

**STATE FIRE COMMISSION MEETING
LAKEVIEW RESORT
MORGANTOWN, WV
OCTOBER 14, 2011**

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

COMMISSIONERS PRESENT:

Bob Sullivan, Chairman	Gary Bonnett
Michael Butcher	Larry Goodwin
Grant Gunnoe	Randy James
Thomas Keefer	Robert S. Miller
Doug Mongold	Rick Scott
Ted A. Shriver	Carl Sizemore
Virgil White	

COMMISSIONERS ABSENT:

None

NEW BUSINESS

Executive Session – June and August, 2011 Meeting Procedural Errors; Ronceverte VFD; Approval of NFPA 1006 “Standard for Technical Rescue” – 9 courses. Commissioner Sizemore made a motion to go into Executive Session. Commissioner White seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Back from Executive Session.

June & August, 2011 Meeting Procedural Errors – Commissioner White made a motion to void all votes from the June and August, 2011 meetings. Commissioner Butcher seconded the motion. Roll Call vote called for. Commissioners voting for the motion were Bonnett, Butcher, Goodwin, Gunnoe, James, Keefer, Miller, Mongold, Scott, Shriver, Sizemore and White. Motion passed.

Review of Current Legislative Rules – Fire Marshal Lewis requested permission from the Fire Commission to let staff start reviewing rules to determine if any changes need to be submitted to the Legislature. Commissioner White made a motion to let staff begin reviewing rules. Commissioner Miller seconded the motion. Roll Call vote called for. Commissioners voting for the motion were Bonnett, Butcher, Goodwin, Gunnoe, James, Keefer, Miller, Mongold, Scott, Shriver, Sizemore and White. Motion passed.

Complaint from James Porter – Letter received regarding fire department in Logan County. This complaint is not a valid complaint with the State Fire Marshal or State Fire Commission. A letter was sent to Mr. Porter stating that the State Fire Marshal or the State Fire Commission has no jurisdiction in this matter. Commissioner White made a motion to dismiss the complaint. Commissioner Miller seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

MOU (WVU-FSE and RESA) – Stacy DeLong, Counsel, stated that they are working on a new draft. They are currently waiting to hear back with comments. No action to be taken at this time.

Pleasants County Fire Boundary Adjustments – Commissioners Sizemore and Goodwin were contacted and told these boundary adjustments would affect Waverly VFD. Commissioner Sizemore made a motion to table this item. Commissioner Goodwin seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Withdraw Recognition of Fish Creek VFD – Fire Marshal Lewis stated that they have voluntarily closed their fire department. Commissioner Scott made a motion to accept their request. Commissioner Goodwin seconded the motion. Call for a Roll Call vote. Commissioners voting for the motion were Bonnett, Butcher, Goodwin, Gunnoe, James, Keefer, Miller, Mongold, Scott, Shriver, Sizemore and White. Motion passed.

Recertification of the following fire departments: Fork Ridge VFD, Arnoldsburg VFD, Belle VFD, Blue Ridge Mountain VFD, Buffalo VFD, East Bank VFD, Institute VFD, Ronceverte VFD, and Whitesville. Fire Marshal Lewis stated these fire departments have been evaluated and need to be recertified. Commissioner Mongold made a motion to accept staff's recommendation. Commissioner Sizemore seconded the motion. Call for roll call vote. Commissioners voting for the motion were Bonnett, Butcher, Goodwin, Gunnoe, James, Keefer, Miller, Mongold, Scott, Shriver, Sizemore and White. Motion passed.

Approval of Minutes of April 15, 2011 – Commissioner White made a motion to accept the minutes of April 15th, 2011. Commissioner Miller seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Committee Reports:

Training Committee – Commissioner James gave his report. Commissioner Mongold made a motion to accept the Training Committee report. Commissioner Sizemore seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Correspondence

Letter received from RESA inviting the Fire Commission members to attend a roundtable discussion at the ASSET Conference.

Letter received from John Vernon, Fire Chief, Fayetteville Fire Department, regarding the May 10, 2011 Memo on Child Labor Laws in relation to Junior Firefighters.

Letter from Legislative Auditor regarding withholding funds from fire department not in compliance and/or good standing with the Legislative Auditor. Discussion followed.

