

**UNOFFICIAL
STATE FIRE COMMISSION MEETING
BECKLEY, WV
APRIL 17, 2009**

The official business meeting was called to order at 8:30 AM by Chairman Charles Eversole. Chairman Eversole thanked everyone for coming to the meeting. He thanked the Beaver VFD for the hospitality on Thursday evening at the reception for the Fire Marshal's 100th anniversary.

Fire Marshal Sterling Lewis, Jr., Rick Rice, RESA I and Dave Tolliver, Fire Commissioner, made a presentation to Louis Dale "Sonny" Farthing, Chief of Sophia City Fire Department for his many hours of training and service to Sophia City Fire Department and to make him a Deputized Fire Marshal in the Fire Marshal's Office.

COMMISSIONERS PRESENT:

Charles L. Eversole, Chairman
Chuck Runyon, Secretary
Dale L. Clayton
Francis A. Guffey, II
Kenneth Morgan
Victor Stallard, Jr.

Bill L. Spencer, Vice Chairman
Joseph J. Bostar, III
Larry Goodwin
Randy James
James L. Oldaker
David Tolliver

COMMISSIONERS ABSENT:

John Bailey

APPROVAL OF MINUTES

Commissioner Spencer made a motion to approve the minutes of February 20, 2009. Commissioner Runyon seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

INTRODUCTION OF GUESTS

Bob Nevins, ISO
Ron Bateman, ISO
Murrey Loflin, WVUFSE
Lanny Adkins, WVU-FSE
Corey Roblee, ICC
Ted Shriver, Architects
Mike Reel, WVAHI
Paul W. Linger, IEW
Jay C. Gibson, IAEI, WVCOA
Jack E. Jamison, Jr., WVIAEI
Kelly Bragg, WV Div of Energy
Jeff Herholdt, WV Div of Energy
Bob Cannon, WV Code Officials
Chief Kevin Taylor, Beckley FD
Capt. Kevin Price, Beckley FD
Lt. Ernie Parsons, Beckley FD
Billie Trump, Beckley FD

Edward Hicks, WV Dept. of Education
Jim Ancell, RESA V
David Plume, RESA VIII
Jim Shedd, RESA III
Rick Rice, RESA I
Ron Brown, NFSA
Don Iverson, NEMA
Fred McDonald, WVHBA
Chris Ilardi, WVHBA
Rusty Crites, WVHBA
Ken Tyree, FMAWV
Ben Roy, NFPA
James Lambert, Madison FD
Lanson Reltea, Eaton
Joe Lewis, Eaton
Robert S. Miller, Cabell Co Fire Chiefs

STAFF PRESENT:

Sterling Lewis, Jr., State Fire Marshal	Tony Carrico, Deputy Fire Marshal
Nancy Olson, Secretary	Joe Leake, Deputy Fire Marshal
Debbie Hudson, Secretary	Reed Cook, Deputy Fire Marshal
Carol Nolte, Deputy Fire Marshal	Jeff Armentrout, Assistant Fire Marshal
Shawn Alderman, Assistant Fire Marshal	

Fire Marshal Lewis stated that on Thursday, April 16th, there was a National Geographic special on TV that the Regional Response Teams were a part of. Shawn Alderman, ASFM, is the Director of Operations for the Regional Response Teams. Fire Marshal Lewis congratulated Assistant Fire Marshal Alderman on a job extremely well done.

UNFINISHED BUSINESS

The following people spoke in reference to the 2008 National Electrical Code.

For: Jack Jamison, National Electrical Inspector's Association
Don Iverson, NEMA (without amendments)
Ben Roy, NFPA (without amendments)
Ken Tyree, President, Fire Marshals Association of West Virginia.

Against: Tim Cunningham, WV Home Builder's Association
Rusty Crites, WV Home Builder's Association
Chris Ilardi, WV Home Builder's Association

Discussion followed. Comments made by several Commissioners who work in the electrical field. Commissioner Guffey stated there would be an opportunity for rebuttal during the public hearing and comment period. There will also be an opportunity when the codes go to the Legislative Rule-Making Review Committee and the full Legislature.

Commissioner Spencer made a motion to direct the State Fire Marshal's Office to prepare for filing the State Building Code and the State Fire Code for public hearing and comments. Commissioner Runyon seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

The Department of Energy made a powerpoint presentation on the 2009 International Energy Code. Presentation made by Jeff Herholdt and Kelly Bragg. They passed out a packet referencing the material in the presentation.

Discussion followed.

Chuck Anderson, Licensed Professional Engineer, works for the American Architectural Manufacturer's Association. This is a trade association for the windows industry. He is a member of the International Energy Conservation Code Development Committee. He did not come to the meeting to choose a side but to offer assistance.

