff recommends complaint be dismissed. Motion made by Commissioner Bonnett to dismiss seconded by Commissioner Shriver. All aye.

Commissioner Scott stepped out as he has a conflict of interest with the rest of the complaints.

2014-001p 2014-002p 2014-003bco 2014-004bco 2014-005bco 2014-006bco 2014-007bco Counsel recommends to table all of these issues to continue to develop a case with evidence including depositions. Motion made by Commissioner Bonnett to take this to the full commission seconded by Commissioner Shriver. All aye.

Committee adjourned at 3:40PM.

Motion made by Commissioner Shriver to accept 2013-01 to be tabled until the April meeting seconded by Commissioner Miller. All aye.

Motion made by Commissioner Shriver for an 180 day extension for these departments 2014-02 2014-03 2014-04 2014-05 2014-06 2014-07 2014-08 2014-09 2014-10 2014-11 2014-12 seconded by Commissioner Goodwin. All aye except Commissioner Gunnoe.

Staff is to research who can be notified about deficiencies in fire departments.

Commissioner Scott made a motion to go into executive session at 9:40 AM seconded by Commissioner Keefer. All aye.

Commissioner Scott recused himself.

Discussion followed.

Exited executive session at 10:01AM.

Motion made by Commissioner Shriver for counsel to continue to gather evidence before proceeding on 2014-001p 2014-003p 2014-004bco 2014-005bco 2014-006bco 2014-007bco seconded by Commissioner Bonnett. All aye except Commissioner Scott which abstains

Motion made by Commissioner Mongold to dismiss 2014-14 seconded by Commissioner Miller. All aye.

Commissioner Bonnett made a motion to accept this report it was seconded by Commissioner Goodwin. All aye.

Legislative Codes & Regulations Committee-
Legislative Code and Regulatory Committee
February 20, 2014
Holiday Inn West, South Charleston, WV

Call to Order

The Noticed Meeting for 2:00pm was called to order by Co-Chairman Shriver.

Roll Call

A quorum was present with Co-Chairman Gunnoe, Commission members Goodwin, Bonnett and Keefer along with Fire Marshal Carrico and Counsel Steve Connally.

Delegations

Co-Chairman Shriver asked if anyone would like to speak in regards to the Agenda or any items they wish for us to add to future meetings. Commissioner Bonnett shared copies of recent legislation that he feels would assist in funding of workers compensation for volunteer departments.

Old Business

Fire Marshal Carrico reported that the Fire Code Rule had passed out of Gov Org with the original content left in place with further explanation of what unbreakable glass is meant to be. Chairmen Sullivan stated that the Rule will require that property owners will be required to post whether a sprinkler system is installed and if windows will open or not open. The Rule is now in Senate Judiciary.

Home Inspector Rule is moving along with no exceptions.

Electrical Inspectors Rule moving along a little slower as its waiting on the 2nd reference.

City of Hurricane Ordinance issue with the Home Inspectors is still being discussed. Several recommended changes to the Ordinance have been provided in regards to defining who are a Code Official versus and Home Inspector. This may take a Judge to resolve the issues.

New Business

Counsel discussed legislation in regards to safe water. There is discussion for additional training that may affect our training rule.

Fireworks legislation – Fire Marshal Carrico gave a over view and counsel felt it would pass. Revenue would give 10% to veterans, 5% to the Marshals office, 5% to the volunteer fire departments. The bill currently sets in the house finance.

Senate Bill 508 empowers the Commission to lend money to volunteer fire departments for fire department construction.

Fire Marshals bill is setting but it did pass the Senate. This bill allows for the position to be named by the Commission but removes Civil Service.

A bill in regards to the installation of fire dampers has passed one committee but not much emphasis to move much father.

Commissioner Bonnett spoke about SB255 and HB 4559. These bills allow for funding of workers compensation for volunteer fire fighters. He asked for the commission members to support the bill if they can.

InterNachi has submitted their course work for approval. the course work submitted appears to be the online version. In the past, we have not accepted online training for the certification process, only for continuing education. This will be taken up at the next commission meeting.

Counsel gave an update on the Building Code Officials Rule. He is in the process of writing the draft and a draft will be presented at the April meeting. Counsel would like to set up a meeting in Charleston for all interested parties sometime in March. The schedule would be have a draft in April, Commission approval in June and filed to the Secretary of State by June 30.

Adjourn

We were adjourned at 2:44pm with a Motion entertained by Co-Chair Shriver and Second by Commissioner Keefer.

Report by Ted A Shriver, Co-Chairman

Commissioner Keefer made a motion to accept the committee's report. Commissioner Sizemore seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Fire Department Services Committee –

Commissioner present were Gunnoe, Mongold, Butcher, Miller, and Sullivan sat in. Commission's secretary Leslie Racine took the minutes and ASFM II Tim Provaznik was in attendance.

Committee was called to order at 10:06AM.

Discussion was held on the evaluation process of career and volunteer departments. Counsel spoke about revision to leave paid departments the same combinations would follow the volunteer training rule and VFDs will follow the rule.

SB373 requires all to have NIMS training.

ASFMI Provaznik questions the death benefit in the Berkley County departments.

