

## STATE FIRE COMMISSION MEETING

• WV State Fire Marshal's Office • Charleston, WV •

June 3, 2016

The official business meeting was called to order at 09:06 a.m. by Chairman Carl Sizemore.

### **ROLL CALL:**

#### **Commissioners Present**

Dave Camp, Carl Eastham, Doug Estep, Grant Gunnoe, Phil Hart, Doug Mongold, Jim Oldaker, Carl Sizemore, Vic Stallard, Robert Miller and Virgil White.

#### **Commissioners Absent**

Tom Keefer and Ted Shriver.

### **CHANGE IN AGENDA:**

Commissioner Sizemore made a modification to the Agenda and requested to move ahead to one new business item ... Consideration of Recognition of Richard Honse with Lubeck Volunteer Fire Department.

Chief Deputy Fire Marshal Robert Sharp and Chairman Commissioner Sizemore spoke before the group and gave notice to the ever important job performed by so many. Chief Deputy Fire Marshal Sharp spoke about an incident that occurred around 22:00 hours on July 12, 2015, when Lubeck Volunteer Fire Department's Rescue 28 responded with a crew of six firefighters to assist the Mineral Wells Volunteer Fire Department in the aftermath of a storm that dropped 4" of rain in an hour and resulted in people being stranded in flood waters. After checking in at the command post, Rescue 28 proceeded to the apartments on Dublin Drive, where it was reported civilians were trapped on the roof. There was also a report that a woman was missing in the flood waters. As the crew was in route, a male stopped them and said he knew where the missing female who had been swept away by the flood water was located. He led them to a golf course, where they saw a screaming woman clinging to a tree about 150 feet out in the water. The waters in which they were wading had damaged their portable radios. No one knew where they were, and they didn't have any equipment. They sent a firefighter to obtain help and equipment, but he was unable to make it back because of the rising water. Rescue 28 determined that the male who led them to the victim had a 100-foot piece of Para cord and their chief had 40 feet of 8-mm cord, two carabiners, and some webbing in his bunker pants. They tied them all together. Lt. Honse, wearing a life jacket, waded out in the water with the makeshift rope tied to his full body harness. The chief became the anchor. Lt. Hones attempted to reach the victim four times and each time was swept past her by the swift current. He was pulled back to shore four times. On the fifth try, he was able to catch a limb and pull himself over to her. He wrapped his webbing around her and clipped her to his harness. After coaxing her to let go of the tree, they were swept away into the open water and pulled to safety.

The water rescue of July 12, 2015 was submitted, where Lieutenant Rick Honse risked his own life multiple times to save the life of a female who was clinging to a tree, in rapid flood waters, on a golf course, in Mineral Wells for the Ray Downey Courage & Valor Award. This Award is given out at in front of 30,000 + firefighters each year at the Fire Department Instructors Conference or FDIC in Indiana. The awarded recipient receives \$35,000 prize along with a Ray Downey Courage and Valor Medal. The fire Engineering Courage & Valor Foundation was created to ensure that we as American's "Remember Forever" the fallen firefighters of September 11, and in their memory, recognize other firefighters who demonstrate that same courage and valor in rescue missions. The Ray Downey Courage and Valor Award commemorates the life and career achievements of Deputy Chief Ray Downey, who lost his life while commanding rescue operations at the World Trade Center attack on September 11, 2001. Deputy Chief Downey was chief of rescue operations and a 39-year veteran of the Fire Department of New York. He was the most highly decorated firefighter in the history of FDNY. Deputy Chief Downey commanded rescue operations at many difficult and complex disasters, including the Oklahoma City Bombing, the 1993 World Trade Center Bombing, and many natural disasters worldwide. For his lifetime of unparalleled service to firefighters and citizens alike, and in remembrance of the courage and valor exemplified many times throughout his life, it is fitting that the Courage and Valor Award, be presented to one extraordinarily courageous American firefighter each year, bear the name of Ray Downey, a truly extraordinary man. Thousands of nominations are taken each year and are sent through a stringent review process before the winner is awarded. In February 2016, a call was received from a Lady in New Jersey who stated that Lieutenant Honse's rescue had made it through the review process and is one of the final 4 people being considered for the Ray Downey Courage & Valor Award. Lt. Honse, unfortunately, was not chosen as the 2016 Ray Downey Courage & Valor Award winner but we want to recognize his actions. Actions that prove how his training and dedication, helped save a life! Lt. Honse refused to give up that night and his actions exemplify the highest traditions of the fire service! It is a GREAT HONOR to have made it to the final 4 in the Nation!

After receiving his Certificate from the Commission, Lt. Honse spoke and stated, 'It is humbling to know the State of WV is behind its people like this. It's an honor to do what I do and carry on through the generations'.

#### **APPROVAL OF MINUTES:**

Commissioner Mongold made a motion to accept and approve the minutes of the April 8, 2016 meeting. Commissioner White seconded the motion. The ayes and nays have been taken on a voice vote, the motion passed.

Commissioner Mongold made a motion to accept and approve the minutes of the May 12, 2016 meeting. Commissioner White seconded the motion. The ayes and nays have been taken on a voice vote, the motion passed.

#### **COMMITTEE REPORTS:**

##### **• Fire Department Services Committee**

Commissioner Gunnoe read the Committee Report from Meeting – June 2, 2016 as follows:

##### **Call to Order**

Commissioner Gunnoe called the meeting to order at 10:02 a.m.

