

**NEW HAMPSHIRE FIRE STANDARDS & TRAINING
COMMISSION**

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**MINUTES OF MEETING
June 4, 2015
(Approved)**

Voting Members Present:

Robert Buxton, Timothy Carney, Stephen Carrier (Chair), J.
William Degnan, J. Michael Joyal, Kerry LeBlanc, Peter Lennon,
Richard McGahey, Kevin Pratt, Brad Simpkins, Nancy Smith,
Jeremy Thibeault

Voting Members Absent:

William Campbell, David Lindh, Jr.

NHFSTEMS Staff:

Deborah Pendergast, Director; Jeffrey Phillips, BFTA Bureau
Chief; Nick Mercuri, BEMS Bureau Chief; Andy Anderson,
BFTA Deputy Chief; June Connor, Administrative Assistant
(minutes)

Guest: Timothy Robinson, Fire Officer Program Coordinator

I. CALL TO ORDER

Item 1. Call to Order The meeting of the New Hampshire Fire Standards & Training Commission was called to order by Chair Carrier at 9:10AM on Thursday, June 4, 2015 at the Richard M. Flynn Fire Academy, 98 Smokey Bear Blvd., Concord, NH. A quorum was present.

The Pledge of Allegiance was led by Commissioner Buxton.

II. APPROVAL OF MINUTES

A motion was made by Commissioner McGahey; seconded by Commissioner Buxton; to approve the minutes from the meeting on May 7, 2015. Commissioner Simpkins abstained. The motion was passed unanimously.

III. CHAIR'S REMARKS

Chair Carrier thanked the NHFSTEMS staff for the help they gave on May 7th when the legislators from the Criminal Justice and Public Safety Committee came to visit.

IV. COMMITTEE REPORTS

Item 1. Emergency Medical Services (Bureau Chief Nick Mercuri)

- **EMS week** was a success, and Chief Mercuri thanked all those who were involved.
- **Mobile Integrated Healthcare (MIH):** This is moving through the rule process, and we are still on track for the rules to go into place sometime this summer.
- **Trauma System Evaluation Grant:** Approximately \$75,000 will be spent to have a vendor do a trauma system evaluation; this is a year-long process, and a report will be ready by next spring.
- **EMS Compass project:** EMS bench marks are being considered. There is an open period right now, and eventually, EMS standards will be set nation-wide.
- **EVENT:** This is a national, anonymous reporting system that has been put on the home page of the TEMSIS website. Quarterly reports are public information, and NH reported issues get emailed to the Bureau of EMS.
- **NCCP:** The pilot program began on April 1st. This is the change from 72 hours down to a lower level because we are doing more targeted education. Courses and lesson plans to help training officers will be out shortly.
- **AEMT transitions:** Pass rates continue to be 10-12 points higher than the national average.
- The **Protocol roll-out** has been delayed by 2-3 weeks, due to the loss of 2 employees in the e-learning section.
- **Warm Zone training:** Deputy Chief Jon Bouffard will be traveling to Texas next week to evaluate a FEMA training program for EMS; we

may become a pilot site in July. This program will complement the warm zone best practices document that was put out in February.

Item 2. Fire Marshal's Office (J. William Degnan)

- This has been a busy time for investigations, and **significant progress has been made on several cases**, including arson fires in Exeter and Raymond as well as the recent arrest of Matthew Dion in Florida.
- **3 day arson for prosecutors class:** The majority of people attending this class are from New Hampshire, including people from the Attorney General's Office and County Attorney's Office. It has been 20 years since this class has been offered. Commissioner Degnan thanked the Fire Academy for allowing the use of the training grounds; the feedback has been positive.
- **Inspector Essentials at the North Country Training Facility:** This class provides continuing education on inspections, and every class offered has been at full capacity.
- **Pipeline Emergencies class:** Both classes offered were well-received. Several people from industry attended the session offered during the work week. They had a great impact on the quality of the class and made contacts with other attendees. Additional training packages from this class will be made available for those who could not attend; one will be located at the Fire Academy.
- **State Mobilization Plan:** Commissioners Simpkins and Degnan are working to see how this can be improved, using information gleaned from the busy fire season this spring in NH that involved communities and mutual aid groups working together.
- **Fire Investigator testing conducted at the Fire Academy:** There are 3 open positions, and several possible candidates have emerged. With the written exam and oral boards now completed, secondary interviews will be arranged.
- **Sprinkler Coalition:** This was formed recently to work on how to better educate the public, industry, and insurance companies regarding the subject of residential sprinklers. This will help counteract a great deal of misinformation. The focus right now needs to be on education rather than on the regulatory side of the issue. (A discussion took place about how the insurance industry is dealing with the topic of sprinklers and how rates are affected. Commissioner Degnan spoke about the NFPA 13R: Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies. This was originally designed for life

safety, and people are now saying that they want it to include things like billing protection.)

