

**UNOFFICIAL  
STATE FIRE COMMISSION MEETING  
LAKEVIEW RESORT, MORGANTOWN, WV  
DECEMBER 3, 2010**

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

Commissioner James read a letter that was sent from Lanny Adkins, WVU Fire Service Extension, regarding a young man who had cancer and participated in the training at the burn trailer. His name was Jamie Tenney, and he was 19 years old. He had stated he wanted to be a pump operator when he got better. He died on November 19<sup>th</sup>, due to the cancer.

Fire Marshal Sterling Lewis stated that Roger Bell, Fire Chief, Coal City Fire Department, passed away. He asked for a moment of silence for Jamie and Chief Bell.

**COMMISSIONERS PRESENT:**

Bob Sullivan, Chairman	Michael Butcher
Dale L. Clayton	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

**APPROVAL OF MINUTES**

Commissioner Mongold made a motion to approve the minutes of the October 22, 2010 meeting. Commissioner Goodwin seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

**INTRODUCTION OF GUESTS**

Murrey Loflin, WVU-FSE	Mike Freeman, RESA 7
David Plume, RESA 8	Roderick Armstrong, RESA 5
Mark Doty, WVU-FSE	Ron Bateman, ISO
Edward Hicks, Dept. of Education	Ben Roy, NFPA
Jack Jamison, WVIAEI	Bob Nevins, ISO
Joe Garcia, Amerigas, Inc.	Kevin Scanlon, Bluefield FD
Brian Jones, PFFWV	Mark Caravasos, Morgantown FD
Mark Niggemyer, Winfield District VFD	
Glenn Whittington, WV Firemen's Association	

**STAFF PRESENT:**

Sterling Lewis, Jr., State Fire Marshal  
Debbie Hudson, Secretary  
Joe Leake, Deputy Fire Marshal  
Reed Cook, Deputy Fire Marshal

Anthony Carrico, Deputy Fire Marshal  
Carol Nolte, Deputy Fire Marshal

**COMMENTS**

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**CORRESPONDENCE**

None

**STAFF REPORTS**

Fire Marshal Lewis stated personnel are still doing the security detail at McClintic in Mason County. They are starting their fourth month of security there. He stated they are hoping the testing process is agreed upon in the near future and the stability test of the product is to be completed before the end of the year.

He wished everyone a Merry Christmas and Happy New Year.

**AGENCY REPORTS**

**Technical and Adult Training, Vo-Tech,** Mr. Ed Hicks stated Dr. Varner had meetings and couldn't attend this meeting. He stated there were over 44,000 enrollments for 1900 classes. EMS had the biggest percentage, fire training was second with almost 13,000 enrollments and HazMat was third.

January 26-30, 2011, Mike Freeman, RESA 7, is having an instructor's class.

He also stated there is a need for certified instructors for February at the Escape Conference.

**Training, WVU-FSE,** Mark Doty stated the NFA weekend in January has been cancelled due to poor enrollment. They will be focusing mainly on the October date. It will be on the web site.

They are going to start the National Fire Academy series at the Fire Academy. There are basically six (6) dates and they will follow that up with a Train the Trainer course.

They will begin a Firefighter I Blended Learning Class on December 6, 2010. This will be the first class the Fire Service Extension has done.

The Mobile Burn Building is going to be helping RESA 8 in Ranson, WV.

They hope to have an annual report ready by the next meeting.

Fire Marshal Lewis asked a question about allowing the Urban Search and Rescue Technician Class to be a proprietary course through the Regional Response Teams housed out of the State Fire Marshal's Office; it's a tech class. Mr. Doty stated they offer that course. He will talk with Lanny and they will discuss it at the next meeting.

**Insurance Services Office (ISO)**, Mr. Nevins handed out a current copy of the Fire Suppression Rating Schedule. They have completed field testing with revisions to the schedule. A final draft will be prepared by September, 2011 and they will have the completed and updated copy with all revisions. They will give a presentation to the Commission when it is completed.

**Office of Emergency Medical Services**, No report

## **COMMITTEE REPORTS**

**Training Committee**. Commissioner James stated the committee met on December 2, 2010. A copy of the minutes of the committee meeting is attached to these minutes.

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

**FD Standards Evaluation**. Commissioner Sizemore stated the committee met on December 2, 2010.

The following application was approved for Fire Officer 1:  
Michael D. Oakley, Sissonville VFD.

The following applications were approved for Fire Officer 2:  
Sean E. McCarty, Newton VFD  
Celestial R. McCarty, Newton VFD  
Mark E. Ratliff, Moorefield VF Co.  
Scott W. Carlson, Moorefield VF Co.  
Gary W. Scott, II, Institute VFD  
Steven L. Cavender, Point Pleasant VFD

Michael D. Oakley, Sissonville VFD was approved for Fire Officer 1 and 2.