##### **Roll Call**

Members present: Oldaker, Camp, Gunnoe, Sizemore and Hart.

Members absent: Mongold.

Quorum reached.

### Old Business

Assistant State Fire Marshal Bradley Scott spoke regarding the County Fire Prevention Unit Policy. He stated the Counties have worked very well with the WVSFMO and the wording change suggested during the April Commission meeting has been changed to reflect the interests addressed. Mr. Scott stated that the wording is quoted to read 'The Local County Government' as suggested.

Commissioner Oldaker made a motion to recommend approval of the Fire Prevention Unity Policy and Evaluation Form to the full commission, second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

Assistant State Fire Marshal, Bradley Scott presented the Committee with the following applications for Fire Officer I and II.

Rickey Hicks	Oceana VFD	FO2
Anthony Cremeans	Green Valley VFD	FO2
Thomas Craigo	Pratt VFD	FO2
Timothy Jackson	Tri Towns VFD	FO1 & FO2
Thomas Blashingim	City of Charleston	FO1
Shane McComas	City of Charleston	FO2
Richard Simmons	City of Charleston	FO2
Paul Ashworth	Culloden VFD	FO2
Steven Mitchell	Bramwell VFD	FO1
James Cottrill	Spelter VFD	FO1
Justin Knotts	Star City VFD	FO2
Roger Channell	Bunners Ridge VFD	FO2

Assistant State Fire Marshal Bradley Scott didn't have the applications immediately on hand but discussion was made that these applications have been electronically submitted to the Commissioners. During a brief pause, Assistant State Fire Marshal Scott went and retrieved the aforesaid applications and passed around the aforesaid applications for Commissioners to review.

Commissioner Hart made a motion to recommend approval to the full Commission of all the aforesaid applications, second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

Mr. Scott further presented a list of departments that needed to be recertified after coming out of the 180 day period as follows. Mr. Scott, furthermore, provided that the last two (2) on the following list of Departments that need to be recertified had perfect evaluations (certificates will be issued).

- Rivesville VFD
- Smoot VFD
- Benwood VFD
- River Road VFD
- Bunners Ridge VFD
- Rowlesburg VFD

Big Otter VFD  
Oceana VFD  
Mozart VFD  
Brenton VFD  
East River VFD

Commissioner Hart made a motion to recommend recertification of following ... Rivesville VFD, Smoot VFD, Benwood VFD, River Road VFD, Bunnors Ridge VFD, Rowlesburg VFD, Big Otter VFD, Oceana VFD, Mozart VFD, Brenton VFD, and East River VFD, second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

#### Other Business

Mr. Al Whitaker presented before the Committee regarding the Greenbrier County Resolution on New Fire Territory Map and County Wide Mutual Aid agreement. Mr. Whitaker presented to the Commission the maps and the agreement. Commissioner Gunnoe asked Mr. Whitaker if anyone individually was in objection to the aforesaid proposal. Mr. Whitaker noted there are no objections. Commission Gunnoe asked about WVSFMO review and requirements. Discussion was made regarding Greenbrier County providing the WVSFMO a digital copy of the aforesaid maps. Mr. Whitaker stated he has those available and will forward such to Assistant Fire Marshal Scott.

Commissioner Camp made a motion to recommend approval of the new Greenbrier County Fire Territory Map to the full commission, second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Assistant State Fire Marshal Scott discussed the issue with Thornton VFD. Mr. Scott noted that Grafton VFD Chief plans and would like to address the full Commission tomorrow regarding such. It was noted that the Thornton VFD has no membership and resignations have been received by the WVSFMO regarding the same.

Commissioner Hart made a motion to adjourn at 10:18 a.m., second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

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

Commissioner Stallard made a motion to accept and approve the following applications for FO1 and or FO2 ...

Rickey Hicks	Oceana VFD	FO2
Anthony Cremeans	Green Valley VFD	FO2
Thomas Craigo	Pratt VFD	FO2
Timothy Jackson	Tri Towns VFD	FO1 & FO2
Thomas Blashingim	City of Charleston	FO1
Shane McComas	City of Charleston	FO2
Richard Simmons	City of Charleston	FO2
Paul Ashworth	Culloden VFD	FO2
Steven Mitchell	Bramwell VFD	FO1
James Cottrill	Spelter VFD	FO1

Justin Knotts	Star City VFD	FO2
Roger Channell	Bunners Ridge VFD	FO2

Second by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to accept and approve Recertification of the following Fire Departments ...

- Rivesville VFD
- Smoot VFD
- Benwood VFD
- River Road VFD
- Bunners Ridge VFD
- Rowlesburg VFD
- Big Otter VFD
- Oceana VFD
- Mozart VFD
- Brenton VFD
- East River VFD

Second by Commissioner White with all the ayes and nays having been taken on a voice vote, the motion passed. The motion is to note the 2 perfect evaluation of Brenton VFD and East River VFD.

Commissioner Oldaker made a motion to accept and approve the maps for the Greenbrier County Resolution New Fire Territory and County Wide Mutual Aid Agreement. Seconded by Commissioner White with all the ayes and nays having been taken on a voice vote, the motion passed.