RESA will bring the NIMS matrix to the full commission on Friday.

This committee needs to meet in March to discuss the revisions for the WV FD police. Counsel will send out what he currently and then a date will be set.

Upshur County Boundary Request- Staff recommends to approve this. Motion made by Commissioner Miller to send to the full commission seconded by Commissioner Mongold. All aye.

Reciprocity RESA- submitted changes to the application. Motion made by Commissioner Mongold to send to the full commissioner seconded by Commissioner Miller. All aye.

Recertification- Clendenin VFD Franklin VFD Kenova VFD Petersburg VFD Philippi VFD Stone Church VFD and Van VFD. Commissioner Mongold made a motion to recertify these departments seconded by Commissioner Miller. All aye.

Fire Officer Equivalency-

Joseph Braithwaite for FO 1 & 2 from Fountain VFC was denied.

Ronald Porter FO 1 & 2 West Hamlin VFD Approved

David Hodges FO 2 Whitesville VFD Approved

Edwin Riffle FO 2 Gilmer County VFD Approved

Commissioner Mongold made a motion to close the meeting at 10:42 seconded by Commissioner Miller. All aye.

Commissioner Scott made a motion to approve the Upshur County Boundary Request change seconded by Commissioner Sizemore. All aye except Commissioner Bonnett abstained.

Commissioner Mongold made a motion to recertify the Fire Departments seconded by Commissioner Bonnett. All aye.

Commissioner Holstein made a motion to approve the Fire Officer Equivalency seconded by Commissioner Sizemore. All aye.

Commissioner Sizemore made a motion to accept the Committee's report. Commissioner Goodwin seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Operations Committee-

Commissioner's present were Sullivan, Keefer, Mongold, and White.

Commission's secretary Leslie Racine took these minutes.

Committee was called to order at 2:46PM.

Acting State Fire Marshal Anthony Carrico talked about the closed bar in Wetzel County owners are attempting to comply with the fire code.

There were no questions about the current legislative session.
Chris Martin has been hired giving the office three plans examiners.

Mark Lambert has been temporarily upgraded to the Field Deputy for the Investigation Division.

We have had 11 fire fatalities so far in 2014 giving us 40 since July 1st.

The budget from July –December revenue 800,000 spent 1.5 million and we will meet or be below budget. We will have to order new code books though.

Commissioner Mongold asked how many open positions we have. 2 Deputy slots, 2 Investigators, and the Fire Marshal.

Commissioner White made a motion to adjourn at 2:52PM. All aye.

STAFF REPORT Nothing to add from the Operations Report.

UNFINISHED BUSINESS

Fire Marshal Posting; has already been discussed.

City of Hurricane Ordinance; has already been discussed.

Building Code Official Rule; has already been discussed.

All Fire Department issues have already been discussed.

Upshur County Commission Boundary Request- has been taken care of.

City of Kenova Request for Provisional Status- Counsel spoke and said this is pending. They did properly adopt the building code. They meet all qualifications. Motion made by Commissioner Mongold to accept and approve the provisional status seconded by Commissioner Gunnoe. All aye.

Burgess v Shepardstown- Counsel gave an update. They did not properly adopt the building code. It is now pending before the Supreme Court. Motion made by Commissioner Mongold to intervene in this seconded by Commissioner Shriver. All aye.

NEW BUSINESS

Complaint Procedures for FD's- Commissioner Gunnoe makes a motion for counsel to review the police and procedure to develop something to notify more than

one member of the department by the next meeting seconded by Commissioner Scott. All aye.

SB 373- has already been discussed.

Arson Classes- acting deputy Lambert says RESA and WVU are going to be working on this. It will be brought up at the next meeting.

CORRESPONDENCE

Tornado Boundary Request Change- ASFMII Provaznik spoke about how he wants to get everyone's opinion. It will be on the next meeting's agenda.

Commissioner Bonnett talks about the annual class in Upshur County.

National Fire Academy had a change of day to October 18-19, 2014.

GOOD OF THE ORDER

William Larub is concerned about the lack of volunteers. He is concerned too much training for working volunteers. Chairman Sullivan talked about mandates. Commissioner Bonnett spoke about changes over the past 50 years. Commissioner Mongold brought up the opportunity for online training.

Jeremy the chief of Nutter Fort FD wants to give thanks for everything everyone did. Says the community has many complaints on Summit Park FD. He wants a formal investigation into Summit Park FD. Commissioner Scott spoke about Summit Park FD. Tim Provaznik says the Insurance Commission is notifying us if departments don't have workers compensation. Nutter Fort FD will submit a formal complaint with the Fire Marshal Office. Acting State Fire Marshal Anthony Carrico will initiate a complaint on the Summit Park FD. Faith and Dale Garrett the parents of Michael Garrett were in attendance.

Ed Hicks gave a presentation that will be with the minutes for WVED/RESA for the training during FY 2013.

Commissioner Bonnett wants the people from Kentucky to come to the legislature to speak. Chairman Sullivan will get in touch with them.

TIME AND PLACE OF NEXT MEETING

Holiday Inn Express Ranson, WV April 3-4, 2014.