- **Marijuana bill:** This bill has passed, and DHHS is looking into rules that must be put into place regarding production, especially in the home setting. The Fire Marshal's Office has offered assistance to DHHS as they work through this process.
- **Fire Code update going from 2009 to 2015;** this should be on the Senate floor today (June 4th). It will probably be re-referred back to the committee in an attempt to better understand the code book.

Item 3. Forest Protection Bureau (Chief Simpkins)

- Due to the unusually busy fire season this spring, by the second week in May, Commissioner Simpkins reported that he had very few staff members available to help with all of the calls that were coming in. They went for 5 weeks without a break. The Lakes Region, Capital Area, and the Merrimack River Valley were particularly hard hit. The last time something like this happened was in the 1990's. **This experience, however, reinforced the need for training.** This spring, for example, there were many atypical fire incidents (examples: fire whorls, spotting, firefighters being outflanked, torching, helicopter usage). These things are not covered in an 8 hour wildland firefighter class.
- **Fire investigations** were also an issue this spring with the origins of several of the fires being suspicious in nature; some are occurring in the same area year after year.
- The **Fire Mobilization Plan** needs to be discussed and is greatly needed. Commissioner Simpkins got a lot of feedback on the subject this spring and is looking forward to working with Commissioner Degnan to develop the plan. The Seacoast Incident Management Team should be a great resource.
- **Fire related injuries** this spring primarily involved exhaustion and dehydration. Burn injuries were primarily incurred by private citizens who were trying to put out their own fires. There was a lot of property damage, particularly to campers and campgrounds.
- **Issue with wildland fire instructors:** Due to the state as one employer policy, people working for both DRED and instructing at the Fire Academy are affected. **Waivers will be submitted; Bureau Chief Phillips and Commissioner Simpkins are working together on this.**

- **Online permit system:** Though this was shut down for a while due to the spring fire emergency, it is now operational. Over 100 towns have signed up.

Chair Carrier stated that Chief Parisi will reach out to Commissioner Simpkins to help solve billing issues that arise regarding mutual aid during a crisis when towns come in from much further away and are not necessarily a part of the area's mutual aid system.

Item 4. Curriculum Review (Bureau Chief Jeffrey Phillips)

- We have received some great feedback from the Instructor I and Fire Officer programs. The last three fire officer programs have been full tuition programs.
- ProBoard exams will be redone this summer in order to bring them in line with the site visit we will be having.
- Also over the summer, a new fit test policy will be instituted for all staff and instructors who go into hazardous environments.
- A course coordinator train-the-trainer was just conducted in order to bring everyone up to speed regarding changes in online courses as well as the implementation this fall of standard evolutions; this will ensure that the same curriculum is taught in all classes, no matter where they are held. Feedback will be gathered after the fall classes are over, and periodic updates will be scheduled as needed.

Item 5. Hiring Practices (Commissioner Richard McGahey)