Mr. Al Whitaker spoke again expressing this thanks for the work of the Commission and Assistant State Fire Marshal Bradley Scott. These maps and agreement will now be taken before the Greenbrier County Commission for approval and put into place.

Chief David Crimm from the Grafton VFD addressed the Commission and spoke regarding the lack of manpower to operate the Thornton VFD. Chief Crimm stated that the decision was made to dissolve the Department and liquidation of the equipment and property has already begun taking place. Commissioner Stallard questioned the number of residences and businesses within the service area of Thornton VFD and Chief Crimm concluded that there are approximately 130 residences and no businesses. Grafton VFD is approximately 3 to 4 miles away from Thornton VFD. Chief Crimm also noted that Grafton VFD has been in response to calls for Thornton for some time now. Commissioner Camp asked if it would be the intent or interest of Grafton to use Thornton VFD as a substation and Chief Crimm stated not at this time due to lack of interest in the immediate area. Assistant State Fire Marshal Scott spoke and said that the County Commission, Prosecuting Attorney have both worked with Counsel Connolly to put the order into place and take care of the citizens within the area. Commissioners commended the team work of all for doing the right thing and making the right decisions for the Citizens of that area.

• Sub Committee Recruitment and Retention

Commissioner Hart reported from the Sub Committee Recruitment and Retention Meeting – June 2, 2016 as follows:

Call to Order

Commissioner Hart called the meeting to order at 10:45 a.m.

Roll Call

Members present: Oldaker, Camp, Gunnoe, Sizemore and Hart.

Members absent: Mongold.

Quorum reached.

Old Business

Discussion Involving Working Group – Commissioners discussed the potential of involving outside participants in the working group. Commissioner Gunnoe discussed adding C.W. Sigman to the group. Commissioner Oldaker mentioned that Mr. Holstein was interested and he would have additional individuals interested in participating.

Discussion evolved about other surrounding States Recruitment Groups. Mr. Mark Lambert made mention of North American Fire Training Directors and the recruitment ideas they express. Commissioner Hart said he will check into the aforesaid and report back in August. Chief Deputy Fire Marshal Sharp made mention about Workers Compensation or Civil suits regarding lack of trained firefighters. The group discussed it's a large puzzle with lots of pieces to fall into place and to take that into consideration. Counsel Connolly discussed the budget plans and funding that was moved over into Workers Compensation Fund.

New Business

The National Volunteer Fire Council – Commissioner Hart spoke regarding this. Chief Deputy Fire Marshal Sharp suggested getting this information to Courtney Rosemond, Public Education Specialist in the future for Departments to nominate individuals since so few are aware. Commissioner Hart suggested inviting and recognizing the award winner, Brittany French to the August Commission meeting. Chief Deputy Fire Marshal Sharp said that would not be a problem and the WVSFMO will make contact for such.

Commissioner Oldaker made a motion to adjourn at 10:56 a.m., second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Gunnoe made a motion to accept the committee's report, seconded by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

• Legislative, Codes & Regulatory Committee

Commissioner Sizemore read the Legislative, Codes & Regulatory Committee Report from Meeting – June 2, 2016 as follows:

Call to Order

Chairman Commissioner Sizemore called the meeting to order at 11:19 a.m.

### Roll Call

Members present: Camp, Oldaker, Miller and Sizemore.

Members absent: Shriver and Keefer.

Quorum reached.

### Approval of Agenda

Commissioner Camp made a motion to approve the agenda, second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

### Delegation

None.

### Old Business

Consideration of Home Inspection School Opening to be operated by David Haught. Commissioner Sizemore asked if Mr. Haught was in attendance, it was noted he was not. Brief discussion was made that Counsel and the WVSFMO have been in review of documents. Division Deputy Fire Marshal Allan Casto has been in communication with Mr. Haught and it was requested of him to be in attendance at the full Commission Meeting, Friday, June 3, 2016.

Consideration of Dunbar Provisional – Mr. Hugh Leishman was preset before the Commission. Mr. Leishman stated that he has taken his Electrical Testing and will be participating next week in Flatwoods for an Electrician School. Counsel Connolly spoke about the new ruling that took place effective yesterday, June 1, 2016. Mr. Leishman stated he was not aware of such. Counsel Connolly asked what the City adopted. Mr. Leishman stated that the City of Dunbar wants to complete all enforcement and inspections with property management minus Electrical / Electrician. The City of Dunbar will contract out electrical enforcement and inspection. Mr. Leishman stated that he has completed all the other requirements.

Mr. Leishman had his documentation of what he has completed. Mr. Casto stated he needed to review such since nothing had been received in the WVSFMO. Commissioner Sizemore suggested Mr. Casto and Mr. Leishman get together and bring an update before full commission tomorrow, June 3, 2016.

