



Office of the City Clerk

The City of Morgantown

Linda L. Tucker, CMC
389 Spruce Street, Room 10
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
ltucker@morgantown.gov

AGENDA
MORGANTOWN CITY COUNCIL
SPECIAL MEETING
City Hall - Council Chambers
March 15, 2015
6:00 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL BY CITY CLERK**
3. **UNFINISHED BUSINESS:**
 - A. **Interview for FIRE CODE APPEALS BOARD: (to fill five vacancies)**

6:00 pm	Matthew Elshiaty - Legal
6:10 pm	Patrick Esposito – Professional Engineers
6:20 pm	J Vincent Bartling – General Contractors
6:30 pm	Mark Lambert – Fire Department Operations
6:40 pm	Edward Heyden – Fire Protection Contractors
4. **EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b) (2) (A) In Order to Discuss Personnel Matters in considering new appointments for the FIRE CODE APPEALS BOARD.**
5. **ADJOURNMENT**

If you need an accommodation contact us at 284-7439

Application to Serve on City Boards and Commissions

THE CITY OF MORGANTOWN HAS NUMEROUS COMMITTEES, BOARDS, AND COMMISSIONS COMPRISED OF CITIZENS WHO GIVE OF THEIR TIME IN VERY IMPORTANT CAPACITIES. STATE LAWS PRESCRIBE THAT SOME OF THOSE BODIES RETAIN MEMBERS WHO HAVE CERTAIN EXPERIENCE, EDUCATION OR PROFESSIONAL CERTIFICATIONS. WE ASK THAT YOU PROVIDE THE FOLLOWING BASIC INFORMATION SO WE MAY EVALUATE PROSPECTIVE APPOINTEES' QUALIFICATIONS IN AN EXPEDIENT MANNER. A RESUME OR OTHER PERTINENT INFORMATION MAY BE SUBMITTED ALONG WITH THIS FORM.

MR/MS: Matthew Elshiaty (WORK)/CELL PHONE: 304 225-0970

ADDRESS: 25 Wilson Ave HOME PHONE: 304-906-6635

Morgantown WV 26501 ZIP: 26501

EMAILADDRESS: me.lshiaty@kaycasto.com

CITY RESIDENT? YES X NO YEARS OF CITY RESIDENCY 2 WARD 2nd

WHO IS YOUR EMPLOYER? (If Retired, Answer "Retired"): Kay Casto + Cheney

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? Law Firm

JOB TITLE or JOB DESCRIPTION: Attorney

PROFESSIONAL CERTIFICATIONS/LICENSES: West Virginia State Bar #12535

B.A., J.D.

SPECIAL INTERESTS: Local Government, Municipal law

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

Fine Code Board of Appeals

BOCA BOARD OF APPEALS

BOARD OF PARKS AND RECREATION

BOARD OF ZONING APPEALS

BUILDING COMMISSION

FIRE CIVIL SERVICE

HISTORIC LANDMARKS

HUMAN RIGHTS

LIBRARY BOARD

MET BOARD

MORGANTOWN HOUSING ADVISORY COMMISSION

MORGANTOWN UTILITY BOARD

MUSEUM COMMISSION

PARKING AUTHORITY

PERSONNEL BOARD

PLANNING COMMISSION

POLICE CIVIL SERVICE

SISTER CITIES COMMISSION

TRAFFIC COMMISSION

TRANSIT AUTHORITY

TREE BOARD

URBAN LANDSCAPE COMMISSION

WARD & BOUNDARY

WOODBURN REDEVELOPMENT COMMISSION

SUBMIT TO: CITY CLERK, 389 SPRUCE STREET, RM.10, MORGANTOWN, WV, 26505.

APPLICATIONS WILL REMAIN ON FILE IN THE CITY CLERK'S OFFICE FOR 6 MONTHS UPDATED: 7/15

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MR/MS: Patrick R. Esposito WORK/CELL PHONE: 304.599.1384
Ph.D., P.E.

