

**UNOFFICIAL  
STATE FIRE COMMISSION MEETING  
COMFORT INN, SUMMERSVILLE, WV  
JUNE 10, 2011**

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

**COMMISSIONERS PRESENT:**

Bob Sullivan, Chairman	Michael Butcher
Dale L. Clayton	Grant Gunnoe
Randy James	Thomas Keefer
Robert S. Miller	Doug Mongold
Rick Scott	Carl Sizemore

**COMMISSIONERS ABSENT:**

Larry Goodwin	Ted A. Shriver
Virgil White	

**APPROVAL OF MINUTES**

Commissioner Sizemore made a motion to accept the minutes as read of the April 15, 2011 meeting. Commissioner Miller seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

**INTRODUCTION OF GUESTS**

Mark Doty, WVU-FSE	Lanny Adkins, WVU-FSE
Debrah Varner, Dept. of Education	Edward Hicks, Dept. of Education
Mike Freeman, RESA 7	David Plume, RESA 8
Rick Rice, RESA 1	Bob Nevins, ISO
Ron Bateman, ISO	Hugh "Skip" Gibson, ISO
Michael D. Morrison, Cottageville VFD	
Glenn Whittington, WV Firemen's Association	
J. W. Hughes, Assure America	
Ron Brown, National Fire Sprinkler Association	
James Lewis, White Sulphur Springs VFD	
Tom Cannon, Williamsburg VFD	
Kevin Scanlon, City of Bluefield Fire Department	
Don E. McCourt, Webster Springs VFD	
John McCourt, Webster Springs VFD	
Laura Aliff, Bridgeport, WV	
Darlene Scott	

**STAFF PRESENT:**

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

## **COMMENTS**

### **UNFINISHED BUSINESS**

Opinion from Counsel regarding Junior Firefighters – Counsel Stacy DeLong stated that after a lot of research and conversations with other departments, she has come to the conclusion that there are very few things that junior volunteer firefighters are allowed to do. No one under the age of 18 is permitted to drive any fire apparatus, ambulance, or any other official fire vehicle. They are not allowed to operate an aerial ladder, aerial platform or hydraulic jack at a fire scene. They are not allowed to use rubber electrical gloves, insulated wire gloves, insulated wire cutters, k12 power saws, air chisels, or any other tools related to rescue in a fire operation at a fire scene. They are not allowed to operate the pumps of any fire vehicles at the scene of the fire and they are not allowed to enter a burning structure except in designated training sessions at specified training schools conducted by the WV Fire Service Training Program, WVU, or the State Fire Marshal's Office. They are not allowed to leave school to go fight a fire unless they have permission from both the principal, their parents and the fire chief. They are not allowed to basically do anything at a fire scene except provide coffee and food service. In no case are minors ever allowed to operate high pressure hose lines or ladders except during training. They are also required to obtain a "work permit" from the Dept. of Labor or an "age certificate" if they are between the ages of 16 and 18 from their county superintendent. The fire department needs to keep this on file. It has been a Department of Labor law since 1911.

Ronceverte Fire Department – State Fire Marshal Sterling Lewis, Jr. stated that staff has been communicating with our counsel and the fire department's counsel. At this point in time, the individual in question is trying to approach the courts to expunge the felony charges. They have requested an extension to try to work on expunging the felony. He stated they have been offered several options but have not taken him up on the offer. The fire department is still shut down. The area is still covered. There may be a request for a new fire department to be established outside the city limits at the next meeting. Counsel stated that findings, facts and conclusions of law are due to the hearings examiner by June 30<sup>th</sup>. They do not know if an extension will be necessary.

Matewan VFD – Fire Marshal Lewis stated that the fire department is on probation status. They agreed to work on the problems. They have made tremendous progress. They have submitted their plan of correction and they have followed the plan of correction. He stated the Fire Marshal's Office is continuing to work with them and hope to meet all requirements and are back fully operational.

Wharnclyff VFD – Fire Marshal Lewis stated they were a little hesitant to comply with the request of the Fire Marshal's Office. After counsel and Deputy Fire Marshal Cook communicated with them, we have received a fax that they are attempting to work on correcting their deficiencies. The County Commission is willing to assist. It is staff's recommendation to stay with the timelines that were given to this fire department and hope to see some improvement.