### Legislative

WV Code Chapter 29 Article 3 – Discussion was brief. Commissioner Oldaker made a motion to table the discussion to the August, 2016 Commission Meeting, second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

### New Business

Reciprocal Home Inspector Agreement with Maryland – Discussion was brief as to what was requested by email for the Commission. After discussion it was decided that the WVSFMO would gather more information as to the opportunities the Maryland training facility has in mind in and further discussion would take place during the August, 2016 Commission Meeting. Commissioner Oldaker made a motion to table the discussion to the August, 2016 Commission Meeting, second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

Process for notifying jurisdictions and stakeholders of the new rules – Commissioner Sizemore and Counsel briefly discussed how individuals find out or learn of new rules. Chief Deputy Fire Marshal

Sharp suggested perhaps media releases. Others made suggestion of Code Officials website. After discussion it was decided that the topic would be further discussed with Commissioner Shriver and he desired outcome. Commissioner Oldaker made a motion to table the discussion to the August, 2016 Commission Meeting, second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

City of Logan Provision status – Division Deputy Fire Marshal Alan Casto spoke regarding the update on Cities Provisional Status. Mr. Casto noted he has received nothing at this point. No further information at this time but City of Logan may be in appearance tomorrow. Commissioner Sizemore stated that the full Commission will review and further discussion can take place during such.

International Building Code & Appendix Adoption - Commissioner Oldaker made a motion to table the discussion to the August, 2016 Commission Meeting, second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

#### Adjournment

Commissioner Oldaker made a motion to adjourn at 11:31 a.m., second by Commissioner Camp. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to accept the committee's report, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Mr. Haught approached the Commission. He briefly reviewed his experience and education in the Home Inspection field. He highlighted the work he has performed and what he hopes to accomplish if approved by the Commission. Commissioner Sizemore thanked Mr. Haught for his attendance and recommended further discussion later in the Agenda as allotted.

Mr. Hugh Leishman with the City of Dunbar presented himself for discussion. Mr. Leishman come prepared with many documents that needed further review. After brief discussion and review, it was determined to allow Division Deputy Fire Marshal Allan Casto and Mr. Leishman review the materials and report back to the Commission later in the meeting. Counsel Connolly noted that there are some rules and regulations that went into effect June 1, 2016 that may benefit Mr. Leishman and the City of Dunbar.

#### • Training Committee

Commissioner White read the Training Committee Report from Meeting – June 2, 2016 as follows:

#### Call to Order

Chairman Commissioner White called the meeting to order at 1:08 p.m.

#### Roll Call

Members present: White, Eastham, Estep, Miller and Sizemore.

Members absent: Stallard.

Quorum reached.

### Approval of Agenda

Commissioner Eastham made a motion to approve the agenda, second by Commissioner Miller. With all the ayes and nays having been taken on a voice vote, the motion passed.

### Unfinished Business

#### Training Listed Classes Revision / Chart:

Dave Plume spoke with RESA spoke. Mr. Plume stated and he and Mark Lambert met for several hours and reviewed item by item the Training Chart provided. Mr. Plume noted that the revised chart he provided is listed as Revision 22. Mr. Plume further provided some outdated training charts that were located on the WVSFMO website. Discussion was in depth about the updated chart, the 'Recommended For' column and other trainings provided by the WVSFMO and others.

Commissioner White thanked Mr. Plume and Mr. Lambert for their many hours of work preparing and updating the chart. After further discussion it was decided that a work group would be established and meet at a later date to further update the training chart and establish the FF1 training module. Mr. Plume made mention of NIMS training and suggested that perhaps the Department of Homeland Security could come and report further information regarding such.

Mr. Lambert questioned Division Deputy Fire Marshal Leake regarding the requirements or minimum years of training to be a Fire Inspector. Mr. Leake wasn't sure right off hand and reported that he would review and report back.

It was suggested by Mr. Plume, Mr. Lambert and others that the updated training chart have an easily identifiable footnote that details the trainings listed are merely recommendations and NOT requirements. It was further discussed that the same footnote should also state that additional trainings may be provided by a training agency and an interested participant could call a training agency for further details.

Commissioner Estep made a motion to recommend the approval of the amended training chart to the full Commission so that the WVSFMO may update such on the website, second by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

### New Business

WVFSE – Mr. Mark Lambert spoke and reminded everyone that they will be offering in June of 2016 a Junior Fire Fighter Camp. State of Kentucky's Chairman will be in attendance along with Chief Deputy Fire Marshal Sharp, Assistant Fire Marshal Scott and may other states representatives. Mr. Lambert noted that the experience and opportunity to see the future of fire services. The school runs Saturday to Thursday. There will be many awards for service recognition and years of dedication.

RESA / WV Dept. of ED – Mr. Plume spoke regarding the Fire Fighter Equivalence Application. He made suggestion that the WVSFMO make some wording changes to include SEALED ENVELOPE. Counsel Connolly and Commissioners and Staff discussed such and made the decision that WVSFMO staff can make those changes to their form without Commission approval.

Mr. Ed Hicks spoke. He stated he is glad to be back to address the Commission and participate. He looks forward to the hiring of RESA's Executive Director, in hopes that such will take place and be in place by the August, 2016 Commission Meeting.

WVSFA – None.

Misc. Comments / Questions

None.

Adjourn

Commissioner Eastham made a motion to adjourn at 2:01 p.m., second by Commissioner Miller. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to accept the committee's report, seconded by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to accept the training chart revisions and update. Seconded by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.

• Disciplinary Committee

Commissioner Eastham read the Disciplinary Committee Report from Meeting – June 2, 2016 as follows:

Call to Order

Chairman Commissioner Eastham called the meeting to order at 2:17 p.m.

Roll Call

Members present: Eastham, Hart, and Sizemore.

Members absent: Stallard, and Shriver.

Quorum reached.

Approval of the Agenda

Commissioner Hart made a motion to approve the agenda, second by Commissioner Sizemore. With all the ayes and nays having been taken on a voice vote, the motion passed.