ADDRESS: 1257 Fairlawns Ave HOME PHONE: 304-599-5073

Morgantown WV ZIP: 26505

EMAILADDRESS: pesposito@whitmanaugusta.com

CITY RESIDENT? YES NO YEARS OF CITY RESIDENCY 45 WARD 4th

WHO IS YOUR EMPLOYER? (If Retired, Answer "Retired"): Whitman Augusta

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? Technology Development

JOB TITLE or JOB DESCRIPTION: President

PROFESSIONAL CERTIFICATIONS/LICENSES: Professional Engineer

SPECIAL INTERESTS _____

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

- | | |
|---|---|
| <input type="checkbox"/> BOCA BOARD OF APPEALS | <input type="checkbox"/> MUSEUM COMMISSION |
| <input type="checkbox"/> BOARD OF PARKS AND RECREATION | <input type="checkbox"/> PARKING AUTHORITY |
| <input type="checkbox"/> BOARD OF ZONING APPEALS | <input type="checkbox"/> PERSONNEL BOARD |
| <input type="checkbox"/> BUILDING COMMISSION | <input type="checkbox"/> PLANNING COMMISSION |
| <input type="checkbox"/> FIRE CIVIL SERVICE | <input type="checkbox"/> POLICE CIVIL SERVICE |
| <input type="checkbox"/> HISTORIC LANDMARKS | <input type="checkbox"/> SISTER CITIES COMMISSION |
| <input type="checkbox"/> HUMAN RIGHTS | <input type="checkbox"/> TRAFFIC COMMISSION |
| <input type="checkbox"/> LIBRARY BOARD | <input type="checkbox"/> TRANSIT AUTHORITY |
| <input type="checkbox"/> MET BOARD | <input type="checkbox"/> TREE BOARD |
| <input type="checkbox"/> MORGANTOWN HOUSING ADVISORY COMMISSION | <input type="checkbox"/> URBAN LANDSCAPE COMMISSION |
| <input type="checkbox"/> MORGANTOWN UTILITY BOARD | <input type="checkbox"/> WARD & BOUNDARY |
| <input checked="" type="checkbox"/> FIRE CODE BOARD OF APPEALS | |
| <input type="checkbox"/> WOODBURN REDEVELOPMENT COMMISSION | |

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MR/MS: J VINCENT BARTLING WORK/CELL PHONE: 304-292-6672

ADDRESS: 320 SMITH AVENUE HOME PHONE: _____
MORGANTOWN, WV ZIP: 26505-4736

EMAILADDRESS: jvbartling@comcast.net

CITY RESIDENT? YES X NO _____ YEARS OF CITY RESIDENCY 68 WARD 4th

WHO IS YOUR EMPLOYER? (If Retired, Answer "Retired"): BARTLING & McLAUGHLIN

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? ELECTRICAL

JOB TITLE or JOB DESCRIPTION: OWNER

PROFESSIONAL CERTIFICATIONS/LICENSES: WV MASTER ELECTRICIAN
WV CONTRACTOR'S LICENSE

SPECIAL INTERESTS _____

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- | | |
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MR/MS: Mark R. Lambert WORK/CELL PHONE: 304 687-7228

ADDRESS: 507 Burroughs St., Apt 505 HOME PHONE: Same

Morgantown, WV ZIP: 26505

EMAILADDRESS: mlambe13@gmail.com

CITY RESIDENT? YES X NO YEARS OF CITY RESIDENCY 2 WARD

WHO IS YOUR EMPLOYER? (If Retired, Answer "Retired"); WVU

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? Fire Education

JOB TITLE or JOB DESCRIPTION: Director, WV State Fire Academy

PROFESSIONAL CERTIFICATIONS/LICENSES: Certified Fire Investigator

SPECIAL INTERESTS:

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- | | |
|---|---|
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MARK R LAMBERT

SUMMARY OF QUALIFICATIONS

February 2015 – Present – Program Leader/Director of the WVU Fire Service Extension/Fire Academy.

February 1992 – January 2015 West Virginia State Fire Marshal's Office, Charleston, WV