Big Wheeling Creek VFD – Fire Marshal Lewis stated that an order withdrawing recognition has been brought to the Fire Commission for action. Counsel stated she had prepared in anticipation a final administrative order. She turned it over to the hearings examiner, Commissioner Grant Gunnoe, to explain what happened at the hearing. Commissioner Gunnoe stated a hearing was held in Charleston on April 25<sup>th</sup>, 2011, He stated that they wanted to make sure that the fire department was notified of the date and time of the hearing. There was no one present. There was testimony from Fire Marshal Lewis as relates to this matter. One of the major concerns was the fact that Big Wheeling Creek VFD had been operating without Workers Compensation Insurance which is a violation of WV Code 87-6-10(2)(g) which states there is a risk to fire department personnel. It was also noted that numerous attempts had been made to contact the fire department and no response was received. He stated that it is his recommendation as hearings examiner that recognition be withdrawn from the Big Wheeling Creek VFD.

Commissioner Scott made motion to withdraw recognition of Big Wheeling Creek VFD. Commissioner Miller seconded the motion. Roll call vote was called for. Commissioners voting for the motion were Commissioners Butcher, Clayton, James, Keefer, Miller, Mongold, Scott, Sizemore, and Sullivan. Commissioners absent were Mr. Goodwin, Mr. Shriver and Mr. White. Commissioner Gunnoe abstained as he was the hearings examiner. Motion passed.

Commissioner Scott asked what will happen to their assets. Counsel stated she had been in contact with the County Commission and they are planning to hold a press conference next week. The equipment is registered to the corporation of the fire department and they will have to work it out with each other. They must return all state funds.

Applications for Fire Officer I and II equivalency – Commissioner Sizemore will take care of this in his committee report.

Compliance with NFPA Standards concerning prerequisites for all Fire Officer courses, Firefighter 2 needs to be added – Chairman Sullivan stated this topic has already been taken care of.

Approval of Action Training Systems for computer-based training – Commissioner James made a motion to table this subject. Commissioner Mongold seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Training for natural gas incidents as provided by RESA and WVU-FSE – Commissioner James requested Mark Doty, WVU-FSE and Mike Freeman, RESA, have been working on addressing the problem submitted to the Fire Commission regarding training for natural gas incidents. They will cover this under their staff report.

Approval of curriculum of NFPA 1006 “Standards for Technical Rescue” – 9 courses – Commissioner James stated he is requesting adoption of the following:

- Core Rescue Prerequisites – 40 hour course
- Trench Collapse Level I – 20 hours
- Trench Collapse Level II – 32 hours

Rope Rescue Level I – 20 hours  
Rope Rescue Level II – 20 hours  
Confined Space Level I – 20 hours  
Confined Space Level II – 20 hours  
Swift Water Level I – 24 hours  
Swift Water Level II – 18 hours

Fire Marshal Lewis stated these courses are not mandatory class hours for every firefighter in the State. It will only be for those firefighters that chose to go into these highly technical rescue techniques.

Commissioner Gunnoe made a motion to accept these courses to be effective October 1, 2011. Commissioner Butcher seconded the motion. Roll call vote was called for. Commissioners voting for the motion were Commissioners Butcher, Clayton, Gunnoe, James, Keefer, Miller, Mongold, Scott, Sizemore, and Sullivan. Commissioners absent were Mr. Goodwin, Mr. Shriver and Mr. White. Motion passed.

Bridgeport Fire Department's First Service Area – Ms. Laura Aliff stated she is a resident of Mason Lake which is outside of Bridgeport in Harrison County. She stated this is an ongoing problem. She stated the County Commission is working on a contingency plan. Fire Marshal Lewis stated he had been working on this issue for several months. The Fire Commission does not have jurisdiction at this time. Discussion followed. No action needed at this time.