Old Business

None

Commissioner Sizemore made a motion to go into executive session at 2:19 p.m., second by Commissioner Hart. The ayes and nays having been taken on the voice vote, the motion passed.

The Disciplinary Committee came out of executive session with Commissioner Sizemore making the motion, seconded by Commissioner Hart at 2:54 p.m. and resumed the regular meeting.

### New Business

Commissioner Sizemore made a motion to recommend a 120 day extension to correct deficiencies for 2015-016 Hillsboro VFD. Second by Commissioner Hart with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Sizemore made a motion to recommend finding probable cause on 2016-020, 2016-021, 2016-023, 2016-024, 2016-025, 2016-026, 2016-027, 2016-028, 2016-029, 2016-030, 2016,031, 2016-032, 2016-033, 2016-035, and 2016-036. Second by Commissioner Hart with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Sizemore made a motion to recommend a 180 day extension to correct deficiencies for Panther VFD, Roderfield VFD, Diana VFD, Hacker Valley VFD, Webster Springs VFD, Cowen VFD, Grantown VFD, Mannington VFD, Baxter VFD, Masontown VFD, Scott Run VFD, Warren Dist. VFD, Wharndcliffe VFD, Union VFD, and White Sulphur Springs VFD. Second by Commissioner Hart with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Sizemore made a motion to table 2016-016 to full Commission Meeting, Friday, June 3, 2016 regarding complaint process on Greenbrier Valley Rural VFD, second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Sizemore made a motion to recommend the Commission table the discussion involving 2016-033 – Montcalm VFD to full Commission Meeting, Friday, June 3, 2016, noting that Montcalm VFD should be in attendance as requested during the April Commission Meeting. Second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Hart made a motion to adjourn at 3:03 p.m.; second by Commissioner Sizemore, with all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner White made a motion to accept the committee's report, seconded by Commissioner Estep. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-016 Hillsboro VFD Additional Time Request - Commissioner Stallard made a motion to grant a 120 day extension for Hillsboro VFD, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Stallard made a motion to find probable cause on 2016-020; 2016-021; 2016-023; 2016-024; 2016-025; 2016-026; 2016-207; 2016-028; 2016-029; 2016-030; 2016-031; 2016-032; 2016-033; 2016-035; and 2016-036; second by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Commissioner White made a motion to grant a 180 day extension to correct deficiencies for Panther VFD, Roderfield VFD, Diana VFD, Hacker Valley VFD, Webster Springs VFD, Cowen VFD, Grantown VFD, Mannington VFD, Baxter VFD, Masontown VFD, Scott Run VFD, Warren Di st. VFD, Wharndcliffe VFD, Union VFD, and White Sulphur Springs VFD. Second by Commissioner Stallard with all the ayes and nays having been taken on a voice vote, the motion passed.

• Operations Committee

Commissioner Gunnoe read the Disciplinary Committee Report from Meeting – June 2, 2016 as follows:

Chairman Commissioner Gunnoe stated that the Operation Committee did not hold a Committee Meeting, but would rather would like for the Staff to provide their full reports now.

Deputy Fire Marshal Allan Casto spoke for Fire Department Services. Mr. Casto broke down the division into 3 sections within Fire Department Services (Regulatory and Licensing, Public Education and Fire Department Services). Mr. Casto briefly detailed the duties included within each section of his Division.

Marshal Casto provided the following Regulatory and Licensing Section Numbers for the period of April 4, 2016 to May 22, 2016:

Total Licenses Issues: 6508  
Total Certifications Issued: 31  
Total Applications Processed: 438  
Total Permits Issued: 94

Marshal Casto provided the following Regulatory and Licensing Section Numbers for the period of January 1, 2016 to May 22, 2016:

Total Licenses Issues: 7305  
Total Certifications Issued: 110  
Total Applications Processed: 1437  
Total Permits Issued: 240

Marshal Casto detailed that the Regulatory and Licensing Section has gone live with on-line Electrician License Renewals as of April 1<sup>st</sup>.

Marshal Casto also announced and discussed the passing of the Fireworks Permit / Law that went into effective June 1<sup>st</sup>, 2016.

Commissioners asked questions regarding the types of fireworks permitted to sell within the state now, the requirements for selling, fees for selling, the application and paperwork procedures. Discussion continued into how the funds of the taxes for such would be disbursed and Marshal Casto noted Veterans and Volunteer Fire Departments.

Commissioner Stallard commended the staff and asked if the significant increase in numbers during the last couple months is a result of online services being available and Marshal Casto stated that it is not, but rather just peak / renewal time of year.

Marshal Casto reported the following numbers for Consumer Fireworks for the period May 23 to May 26<sup>th</sup>, 2016:

Permanent: 1  
Temporary: 6  
Wholesaler: 3  
Outdoor Storage: 20

Novelties: 118

Returned Applications: 0

Ms. Courtney Rosemond spoke on behalf of the WVSFMO Public Education Division. She discussed the Division's accomplishments and upcoming plans.

She discussed partnerships and state wide networking. Being a support to the state and Fire Departments. Being a tool for the local communities. Ms. Rosemond discussed smoke detectors and the need to get them distributed and installed in the homes. Commissioner Gunnoe asked questions regarding the funding for acquiring more and brief discussion involved potential grants, local building establishments and etc. Chief Deputy Fire Marshal Sharp made mention that the American Red Cross currently has a 3 year grant distributing and installing smoke detectors. It is the goal of the American Red Cross to get 5000 smoke detectors disbursed and installed.