ADJOURN

Commissioner Keefer made a motion to adjourn. Commissioner White seconded the motion. Motion passed.

FY 2013 PUBLIC SERVICE TRAINING ANNUAL REPORT TOTALS

Agency Name: WVDE/ RESA	CLASS HOURS *	# CLASSES	ENROLLMENTS	TOTAL CLOCK HOURS
EMERGENCY MEDICAL SERVICES				
(EMT) Emergency Medical Technician	128	52	1,019	130,432
(CPR) Cardio-Pulmonary Resuscitation (6-16 Hrs.)	12	1,090	9,690	116,280
(EMTR) EMT Recertification Training	27	66	610	16,470
(EMTM) EMT Mining	60	35	466	27,960
(EMTMR1) EMT Mining Recertification 1	8	2	45	360
(EMTMR2) EMT Mining Recertification 2	8	0	0	0
(EMTMR3) EMT Mining Recertification 3	8	0	0	0
(EMTMR4) EMT Mining Recertification 4	8	149	3,058	24,448
(FA) First Aid	8	776	6,936	55,488
(FR) First Responder	44	21	171	7,524
(SEMT) Specialized Emergency Medical Training	8	219	4,141	33,128
EMT sub-totals		2,410	26,134	412,090
FIRE TRAINING				
(LV1) Firefighter Level 1 (minus First Aid/CPR)	80	98	1,095	87,600
(LV2) Firefighter Level 2	40	75	643	25,720
(AE) Vehicle Rescue (8-16 Hrs.)	12	26	410	4,920
(DPO) Driver Pumper Operator	40	9	111	4,440
(FOT) Fire Officer Training	16	2	114	1,824
(FO1) Fire Officer 1	40	49	511	20,440
(FO2) Fire Officer 2	30	50	519	15,570
(FO3) Fire Officer 3	40	1	56	2,240
(SFT) Specialized Fire Training	16	272	4,252	68,032
(EVO) Emergency Vehicle Operation	16	51	673	10,768
(PBC) Pro-Board Certification	8	0	0	0
Fire Training sub-totals		633	8,384	241,554
ENVIRONMENTAL				
(WWOC1) Wastewater Operator - Class 1	36	2	62	2,232
(WWOC2) Wastewater Operator - Class 2	36	2	60	2,160
(WWOC3) Wastewater Operator - Class 3	36	1	13	468
(SWWT) Specialized Wastewater Training	12	47	1,205	14,460
(WWLAB) Wastewater Lab Certification	36	1	11	396
(WOTC1) Water Operator Training - Class 1	36	2	58	2,088
(WOTC2) Water Operator Training - Class 2	36	2	17	612
(WOTC3) Water Operator Training - Class 3	36	0	0	0
(SWT) Specialized Water Training	12	15	132	1,584

FY 2013 PUBLIC SERVICE TRAINING ANNUAL REPORT TOTALS

Agency Name: WVDE/ RESA	CLASS HOURS *	# CLASSES	ENROLLMENTS	TOTAL CLOCK HOURS
(WLAB) Drinking Water Lab Certification	36	0	0	0
Environmental sub-totals		72	1,658	24,000
LAW ENFORCEMENT				
(LEIS) Law Enforcement In-Service	12	7	82	984
(LEOST) Law Enforcement Officer/Super Training	12	3	336	4,032
(SLET) Specialized Law Enforcement Training	12	7	191	2,292
Law Enforcement sub-totals		17	609	7,308
HAZARDOUS MATERIAL (HAZ-MAT)				
(CP) Contingency Planning	12	0	0	0
(HMFR) HazMat First Responder	8	1	35	280
(IRHM) HazMat Incident Response	16	0	0	0
(HMRI) HazMat Awareness	6	96	1,216	7,296
(HMIC) HazMat Incident Command	16	1	5	80
(HMBC) HazMat Basic Concepts	16	0	0	0
(HMCI) HazMat Concepts Implementation	16	0	0	0
(HMO) HAZ-MAT Operations	34	68	973	33,082
(HMR) HAZ-MAT Refresher	12	30	471	5,652
(HMT) HAZ-MAT Technician	40	6	57	2,280
Haz Mat sub-totals		202	2,757	48,670
NIMS				
National Incident Mgt. System 100-200	4	28	392	1,568
National Incident Mgt. System 300	20	23	317	6,340
National Incident Mgt. System 400	16	20	291	4,656
National Incident Mgt. System 700	4	6	31	124
National Incident Mgt. System 800	4	0	0	0
NIMS sub-totals		77	1,031	12,688
TERRORISM PREVENTION				
(TBC) Terrorism Basic Concepts	16	0	0	0
(TCO) Terrorism Company Officer	16	0	0	0
(TSC) Terrorism Strategic Considerations	16	0	0	0
Terrorism Prevention sub-totals		0	0	0
(IC) INSTRUCTOR'S COURSE	50	2	32	1,600
(OPST) OTHER PUBLIC SERVICE TRAINING	12	165	4,969	59,628
TOTALS		3,578	45,474	807,538

Note: Class hours may vary, in which case an average was used for purposes of calculating clock hours.