Boundary Dispute between Maysville VFD and Petersburg VFD, Grant County – Fire Marshal Lewis stated they have been dealing with this issue for a number of months. Chief Deputy Carrico and Fire Marshal Lewis made a trip to Grant County. They sat down with the parties involved, 911 Center, County Commissioners and they felt like they had an agreement. By the time they returned to the office, they were back to the same issue. They were told they needed to come to an agreement because if the Fire Marshal's Office came in and settled the issue, it might not be what they would like. A map outlining the new boundaries is available for review to the Fire Commission. Commissioner James made a motion to accept the boundary changes as outlined by the Fire Marshal staff. Commissioner Gunnoe seconded the motion. Roll call vote was called for. Commissioners voting for the motion were Commissioners Butcher, Clayton, Gunnoe, James, Keefer, Miller, Scott, Sizemore, and Sullivan. Commissioner Mongold abstained. Commissioners absent were Mr. Goodwin, Mr. Shriver and Mr. White. Motion passed.

Commissioner Gunnoe made a motion to accept the Fire Marshal's recommendation. Commissioner James seconded the motion. Roll call vote was called for. Commissioners voting for the motion were Commissioners Butcher, Clayton, Gunnoe, James, Keefer, Miller, Scott, Sizemore, and Sullivan. Commissioner Mongold abstained. Commissioners absent were Mr. Goodwin, Mr. Shriver and Mr. White. Motion passed.

**NEW BUSINESS**

None

## **CORRESPONDENCE TO**

Charleston Fire Department regarding fire code changes, however, it was to be used for guideline only.

## **CORRESPONDENCE FROM**

Pat D'Anselmi regarding Bridgeport Fire Department issue.

## **STAFF REPORTS**

Fire Marshal Lewis stated the new division, Fire Department Services, has been held up by Division of Personnel regarding the classification of employees.

Fire Marshal Lewis stated in regards to the fire department evaluations that are done on fire departments, the evaluation form will be put on the website so fire departments can see what is needed.

## **AGENCY REPORTS**

**Technical and Adult Training, Vo-Tech**, Mr. Ed Hicks stated that most of their activities were covered in the Training Report. As to the issue of junior firefighters, he stated their staff attorneys are looking into this issue. He hoped they will be allowed to continue to provide training to 16-18 year olds in a controlled environment.

They have a roundtable exchange scheduled for June 11, 2011 at Kanawha Ambulance Authority in Charleston. This roundtable is for instructors for Fire Officer 1 and 2.

The ASSET Conference is scheduled for November 4-6 at Canaan Valley Resort.

**Training, WVU-FSE**, Mr. Mark Doty stated junior firefighter camp is scheduled for June 26-30, 2011. They currently have 101 registered, 40 from out of state and 61 in-state.

In regards to Marcellus Shale training, they are looking at the program. It will be a 4 hour course. They are looking for funding.

They are finishing up 2 driver operator courses in north central West Virginia. They have two more scheduled in July.

The National Fire Academy weekend is scheduled for October 8-9, 2011.

**Insurance Services Office (ISO)**, Mr. Robert Nevins stated they recently submitted their annual report to the Insurance Commissioner's Office.

The Fire Suppression Rating Schedule has been on-going for several years. They hope to file it in the fourth quarter of 2011 and implement it in the first quarter of 2012. They have stepped back from two issues. One was the minimum staffing requirements from 4 to 6. They have stepped back to 4. The other was the recognition of compressed air foam.

He introduced Mr. Skip Gibson, who has assumed the responsibility of managing the West Virginia staff. He has been with ISO for about 5 years.

## **COMMITTEE REPORTS**

**Training Committee.** Commissioner James stated the committee met on June 9, 2011. 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 he had received applications for Fire Officer I and II. Commissioner Mongold made a motion to accept the following Fire Officer I Equivalency applications:

Joel Feltner, Nuttall VFD  
Douglas Estep, Morrisvale VFD  
Marrin McClung II, Wilderness VFD  
Stephen Conrad, Jr., Charleston FD

Commissioner Butcher seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

Commissioner Scott made a motion to accept the following applications for Fire Officer II Equivalency:

Joel Feltner, Nuttall VFD  
Jeffrey Warden, Bluefield FD

Commissioner Butcher seconded the motion. The ayes and nays having been taken on a voice vote, the motion passed.

**Recruitment and Retention Committee.** Commissioner Mongold stated they have been working with the associations to start a committee to see what kind of activity they can do to fill out a Safer grant application. This will probably take place at the Convention to be held in September.