Ms. Rosemond briefed the group on the year ahead. Attending Junior Fire Fighter camps and recognizing them. Letting them know the importance of fire prevention at a young age. In July they will begin preparing for the fall, working with Girl Scouts, Boy Scouts, and Red Cross. She also shared the WVSFMO Newsletter and the wealth of information it shares.

Deputy Fire Marshal Joe Leake spoke for the Fire Inspection and Plan Review Division. Mr. Leake described the Divisions job duties in brief detail.

Marshal Leake provided the following Fire Safety Inspection & Plans Review Division Numbers for the period April and May, 2016:

1015 Inspections Conducted  
151 Plans Reviewed  
34 Occupancy Permits Issued  
400 Licenses Checked

Marshal Leake provided the following Fire Safety Inspection & Plans Review Division Numbers for the period January thru March, 2016:

2932 Inspections Conducted  
484 Plans Reviewed  
107 Occupancy Permits Issued  
1114 Licenses Checked

Marshal Leake reported back regarding a question from the prior days Committee Meeting and according to 10/33 he could find no time frame requirements for Inspectors.

Deputy Fire Marshal Jason Baltic spoke for Investigations. Mr. Baltic detailed the work of fires, explosion, firework mishaps, assisting in Inspection Division and Fire Department Services. Mr. Baltic explained the Investigation Division handles all criminal aspects of a fire, making arrests and assisting other law enforcement agencies when requested. Investigations responds to all fatality fires.

Marshal Baltic provided the following Investigation Division Numbers for the period April 1 to May 31, 2016:

Total number of Fires: 100  
Accidental: 10  
Incendiary: 12  
Undetermined: 78

Chief Deputy Fire Marshal Sharp spoke and presented the overall Operations Report for the WV SFMO.

- Fire Marshal Ken Tyree is on Annual Leave.
- Revised code effective dates include- Code Officials Rule effective date June 1<sup>st</sup>; State Fire Code will be effective July 1<sup>st</sup>; State Building Code effective August 1<sup>st</sup>.
- Electricians Rule Stakeholders meetings are planned for August – September timeframe.
- State budgetary decisions may affect future operations of the agency; discussing alternative plans to ensure continuity of the operations and execution of each division's mission. The most recent proposal seen includes sweeping \$500,000 from the special revenue and a 2% cut to all DMAPS agencies, but at there isn't a budget.
- Legislative auditors are almost finished with their report. The Agency has been cooperating with them and making changes as made aware of them. It is hopeful that this report will be finished sometime this summer.
- Concerning the Assistant Fire Marshal Deputation program, pushed back its launch to a September timeline.
- Concerning the Commission on Oil & Natural Gas Safety; currently there is a survey out to all fire departments to assess training needs pertaining primarily to Oil, Natural Gas, & Pipelines Emergencies. 102 fire departments have responded to the survey. Resources are on the website under Fire Dept. Services which are links for free on-line training and some best practices guidelines.
- The online renewal system for Electrician Renewals is going pretty well; received 3092 renewals online. Continuing to work to make things more efficient for the customers and employees.
- Personnel Staffing:  
Agency has 7 vacancies within (2 Investigators, 3 Inspectors and 2 Public Information Specialists); hopeful to get all vacancies filled by September.  
Two Fire Marshal 3 positions in the Investigations Division to fill and have interviewed 3 of the personnel to fill these positions.
- Policy Update: Have developed a new policy that was approved this week by the Department of Personnel and the Department of Labor to change our our Sworn Personnel's work period from a 160 hour 28 day period to an 80 hour 14 day work period. The Agency will be sending this policy out to all personnel and implementation will take place in the next few weeks. This will alleviate some issues with the new WV Oasis biweekly pay period.
- Consumer Fireworks became legal to sell, use and purchase on June 1 and the Agency has worked diligently to prepare for this date. Have written and emergency legislative

rule, had stakeholder's meetings, trained our personnel, created application packets for retailers, started a fireworks awareness / safety media news release and fielded many inquiries by phone and in person. The Agency is also working to use the "Arson Hotline" number for Fireworks related complaints or tips, etc.

- Fire Department Loss of Funding: 0 for this past quarter.
  - a. (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 in compliance. There is no getting it back after that.)
- WV Public Safety Expo and the Fire Marshal's track was successful; Agency believes we can do some better things with it in the future but overall very pleased with it.
- Fire Marshal Tyree is looking at ways to better improve communications to all our stakeholders throughout the State; he would like to reach out a little more and create a better way to network.
- Visits and Meetings Attended:
  - South Fork VFD Banquet in Brandywine, WV
  - Ohio Valley Oil & Natural Gas Association Meeting
  - Marshall County Firefighter Association Workshop
  - 9/11 Steel Memorial Ceremony, Huntington, WV
- Training:
  - Fireworks Training
  - Firearm Spring Qualification
  - Laws of Arrest- Steve Connolly
  - WV Public Safety Expo- Fire Marshal's Track
  - National Electric Code Update Training
- WV Junior Firefighter's Camp will be next week June 5-9 and we will have personnel there to assist every day.
- The NFPA Fire Prevention theme this year is: "Don't Wait Check the Date"-Replace Smoke Alarms Every 10 Years. Fire Prevention Week is October 9-15.
- Chief Deputy Marshal Sharp publicly commended the staff and their contribution to the agency. 'We have much to do and we'll continue to progress by prioritizing and addressing every aspect of our agency to make it better.'