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

**Recruitment and Retention Committee**, Commissioner Mongold stated the Committee is still gathering information and have nothing new to report.

Fire Marshal Lewis brought up the subject of waiver of tuition. He felt they needed a motion and approval by the Fire Commission before sitting down with the

attorneys. One of the four issues that Commissioner Mongold brought up was one on a scholarship type or tuition waiver. The Chairman and Fire Marshal Lewis, through working with the Senate Education Chair and the House Education Chair and the Higher Ed Policy Commission have agreed to sit down with their attorney's staff and develop a tuition waiver. It would state that you would have to be a member of a fire department, and when you go to college or technical school in West Virginia that is public, it would require that you would become a member of that fire department or a fire department in the area where you are going to school and that you must maintain membership in good standing with that department along with a good grade point average. You must remain a member of that fire department the whole time you are in school. Upon graduation, it would require that individual to remain a member of a fire department in the State of West Virginia for another 5 years. If at any time, the individual backs out of the program, withdraws from college and/or ceases to be a member of a fire department in the time span, they would have to repay the tuition.

A motion was made and seconded. The vote was unanimous to approve the motion. Motion carried.

**Special Issues Committee,** Commissioner Goodwin stated they had no report

**Procedures and Development Committee,** Commissioner Clayton stated they had no report.

**Public Education Committee,** Commissioner Clayton stated he would defer to Deputy Fire Marshal Nolte. She stated there were five fire and life safety initiatives from NFPA. They did a brief recap on the initiatives from the October meeting. They had requested suggestions from the Committee members. They deferred discussion of that until the next meeting. They did discuss about the necessity of fire departments to pool their resources and form a coalition approach in order to promote local fire and fire safety projects. They did discuss that the 2010 FEMA session for the Fire Prevention and Safety Grants is not open. Fire departments should be checking [www.firegrantssupport.com](http://www.firegrantssupport.com) and click on the Fire Prevention and Safety grants. When they open that period which should be soon, they will find an updated tutorial for this year's application and all the pertinent information. She stated that one point she had made was that in 2009 only one West Virginia fire department received a FEMA Fire Prevention and Safety grant. That was Grafton FD and it was a grant for over \$53,000. They encourage fire departments to apply for these grants.

Commissioner Mongold 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.

**Legislative Committee,** Commissioner Gunnoe stated that Fire Marshal Lewis reported that the Committees dealing with Workers Comp are close to finalizing some recommendations and those will probably come in the form of legislation by way of the Governor's Office. The Fire Marshal's Office will also be following closely any fireworks legislation that is introduced.

It was brought to the Committee's attention that the Administrative Policy dealing with requirements for volunteer fire departments needs some follow up action from the

Fire Marshal's Office before it is officially adopted. He stated a motion should be made for the Fire Marshal to start Administrative Policy dealing with requirements for fire departments as authorized in 29-3-9i. Commissioner White made the motion. Commissioner Goodwin seconded the motion. The vote was unanimous to approve the motion. Motion passed.

Another issue was the Building Code legislation and it will be covered by the Building Code Committee.

Commissioner Miller 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.

**Home Inspectors, Building Code Officials, Building and Fire Code Committees.** Commissioner Shriver stated they met on December 2, 2010. They had two items of old business.

1. Building Code Officials brought an issue as to whether or not the State Building Code is truly a Statewide Building Code. They requested Fire Marshal Lewis to get an interpretation from the Attorney General who stated it is a statewide building code but 29-3-5(b)(a) needs some minor modifications to make it solid. The Committee requested the Legislative Committee take action on this as well and work with the Fire Marshal's Office to take it to the 2011 Legislature session for modification.
2. Building Code Officials requested that the Fire Commission form an Advisory Board in accordance with 29-3-5b(d) which states "the Fire Commission has the authority to establish an Advisory Board to encourage representative participation in rulemaking from groups or individuals with an interest in any aspect of the State Building Code relation construction or renovation practices." Commissioner Shriver stated the Fire Commission did approve that at the last meeting. A list was provided by Fire Marshal staff and those individuals to make up the Advisory Board would be as follows:

Pete Ferrell, Pyrotechnicians  
Jack Jamison, Licensed Electrical Inspector  
Mike Reel, Home Inspectors  
Shawn Dickson, Electricians  
Brian Wingfield, Explosives/Blasters  
Bob Talbott, NICET III Sprinkler Designer  
Bob Cannon, President, WV Code Officials, Licensed Code Official

Commissioner Shriver stated the way this Board works is that when issues surface, this board or a representative from each of these areas, would bring it to the attention of the Chairman of the Code Committee. The Chairman would then call an Advisory Board meeting prior to the next regularly scheduled Committee meeting to hear the issue. If the Chairman feels the issue has merit, it will be brought to the Code Committee.