Residential Sprinklers:

For: Ken Tyree, President, Fire Marshal's Association of West Virginia would like the Fire Commission to adopt the residential code in the Building Code with the amendment of the effective date being changed to 2012 from 2011. Discussion followed.

Against: Chris Ilardi, WV Home Builder's Association.
Rusty Crites, WV Home Builder's Association

NEW BUSINESS

None

CORRESPONDENCE

James Lambert, Fire Chief, Madison Fire Department. This issue will be discussed in the Training Committee Report.

Steven D. Vititoe, President, Cabell County Fire Chief's Association, Inc. stated they had an issue with SCBA pass devices manufactured by MSA. Fire Marshal Lewis stated his office had received the same complaint from other fire departments. There was a recall in 2002 but the company continued to sell the device.

Bob Miller, Ohio River Road VFD, stated they are failing to function properly and activate without reason and they are unable to be reset or turned off without removing the battery. The concern is how many fire companies are still using these devices. They would like the Fire Commission to find out how many of these devices are in use in fire departments across the state and they can get the manufacturer to do a recall. Fire Marshal Lewis made a recommendation that we put this question on the website and ask the fire departments to contact us by email who has this model and if they are having any problems and what are the problems. If we can get the information, then we can contact the Consumer Product Safety Commission and see if they would do an investigation. Discussion followed.

STAFF REPORTS

Fire Marshal Lewis stated the investigation in the fire at Craigsville is still ongoing. The fire at this time is "Undetermined". Reed Cook is working with NIOSH in regards to the firefighter deaths.

A complaint was received regarding Big Wheeling Creek VFD, Marshall County. An evaluation was being done. They were delinquent on workers' compensation premiums since January 5, 2009 and had no insurance. They have voluntarily agreed to cease and desist any fire department operations until the matter is resolved.

Two firefighters were injured in a fire in Berkeley County. One of the firefighters was arrested. The investigation is ongoing.

The Fire Marshal's Office is currently into an investigation where it appears firefighters are involved in setting the fires. The total number of fires at the present time is 9 set fires.

At this time, Fire Marshal Lewis requested a moment of silence for the firefighter in Berkeley County who is still in critical condition. And also for Pattie Davis, Debbie Hudson's sister, a few weeks ago.

Fire Marshal Lewis stated he did not have an update on the Erbacon Firefighter that wrecked a tanker truck.

Fire Marshal Lewis requested Deputy Fire Marshal Carrico go over legislation in this session:

Enrolled and awaiting the Governor's signature is:

HB 2222 Rules Bill – two rules (1) to amend the building code officials rule and (2) fire protection workers rule. Implemented 7/1/09.

HB 2968 – deals with LPG and Fuel Gas Systems.

HB 2421 – Fire Hydrant Bill. If it's inoperable, will be painted black or placing a black tarp over it for not more than 14 days.

HB 2976 – Building Code, 2009 Energy Conservation Code, IECC on residential construction.

Deputy Fire Marshal Nolte has been working on the Fire Safe Cigarette Bill. It was passed in the final hours of the session and is awaiting the Governor's signature.

Fire Marshal Lewis stated that in regards to the budget, the Governor was looking at a 4.5% budget cut. Most of our budget is Special Revenue which cannot be cut. The only General Revenue is the Public Education section.

AGENCY REPORTS

Technical and Adult Training, Vo-Tech, Mr. Ed Hicks they had met with the Hazmat Orientation Committee. They are targeting mid to late summer for course to be ready. This program will be on a DVD including the videos that will be imbedded in the course.

They are increasing the fees for all instructor courses. This will be effective July 1, 2009.

The Public Safety Expo will be held at the Charleston Civic Center on May 14 to 17, 2009. The registration fee will be \$75 for all four days.

Training, WVU-FSE, Mr. Murrey Loflin stated they had 85 people at the Safety Seminar at the Fire Academy.

The brochures for the Junior Firefighter Camp are available. There is room for 125 students. The cost is \$199. The curriculum is set.

Two Fire Academy classes are being held at Jackson's Mill on September 12 & 13, 2009.

WV weekend at the National Fire Academy is October 10 & 11, 2009. They are partnering with the State of Delaware.

The Fire Inspector I Class is scheduled for August 10 to 14, 2009. There is room for 30 students. ASFM's John Oliver and Edsel Smith will be the instructors for the course. In 2010, to go to Fire Inspector II.

The new website address is www.wvufire.org.

Insurance Services Office (ISO), Mr. Robert Nevins No Report.

Office of Emergency Medical Services – No Report.