Commissioner Gunnoe commended the entire staff of the WVSFMO.

Commissioner Stallard made mention of the Agency requesting the audit and he believes in the great job being done by WVSFMO. Marshal Sharp stated it's about doing the right thing and making necessary changes and moving forward in the right direction.

Commissioner Eastham asked if questions are to rise regarding fireworks who should the Chief's make contact with. Marshal Sharp stated that he, Marshal Casto or Counsel Connolly would be readily available.

Commissioner White made a motion to accept the committee's report, seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

It is noted the Commission took a brief recess at 10:38 a.m.

It is further noted that the Commission returned from recess at 10:51 a.m.

#### **UNFINISHED BUSINESS:**

Consideration of Dunbar Provisional Status – Deputy Marshal Allan Casto spoke and reported that Mr. Leishman, Dunbar Building Inspector, has completed a good bit however it noted that a new ruling went into effect on June 1, 2016 that will benefit Mr. Leishman and the City of Dunbar.

Commissioner Gunnoe made a motion to extend Dunbar Provisional Status to the next Commission Meeting, set for August 19, 2016. Seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Jefferson County Fire Prevention Unit Progress and Fire Prevention Unit Evaluation Form and Policy Review – Assistant Fire Marshal Bradley Scott spoke and presented the final Fire Prevention Policy and Evaluation form to the Commission and noted the discussion previously held in the Fire Department Services Committee report. The Commission gave thanks to Assistant Fire Marshal Scott for his works and effort with the communities.

Commissioner White a motion to accept and approve the County Fire Prevention Policy and Evaluation Form. Seconded by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Jefferson County Boundary / Dispatching Dispute – It was discussed that during the April Commission Meeting Commissioners requested the presence and full update of progress during the June Commission Meeting. It is noted that no individuals from Jefferson County are in attendance. Assistant Fire Marshal Scott spoke and stated that they continue to work on the issue and plan to be in attendance during the August Meeting to provide a full update and perhaps give a final report at that time. Assistant Fire Marshal Scott did note that he spoke with the Chief of Shepherdstown and he is happy with the development just feels the process is moving too slowly.

Commissioner Camp stated he is aware of additional issues and was hoping to hear an update from the County. Discussion was in depth regarding the Commission's requirements and ability to respond and the legal option the Commission has of the change that took place.

Commissioner Mongold made a motion to table the discussion to the August Commission Meeting, noting that the WVSFMO will send letters requesting the presence of the Chief of Shepherdstown, 911 Director and County Administrator of Jefferson County. The letter should include the original complaint and be sent certified mail. Seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Town of Ridgley Provisional Request – Counsel Connolly spoke and stated that he had been in communication with the Town of Ridgley Mayor. Marshal Casto reported on a letter received in the WVSFMO office on May 13<sup>th</sup> requesting a Provisional Status.

Commissioner Gunnoe made a motion to Grant the Town of Ridgley's Provisional Request, seconded by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 16-001-HI – Mark Pemberton dba A-Pro Home Inspection Service – Commissioner Sizemore asked if Mr. Pemberton or any representative of A-Pro Home Inspection Service was in attendance, it is noted there was not. Commissioner spoke regarding the previous meetings discussion. Counsel Connolly stated that a hearing notice was sent out to Mr. Pemberton and his presence was required for such. After review of the documentation presented by WVSFMO and Counsel Connolly discussion was in depth regarding the suspension of license within the State of West Virginia for Mr. Pemberton.

Commissioner Stallard made a motion to suspend the Home Inspector License of Mark Pemberton dba A-Pro Home Inspection Service for a period of 2 months and require his presence at the August 19, 2016 Commission Meeting. Second by Commissioner Oldaker. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2015-033 Montcalm VFD – Assistant Fire Marshal Bradley Scott spoke and stated that Montcalm Chief has provided all the necessary documents and it is the recommendation of the staff that Montcalm VFD be recertified.

Commissioner Gunnoe made a motion to accept and approve Recertification of Montcalm VFD, second by Commissioner Eastham with all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of WV Fire Training Chart – Previously discussed and motion noted.

Consideration of 2016-016 Greenbrier Valley Rural VFD – Chairman Sizemore asked if the Chief or anyone was present from Greenbrier Valley Rural VFD. The Chief of the Son, also noted the Assistant Chief was present as the Chief was currently hospitalized. Assistant Fire Marshal Scott and the Assistant Chief reviewed particular requested documents before the Commission. Organization and validation of the materials was necessary so it was requested by the Commission that Assistant Fire Marshal Scott and the Assistant Chief review the items outside the hearing room and report back to the Commission before adjournment.

Consideration of Greenbrier County OES Map & Resolution on Boundaries – Previously discussed and motion noted.

Consideration of City of Logan Provisional Status – No further information has been received by the Counsel or WVSFMO. Marshal Allan Casto will reach out to the City of Logan and Chief.