Unfinished Business

Ronceverte Fire Department – Commissioner James made a motion to dismiss the action taken by the State Fire Commission. Commissioner Butcher seconded the motion. Call for roll call vote. Commissioners voting for the motion were Bonnett, Butcher, Goodwin, Gunnoe, James, Keefer, Miller, Mongold, Scott, Shriver, Sizemore and White. Motion passed.

Matewan VFD and Wharncliff VFD – Fire Marshal Lewis stated that both fire departments are doing good with the equipment issues, however, they are still working on their training issues. He requested an extension until the December meeting. Commissioner Mongold made a motion to accept the Fire Marshal's recommendation. Commissioner Keefer seconded the motion. Call for roll call vote. Commissioners voting for the motion were Bonnett, Butcher, Goodwin, Gunnoe, James, Keefer, Miller, Mongold, Scott, Shriver, Sizemore and White. Motion passed.

Big Wheeling Creek VFD – Fire Marshal Lewis stated this fire department has closed their doors. There has been no contact or no phone calls. A hearing was held in April and they did not show up. He is asking for decertification of this fire department. Commissioner Keefer made a motion to decertify the Big Wheeling Creek VFD. Commissioner Goodwin seconded the motion. Call for roll call vote. Commissioners voting for the motion were Bonnett, Butcher, Goodwin, James, Keefer, Miller, Mongold, Scott, Shriver, Sizemore and White. Commissioner Gunnoe abstained from voting. Motion passed.

WV State Firemens' Association – Jim Oldaker addressed the meeting and requested the Fire Commission consider having evening or weekend meetings so more of the fire departments can attend. Fire Marshal Lewis stated that starting in December, there will be a public comment period on Thursday evenings for discussion of items of interest to the public. Mr. Oldaker also expressed concern over the ending of unofficial minutes being posted on the website.

Approval of Applications for Fire Officer I and II equivalency – Commissioner Mongold made a motion to accept the applications previously submitted. Commissioner James seconded the motion. Call for roll call vote. Commissioners voting for the motion were Bonnett, Butcher, Goodwin, Gunnoe, James, Keefer, Miller, Mongold, Scott, Shriver, Sizemore and White. Motion passed.

Compliance with NFPA Standards concerning prerequisites for all Fire Officer Courses, Firefighter 2 needs to be added. Commissioner Scott made a motion to accept the prerequisites. Commissioner White seconded the motion. Call for a roll call vote. Commissioners voting for the motion were Bonnett, Butcher, Goodwin, Gunnoe, James, Keefer, Miller, Mongold, Scott, Shriver, Sizemore and White. Motion passed.

Boundary Dispute between Maysville VFD and Petersburg, Grant County – Commissioner Mongold stated he would check on this item. The adjusted boundaries are on file in the Fire Marshal's Office. Commissioner Mongold made a motion to accept staff's action. Commissioner Sizemore seconded the motion. Call for a roll call vote. Commissioners voting for the motion were Bonnett, Butcher, Goodwin, Gunnoe, James, Keefer, Miller, Mongold, Scott, Shriver, Sizemore and White. Motion passed.

Course curriculum “Firefighter Survival” submitted by John Smoot of RESA III – Commissioner White made a motion to accept the course curriculum “Firefighter Survival”. Commissioner James seconded the motion. Call for a roll call vote. Commissioners voting for the motion were Bonnett, Butcher, Goodwin, Gunnoe, James, Keefer, Miller, Mongold, Scott, Shriver, Sizemore and White. Motion passed.

Action Training Systems submitted by Benwood Fire Company – Commissioner James made a motion to table this item. Commissioner Miller seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Compton Point Litigation Update – Stacy DeLong, Counsel, stated that the State Fire Commission won. However, it will probably be appealed.

Approval of curriculum of NFPA 1006 “Standard for Technical Rescue” – 9 courses – Fire Marshal Lewis advised the State Fire Commission about the duties and responsibilities of the State Fire Commission in the Fire Prevention and Control Act in State Code 29-3. This was reviewed by counsel and other attorneys in the Attorney General’s Office and it is their opinion, the State Fire Commission has no jurisdiction over rescue rules.

Good of the Order

Commissioner Bonnett stated that Mark Doty, of WVU-FSE, could not be present but would like to make a presentation at the next meeting on Marcellus Shale.

Time and Place of Next Meeting

The next Fire Commission meeting will be held at the Days Hotel, Flatwoods, WV on December 9, 2011 with Committee meetings held on Thursday, December 8, 2011.

Adjourn

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