COMMITTEE REPORTS

Training Committee, Commissioner James. See attached report. Discussion followed.

Commissioner Runyon made the following motion: At this time I would like to present to the full Commission two motions. The first motion is to request a study to be conducted by our partners in education; being the Department of Education, RESA, and WVU Fire Extension; in a manner of participation of their choosing. This study should strive to determine the following: 1. Compare reading levels and pass/fail rates of Firefighter 1 students. 2. Determine pass/fail rates of Firefighter 1 students taking the written exam and the Firefighter 1 students taking the oral exam. 3. Determine the pass/fail rate of Hazardous Materials Operations. 4. Formulate a response to the question of what the combining of Firefighter 1 and Hazardous Materials Operations would do to the pass/fail rate. 5. Explore the possibility of giving a pre-course test, known as the *Tabc Test*, similar to the pre-test given before an EMT class and how it may help Firefighter 1 students. 6. Explore the possibility of determining, by testing, a student's eligibility for an oral exam before Firefighter 1 class is begun. Commissioner Spencer seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Tolliver made a motion to accept *Brannigan's Building Construction for the Fire Service* as an approved class. Commissioner Bostar seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Spencer stated that a class was supposed to have been held for Williamstown VFD. RESA is working with them but the class has not been held yet. Mr. Ed Hicks, Department of Education, stated he thinks it is scheduled for May. It takes a while to coordinate a class. Commissioner Spencer asked about a class for Parkersburg Fire Department. Deputy Fire Marshal Nolte stated that the Fire Marshals Association of West Virginia has provided two identical sessions of NFPA 101 and NFPA 1 with the assistance of the National Fire Protection Association. They provided the instructors and the code books. Parkersburg Fire Department was one of two fire departments with Clarksburg Fire Department who sent 9 people to the classes. The third fire department, Morgantown Fire Department, who sent 7 people. So they have received the training. Also, the Fire Marshal's Office will be offering for the deputized fire marshals from Parkersburg and the area, a citation writing class.

FD Standards Evaluation, Commissioner Oldaker stated the following applications for Fire Officer I equivalency certification were received and evaluated and met all the criteria to be certified:

George Knight, St. Mary's VFD
Kenneth Linder, Washington Bottom VFD
Doug M. Mongold, Moorefield VFC
Mark Ratcliff, Moorefield VFC
Scott Carlson, Moorefield VFC
Theodore Garrett, Moorefield VFC
Raymond Myers, Vienna VFD
Larry Goodwin, Vienna VFD
Mark Srogi, Vienna VFD
Wilbert L. Goodwin, Vienna VFD

Gerald Myers, Moorefield VFC
Dale L. Clayton, Winfield District VFD
Mark A. Carr, Moorefield VFC
Harry T. Shockey, Moorefield VFC
Charles Myers, Jr., Moorefield VFC
Larry Cosner, Moorefield VFC
Doyle Burkholder, Vienna VFD
Stephen Scholl, Vienna VFD
Daniel P. Goodwin, Vienna VFD

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

Commissioner Oldaker requested that a formal request be made from the WV Department of Education and WVU-FSA regarding information on classes being taught and the pass/fail ratios.

Recruitment and Retention Committee, Commissioner Runyon stated the State Firemens Association worked hard on their Recruitment and Retention bill. It passed the House and died in the Senate. They will try to put it back on the agenda at the special session in May. Discussion followed.

Procedures Development Committee, Commissioner Bailey. No report.

Special Issues, Commissioner Bostar – No report.

Legislative and Budget, Commissioner Spencer – Fire Marshal Lewis already covered this in his report.

Home Inspectors, Building Code Officials, Building and Fire Code Committees, Commissioner Guffey stated that Corey Roblee, ICC, felt that the Fire Commissioners were not completely clear as to what codes are being sent forward. It's the current edition of the NFPA Codes and the current editions of all the ICC Codes which include Residential, Fuel and Gas, Plumbing, HVAC, Property Maintenance, Mechanical and Energy Conservation, ANSI codes.

TIME AND PLACE OF NEXT MEETING

The next Fire Commission Meeting will be held June 12, 2009 in Charleston, WV. Commissioner Runyon made a motion the August meeting will be scheduled for the Wheeling area on August 7, 2009 with the Committee Meetings on August 5, 2009; the October meeting will be scheduled for the Martinsburg/Shepherdstown area on October 23, 2009 with the Committee meetings on October 22, 2009; and in the Vienna area on December 4, 2009 with the Committee Meetings on December 3, 2009. Commissioner Clayton seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

GOOD OF THE ORDER

Corey Roblee, ICC, congratulated the Fire Marshal's Office with the excellent job that was done with the National Geographic film. He stated he wanted everyone to have the facts straight. He stated to do your own research and make sure you have correct information. He talked about the Proclamation for Building Safety Week, May 3-9, 2009. He hoped the Fire Commission would support this.