In new business, it was brought to the Committee's attention by staff that one of the major items has changed from 2003 to the 2009 NFPA 101 Code in the Assembly Occupancy. Existing spaces occupying 100 occupants or more includes such spaces

as bars, dance halls and discotheques, night clubs and assemblies with festival seating. All of those existing spaces must have a fire suppression system. The Committee suggested to the Fire Marshal's Office to determine a policy for the Committee to review, and how to phase in these requirements to determine what establishments will be required to meet this requirement as determined by the definition of each establishment. This issue will be tabled until the next meeting.

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

Commissioner Shriver made a motion to amend 29-3-5b(a) as presented to allow that the Statewide Building Code be the statewide standard code. Commissioner Miller seconded the motion. Fire Marshal Lewis asked if it was the Fire Commission's intent to send this out in whole or go through the Attorney General's Office for interpretation. Chairman Sullivan stated once the Commission passes it, it should go through the Attorney General's Office. The vote was unanimous to approve the motion.

Commissioner Shriver amended the motion to amend 29-3-5b(a) as presented with subject to legal review and legislative committee. Commissioner Miller seconded the motion. The vote was unanimous to approve the motion.

Commissioner Shriver made a motion to accept the representatives of the associated trades and professions for the Advisory Board as named by the Chairman of the Committee as suggested by the Fire Marshal's Office. Commissioner Sizemore seconded the motion. The vote was unanimous to approve the motion.

### **ELECTION OF OFFICERS**

Commissioner Keefer made a motion to keep the same officers as currently serving if they are willing to continue their service. Commissioner Butcher seconded the motion. Those voting aye were Butcher, Clayton, Goodwin, Gunnoe, Keefer, Miller, Mongold, Scott, Shriver, Sizemore, Sullivan and White. Those voting nay was James. Motion carried.

### **TIME AND PLACE OF NEXT MEETING**

The next Fire Commission Meeting is scheduled for February 10-11, 2011, at the Holiday Inn Express, Charleston, WV. The meeting will commence at 9:00 AM.

Committee meetings will start at 1:00 PM until 7:00 PM on February 10, 2011.

### **GOOD OF THE ORDER**

Mr. Glenn Whittington stated he would like more copies of the recruitment and retention book. It is available on the internet.

We are looking at the possibility of having the October meeting at Snowshoe. If anyone has any suggestions, please let us know.

### **ADJOURN**

Commissioner Goodwin made a motion to adjourn. Commissioner White seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Respectfully submitted,

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Sterling Lewis, Jr.  
State Fire Marshal

**Minutes**  
**West Virginia State Fire Commission**  
**Training Committee Meeting**  
**December 2, 2010, Lake View Resort, Morgantown**

The Training Committee came to order at 1407 hours on December 2., 2010. The location was Lake View Resort in Morgantown. There were twenty one attendees.

Chairman James distributed the day's agenda with the minutes of the October meeting and attendee sheet attached.

The Chairman explained that recent events had somewhat disrupted the actions that were planned for today. Murrey Loflin submitted a list of National Fire Academy courses. These courses were arranged in a format resembling the Approved Course List. Some final details were to be addressed at the December meeting but Mr. Loflin has taken another job. Therefore, the NFA list will be discussed at the February meeting.

Mr. Loflin was working with RESA to complete a formal policy regarding firefighters requesting transfer, accreditation, and recognition of courses successfully completed out of state. His departure has delayed that policy. Mark Doty of West Virginia Fire Service Extension stated that he and Lanty Adkins would work on the document. Mike Freeman of RESA 7 presented a document from Ohio which addresses the transfer and recognition process. Discussion followed with the following points being highlighted: Use the Ohio document as a basis for a West Virginia version and eventually post that document on the Marshal's website. Require that the burden of proof lie with the applicant requesting recognition, not RESA, WVU Fire Service Extension, or Fire Commission. To clarify: The applicant should produce certificates that bear the name of the accrediting agency, dates, and contact information where the submitted documentation can be verified.

The process for reviewing courses submitted to the Fire Commission for approval was clarified. Mike Freeman of RESA 7 and Mark Doty or Lanty Adkins for WVU Fire Service Extension will review the submitted courses and submit their reviews to the Training Committee.

The Training Committee yielded the floor to Chairman Sullivan at 1510 hours.