- Jan. 2014 – Present – Field Deputy in charge of Investigations Division and the Public Education Division. Supervising 10-12 Field Investigators and 2 secretaries.
- Dec. 2011 Jan. 2014 – Field Supervisor for the Fire Marshal's Office, supervising 5-6 investigators around the state.
- Feb. 1992 – Dec. 2011 Assistant State Fire Marshal – Criminal Investigation Division
- Jan. 2011 – Created, implemented & oversee the SFMO drug testing policy. Created after analyzing several policies from state and local agencies both in and out of West Virginia.
- Co-created and implemented comprehensive training policy for newly hired sworn personnel of the SFMO.
- Created & implemented the FOIA Policy for the SFMO after analyzing multiple law enforcement agency policies.
- Worked on administrative rules & policies for the current WV explosives & arson related laws.
- Investigation and enforcement of Fire and Explosives related laws, expert opinion and advice on state policy on the subject matter.
- As past President of the WV- IAAI have analyzed and crafted policies with regard to arson related statutes in West Virginia
- Adjunct Faculty WVU Fire Service Extension (Arson/Explosives Instructor) have crafted and reorganized the training policies in this area as a subject matter expert. Part of course involves instructing students on why current laws and policies were implemented.
- Analyzed the policies & practices of the WV State Fire Commission as part of graduate school training.
- Spent 10 years on WVSFM Bomb Squad as a Hazardous Device Technician. Government dignitary protection details and device calls.
- Testified as an Expert in State & Federal Court
- WV Fire & Police Instructor and have also worked as a substitute teacher in WV Public school system.

EDUCATION

2009 – 2011 West Virginia University

Morgantown, WV

MA – Public Administration

- Policy analysis, administrative rules, budgeting & quantitative/qualitative analysis.

1986 - 1991 West Virginia University Morgantown, WV
BA – International Relations/History
■ Minor – Political Science/East Asian Policy/Affairs

PROFESSIONAL MEMBERSHIPS

Member – MENSA

Member - Boone Co. WVU Alumni

Member – Pi Alpha Alpha

AWARDS RECEIVED

2000 Award US Attorney's Office for Public Service

2003 Award US Attorney's Office for Public Service

2005 Award US Attorney's Office for Public Service

2/2016

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MR/MS: EDWARD HEYDEN WORK/CELL PHONE: 304-276-9850

ADDRESS: 2020 CARNEGIE ST HOME PHONE: 304-241-4009
MORGANTOWN WV ZIP: 26505

EMAILADDRESS: ed@edssystems.net

CITY RESIDENT? YES NO YEARS OF CITY RESIDENCY 39 WARD 6

WHO IS YOUR EMPLOYER? (If Retired, Answer "Retired"): EDS SYSTEMS NATIONAL TRAINING CENTER

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? LIFE SAFETY/ELECTRONICS

JOB TITLE or JOB DESCRIPTION: PRINCIPAL OWNER-EDS / SENIOR INSTRUCTOR-NTC

PROFESSIONAL CERTIFICATIONS/LICENSES: _____

NICET CERTIFICATION FIRE ALARM SYSTEMS #102077

WV STATE FIRE MARSHAL ELECTRICIAN LICENSE-LV028113180413

SPECIAL INTERESTS: Career: Code Instruction NFPA, IBC

LIFE SAFETY SYSTEMS INSTALLATION AND INSPECTION

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

- | | |
|---|---|
| <input type="checkbox"/> BOCA BOARD OF APPEALS | <input type="checkbox"/> MUSEUM COMMISSION |
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shall have the full authority and responsibility of principal members when serving in place of a principal member.

1.10.1.1.3 Members and alternate members shall be appointed based on their education, experience, and knowledge.

1.10.1.1.4 Members and alternates shall be appointed to a 3-year term.

1.10.1.1.5 Members and alternates shall be composed of individuals experienced in the following fields or professions:

- (1) Engineering or architectural design
- (2) General contracting
- (3) Fire protection contracting
- (4) Fire department operations or fire code enforcement
- (5) Building code enforcement
- (6) Legal
- (7) General public

1.10.1.1.5.1 Members and alternates shall not be employees, agents, or officers of the jurisdiction.

1.10.1.1.5.2 Members and alternates shall be residents of the jurisdiction.

1.10.1.1.5.3 No more than one member shall represent the same field or provision listed in 1.10.1.1.5.

1.10.1.1.6 The representative of the AHJ shall be an ex officio member and shall be entitled to participate in all discussions. The ex officio member shall not be entitled to a vote.

1.10.1.1.7 No member of the Board of Appeals shall sit in judgment on any case in which the member holds a direct or indirect property or financial interest in the case.

1.10.1.1.8 The board shall select one of its members to serve as chair and one member to serve as vice chair.

1.10.2 Rules and Procedures of the Board of Appeals. The Board of Appeals shall have the authority to establish rules and regulations for conducting its business that are consistent with the provisions of this *Code*.