Commissioner Mongold made a motion to table the discussion to the August Commission Meeting, seconded by Commissioner Gunnoe. With all the ayes and nays having been taken on a voice vote, the motion passed.

### **NEW BUSINESS:**

Consideration of Summers County Commission Correspondence Re: Greenbrier Valley Rural VFD – Stacy Conrad spoke before the Commission regarding her previously sent letter and her desire to let the Commission know how the operations of Greenbrier Valley Rural VFD is. At this same time, Assistant Fire Marshal Scott reported back to the Commission along with Assistant Chief of Greenbrier Valley Rural VFD. It was noted that many deficiencies remain. Commissioners tried to address the issues with the Assistant Chief and make him aware of the severe conditions and needs. The Commission asked if the VFD would voluntarily remain closed and the Assistant Chief was not in agreement. After in depth discussion Commissioner Stallard made a motion to decertify Greenbrier Valley Rural VFD, seconded by Commissioner Eastham. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Website Inquiry by Kitty Wooldridge – International Building Code Adoption of Appendix – Commissioner Mongold made a motion to table the discussion to the August Commission Meeting, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of James ‘Jim Porter – Request to Address Commission – Counsel Connolly spoke and reported that he had been in communication with Mr. Porter. He said that Mr. Porter would like to speak to the Commission but ended up unavailable to attend today.

Consideration of Maryland Courses – Brief discussion was made. Commissioners and staff suggested the Legislative Committee review a little more in-depth and further discussion could take place in August. Commissioner Mongold made a motion to table the discussion to the August Commission Meeting, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-037 – Discussion revolved around the letters received from Thornton VFD regarding their voluntarily shutdown / dissolving. It was noted that Counsel Connolly had sent out an order signed by Marshal Tyree on May 13, 2016 to immediately cease and desist operations.

### **CORRESPONDENCE:**

Consideration of Elkins VFD Funding Cut Letter from David Cline – Discussion was brief. It is noted no response is necessary.

Consideration of City of Clarksburg Letter w/ Joseph Pitrolo & John Keeling – Discussion involved around the ruling of Judge Jennifer Bailey that was address during the Special May Commission Meeting. It is noted that no response is necessary.

### **GOOD OF THE ORDER:**

Commissioner Hart made mention of Charter Member Don McVean passing away. Mr. McVean was 85 and retired in 1994 as Assistant Chief and was Paid Fire Fighter for the City of Elkins from 1962 to 1994.

Robbie Bailey made mention of Ronald Jack Lambert. Mr. Lambert is the Chief of Wyoming County Fire Company, Inc. aka Pineville VFD. There will be a cookout at the Pineville VFD to honor this gentleman’s

years of dedication and service (70 Years) on June 24<sup>th</sup>, 2016 beginning at 6:00 p.m. Commissioner Mongold made the suggestion to recognize and invite Mr. Lambert to the August, 2016 Commission Meeting.

It is noted the Commission took a brief recess at 11:54 a.m.

It is further noted that the Commission returned from recess at 12:14 p.m.

**CONTINUED BUSINESS:**

Commissioner Stallard made a motion to go into executive session at 12:14 p.m., second by Commissioner White. The ayes and nays having been taken on the voice vote, the motion passed.

The Commission came out of executive session with Commissioner White making the motion, seconded by Commissioner Hart at 12:52 p.m. The ayes and nays having been taken on the voice vote, the motion passed and they resumed the regular meeting.

Consideration of 2016-001-BCO – Commissioner Stallard made a motion to dismiss 2016-001-BCO due to lack of jurisdiction by ruling of Judge Jennifer Bailey, seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-004-BCO – Commissioner Gunnoe made a motion to dismiss 2016-004-BCO due to Provisional Status being granted to the Town of Ridgley, seconded by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-005-BCO – Commissioner Gunnoe made a motion to dismiss 2016-005-BCO due to Provisional Status being granted to the Town of Ridgley, seconded by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of 2016-002-HI – Commissioner White made a motion to file and issue Statement of Charges, seconded by Commissioner Stallard. With all the ayes and nays having been taken on a voice vote, the motion passed.

Consideration of Home Inspection School Opening Operated by David Haught – Counsel Connolly reported that he spoke With Mr. Haught and Mr. Haught will consider his request and perhaps come back before the Commission at a later date in time.

Consideration of 2016-006-BCO – Commissioner Stallard made a motion to request the Inspector and Plan Reviewer in the complaint come before the Commission at the October, 2016 Commission Meeting. It is noted that the WV SFMO will send the request via Certified Mail and the City of Williamstown and County Commission should be copied on the letter. Seconded by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

**TIME AND PLACE OF NEXT MEETING:**

Next Committee Meetings will take place Thursday, August 18, 2016 at the Snowshoe Mountain Lodge in Snowshoe, WV beginning at 10:00 a.m.

Next Commission Meeting will take place Friday, August 19, 2016 at the Snowshoe Mountain Lodge in Snowshoe, WV beginning at 9:00 a.m.

Future meetings are set for October 13<sup>th</sup> and 14<sup>th</sup> at WV State Fire Marshal's Office in Charleston, WV and December 8<sup>th</sup> and 9<sup>th</sup>, with the location to be determined.

**ADJOURN:**

Commissioner White made a motion to adjourn at 1:33 p.m. Second by Commissioner Hart. With all the ayes and nays having been taken on a voice vote, the motion passed.

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