**Special Issues Committee.** No report.

**Legislative Committee.** Commissioner Gunnoe stated two issues were discussed during the Committee meeting.

First, the workers comp legislation that was passed. Fire Marshal Lewis stated they have been on several conference calls with the Auditor's Office and NCCI, Insurance Commissioner's Office, trying to develop the program for the reimbursement to the volunteer fire departments on their worker's compensation on HB 3271 that was passed during the Legislative session. A circular from NCCI was faxed to all fire departments and a mailing will be sent to fire departments. They hope to implement this program by July 1, 2011 which is the deadline that Brickstreet will cut off the fire departments that they cover. The forms have been developed and a link will be put on our website to the Auditor's website for those forms. There are a few questions being raised: (1) Is the monies going to have to be paid up front on the premium? And (2) Will there be enough money for all fire departments? There should be an FAQ on the Auditor's website.

Second, a question of the section of code as to how fire department reports are submitted. Fire Departments who have no activity for the month and how they submit their reports to the Fire Marshal's Office. Fire Marshal's Office has been asked to review that section of the code and report back at the August meeting.

**Home Inspectors, Building Code Officials, Building and Fire Code Committees,** No report.

**TIME AND PLACE OF NEXT MEETING**

The next Fire Commission Meeting is scheduled for August 11-12, 2011, at the Country Inn & Suites, Beckley, WV. The meeting will commence at 9:00 AM.

**GOOD OF THE ORDER**

Fire Marshal Lewis requested a moment of silence for two firefighters that have passed away. They are Mr. Crook Clendenin, Racine VFD and Deputy Chief Mike Lilly, Beaver VFD.

**ADJOURN**

Commissioner Clayton made a motion to adjourn. Commissioner Mongold 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  
WV Fire Commission  
Training Committee Meeting  
June 9, 2011, at Summersville

The West Virginia State Fire Commission Training Committee convened on June 9 at 1330 hours at the Comfort Inn in Summersville. There were thirty one attendees including the five Commissioners of the Committee: James, Clayton, Gunnoe, Miller, and Mongold. Chairman James distributed the agenda with attachments.

First order of business was a report by legal counsel Stacey DeLong regarding junior firefighters. She read from Code 42, Series/Section 9, volunteer firefighters. She will deliver this report to the full Commission on Friday, June 10. Counsel and Staff will begin developing a junior firefighter "Do's and Don'ts" list. This will be placed on agenda for the August Training Committee meeting. Three points of interest were brought out during the discussion of junior firefighters. 1. Minor/junior firefighters may not leave school, except with parental, Principal, and Fire Chief approval to respond to incidents. 2. Junior firefighters need a "work permit" issued by the County Superintendent to participate in any department activity. 3. Junior firefighters attending Junior Firefighter Camp at Jackson's Mill at the State Fire Academy are covered by insurance specifically purchased by the Academy for the event.

Next discussion involved "Action Training System". This was submitted by Benwood Fire Company. The Training Committee's concerns were: How are upgrades handled? How are RESA and WVUFSE notified that students are beginning the course? What time limits should be attached to the course? How are current owners of the course notified that there are updates? Does the course cover all aspects of the NFPA Standards cited on their respective cover sheets or only parts of those Standards? This discussion was tabled until the August Training Committee meeting.

Mark Doty of West Virginia University Fire Service Extension gave an update to the Marcellas gas training. He will present this to the full Commission on Friday, June 10.

The next hour of the meeting was dedicated to the discussion of the submitted curriculum concerning NFPA 1006 "Standard for Technical Rescue". Many questions rose from the Training Committee. Most questions revolved around the "Rescue Core Prerequisites". Several asked if the JPR's covered in the forty hour "core" class were also covered in the actual rescue course. The answer was yes, but only as a refresher. Also, the same JPR's covered in the "core" class are expanded and enhanced in the rescue courses. It was stressed that the "Rescue Core Prerequisites" is basically an introduction to technical rescue. Chairman James called upon Chairman Sullivan to poll the Commissioners sitting on the Training Committee for guidance on the matter. The request for adoption of the "Standard for Technical Rescue" was unanimous and will be presented to the full Commission on Friday, June 10.