1.10.3 Authority of the Board of Appeals.

1.10.3.1 The Board of Appeals shall provide for the reasonable interpretation of the provisions of this *Code* and issue rulings on appeals of the decisions of the AHJ.

1.10.3.2 The ruling of the Board of Appeals shall be consistent with the letter of the *Code* or when involving issues of clarity, ensuring that the intent of the *Code* is met with due consideration for public safety and fire fighter safety.

1.10.3.3 The Board of Appeals shall have the authority to grant alternatives or modifications through procedures outlined in Section 1.4 of the *Code*.

1.10.3.4 The Board of Appeals shall not have the authority to waive the requirements of the *Code*.

1.10.3.5 The Board of Appeals decisions shall not be precedent setting.

1.10.4 Means of Appeals.

1.10.4.1 Any person with standing shall be permitted to appeal a decision of the AHJ to the Board of Appeals when it is claimed that any one or more of the following conditions exist:

- (1) The true intent of the *Code* has been incorrectly interpreted.
- (2) The provisions of the *Code* do not fully apply.

- (3) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

1.10.4.2 An appeal shall be submitted to the AHJ in writing within 30 calendar days of notification of violation. The appeal shall outline all of the following:

- (1) The *Code* provision(s) from which relief is sought
- (2) A statement indicating which provisions of 1.10.4.1 apply
- (3) Justification as to the applicability of the provision(s) cited in 1.10.4.1
- (4) A requested remedy
- (5) Justification for the requested remedy stating specifically how the *Code* is complied with, public safety is secured, and fire fighter safety is secured

1.10.4.3* Documentation supporting an appeal shall be submitted to the AHJ at least 7 calendar days prior to the Board of Appeals hearing.

1.10.5 Meetings and Records.

1.10.5.1 Meetings of the Board of Appeals shall be held at the call of the chair, at such other times as the board determines, and within 30 calendar days of the filing of a notice of appeal.

1.10.5.2 All hearings before the Board of Appeals shall be open to the public.

1.10.5.3 The Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every question or, if the member is absent or fails to vote, these actions shall be recorded.

1.10.5.4 The Board of Appeals shall keep records of its examinations and other official actions.

1.10.5.5 Minutes and records of the Board of Appeals shall be public record.

1.10.5.6 A quorum shall consist of not less than 5 members or alternates.

1.10.5.7 In varying the application of any provision of this *Code*, or in modifying an order of the AHJ, a two-thirds vote of the quorum shall be required.

1.10.6 Decisions.

1.10.6.1 Every decision of the Board of Appeals shall be entered in the minutes of the board meeting.

1.10.6.2 A decision of the Board of Appeals to modify an order of the AHJ shall be in writing and shall specify the manner in which such modification is made, the conditions upon which it is made, the reasons therefore, and justification linked to specific code sections.

1.10.6.3 Every decision shall be promptly filed in the office of the AHJ and shall be open for public inspection.

1.10.6.4 A certified copy shall be sent by mail or delivered in person to the appellant, and a copy shall be publicly posted in the office of the AHJ for 2 weeks after filing.

1.10.6.5 The decision of the Board of Appeals shall be final, subject to such remedy as any aggrieved party might have through legal, equity, or other avenues of appeal or petition.

1.10.6.6 If a decision of the Board of Appeals reverses or modifies a refusal, order, or disallowance of the AHJ, or varies the application of any provision of this *Code*, the AHJ shall take action immediately in accordance with such decision.

Ryan,

The following have agreed to serve on the fire code board of appeals:

- Pat Esposito, representing professional engineers
- Vincent Bartling, representing general contractors
- Ed Heyden, representing fire protection contractors
- Mark Lambert, representing fire department operations

We still need one more member and one alternate member from the following:

- attorney
- general public
- building code enforcement

Mr. Esposito and Mr. Bartling also serve on the building code board of appeals, and will bring a wealth of knowledge on the operations of an appeals board and process.

You mentioned before you may know an attorney that would be willing to serve. It may be difficult to find a member of the general public as the city has open positions on numerous boards and commissions.

Ken

Captain Ken Tennant, CFO, MIFireE
Fire Marshal
Morgantown Fire Department
Fire Marshal Division
ORI: WV031011Y
(304) 284-7486 Office
(304) 284-7503 Fax