ADJOURN

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

Respectfully submitted,

Sterling Lewis, Jr.
State Fire Marshal

Minutes
WV Fire Commission
Training Committee Meeting
04/16/2009 Beckley, WV

The Training Committee met on April 16, 2009, at the Country Inn & Suites of Beckley, WV at 1500 hours. There were twenty three participants.

Chairman James distributed the day's agenda with last meeting's minutes attached.

The first order of business concerned the recommendation of the U. S. Chemical Safety and Hazard Investigation Board that stated "Revise the Fire Commission rules and codes to require annual hazardous materials response refresher training for all firefighters in West Virginia". Mr. Ed Hicks of the Dept. of Education gave an update on the course being developed by his department, RESA, and WVU Fire Extension. Currently the "work-in-progress" follows a scenario and question and answer format to stimulate discussion and refresh previous training. The course will be developed for the lowest level of the training triangle: That being in-house. Another update on the research and development of this course should be forthcoming at the June Training Committee meeting. A poster, similar to the water rescue of previous years is also being developed. David Plume of RESA 8 is in charge of this project. Discussion about the whole project brought out the involvement of the state's Regional Response Teams.

Next discussion pertained to items about testing for firefighters. Chairman James asked Commissioner Oldaker to restate what data should be captured concerning the following pass/fail rates for Firefighter 1 and 2. How many firefighters passed level 1 and never proceeded on? How many firefighters took the oral exam and what was the pass/fail rate for that group? What is the pass/fail rate for Hazardous Materials Operations? Mike Freeman of RESA 7 stated that some of this information was just starting to be gathered. Discussion followed about oral testing. Some areas require prior ADA approval before an oral test is administered. Some students will ask for an oral test in hopes of detecting some kind of inflection in the examiner's voice when reading the possible answers. A pre-course test, known as a *Tabe Test* may be useful in determining a student's reading level. The current *Delmar Firefighters' Handbook* is written at a reading level of 11.6. Oral testing is more expensive to administer. Last, but not least: Is there a motivational issue involved? One fact is; fifth grade reading level students are passing the Firefighter 1 exam while some twelfth grade reading level students are not.

One class was submitted for approval: *Brannigan's Building Construction for the Fire Service*. This was submitted by RESA. It is a twenty eight hour course and has a prerequisite of Firefighter 1.

Mr. Ed Hicks of the Department of Education passed out a draft of a price schedule for Instructor 2 in-house classes. The current RESA Instructor 2 class

schedule of two per year will continue at the \$150.00 rate per student. He also stated that other course fees may be changing.

Murrey Loflin of WVU Fire Extension reported that they have tentatively scheduled a Firefighter 1 and Firefighter 2 Pro-Board test in June or July. The fire simulator trailer has been budgeted for six locations in 2009. Any other locations will probably be required to cover the cost, estimated between \$3,500 and \$4,000. A Fire Inspector 1 class is scheduled in August.

Jim Shedd of RESA 3 reminded everyone about the Expo at the Charleston Civic Center on May 14, 15, 16, and 17. Deputy Fire Marshal Shawn Alderman reported at there was now a link on the Fire Marshal's website for viewing the Regional Response Teams' recent search and rescue drill on a demolished building in South Charleston. Meeting was adjourned at 1600 hours.

The two motions submitted by the Training Committee are presented here for clarity, just as they were presented at the April 17 meeting of the full Fire Commission.

Motion #1.

“Mr. Chairman: At this time I would like to present to the full Commission two motions. The first motion is to request a study to be conducted by our partners in education; being the Department of Education, RESA, and WVU Fire Extension; in a manner of participation of their choosing. This study should strive to determine the following: 1. Compare reading levels and pass/fail rates of Firefighter 1 students. 2. Determine pass/fail rates of Firefighter 1 students taking the written exam and the Firefighter 1 students taking the oral exam. 3. Determine the pass/fail rate of Hazardous Materials Operations. 4. Formulate a response to the question of what the combining of Firefighter 1 and Hazardous Materials Operations would do to the pass/fail rate. 5. Explore the possibility of giving a pre-course test, known as the *Taber Test*, similar to the pre-test given before an EMT class and how it may help Firefighter 1 students. 6. Explore the possibility of determining, by testing, a student's eligibility for an oral exam before Firefighter 1 class is begun”.

Motion #2.

“Mr. Chairman, the Training Committee requests a motion to accept *Brannigan's Building Construction for the Fire Service* as an approved class”.