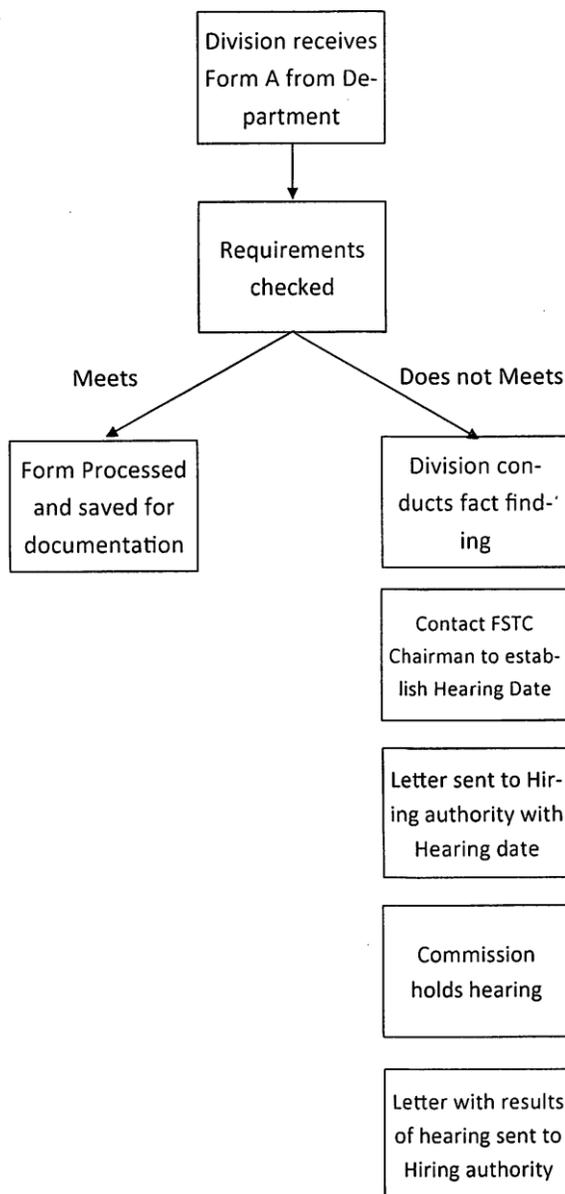
The sub-committee met on June 3rd to discuss how to hold towns, village districts, precincts, and cities accountable to the current hiring and training requirements in accordance with Chapter 700 of the Administrative Rules. The committee first reviewed Chapter 500 which details the authority of the FST Commission when rules and laws are not followed. At this point, the FST Commission has the right to hold hearings. Commissioner McGahey passed around a flow chart to explain how the hearing process would work (See page 6.)

Regarding hearings:

- They can be conducted during regular FST Commission meetings as long as a quorum is present. The Commission also has the option of appointing a presiding officer (normally, the chair) who is a Commission member; if this option is chosen, then the presiding officer must write up a report to then bring back to the Commission for a vote. Commissioner

Smith could not be the presiding officer if her purpose for being at the meetings is to give legal advice.

- If a person is found guilty at a hearing, the Commission has the authority to suspend the certification of the hiring authority for 90 days; however, this will be an empty threat for uncertified fire chiefs or town managers/aldermen.
- **The committee would like the Commission to convene a rules and regulations sub-committee whose task it would be to figure out a way to give the FST Commission the ability to levy fines to departments or municipalities.**



Comments/discussion on the hiring practices non-compliance issue:

- Director Pendergast stated that many town managers who are in charge of hiring firefighters are not aware of the hiring requirements. Bringing them into the process is a good idea. Commissioner McGahey added that letters detailing hearing findings should be sent to both the chiefs and hiring authorities after hearings are completed.
- 91-A request: As a result of an on-going lawsuit in a NH town, the Fire Academy received a 91-A request for all of the records of everyone who had passed the ladder climb in that town's department. **The issue is that although the ladder climb is part of the hiring requirements, the municipalities keep those records rather than the Fire Academy. The hiring practices sub-committee may want to look at this issue as well.**
- The Retirement System no longer works with the Fire Academy; many efforts to reach out to them have not been acknowledged. Their focus is only on whether or not the firefighter is being hired for a full-time, paid position.
- Commissioner Smith stated that **if the Commission holds hearings, they must become cognizant of the process involved.**
- Bureau Chief Phillips stated that the hearing process can be implemented now with the exception of the authority to levy fines so that those who are not complying with the rules right now can go through the hearing process. The Commission would be responsible for holding the hearing and doing the findings, and the NHFSTEMS staff would do the administrative process, including drafting letters on the Commission's behalf.
- A discussion took place about the effectiveness of FST Commission hearings without being able to levy a fine. In the end, Commissioner Smith stated that most towns are going to pay attention due to insurance issues, so there is an implied consequence to a finding even if it is not specifically mentioned in the rule. **A suggestion was made to contact Primex and LGC to ask their opinion on this issue.**
- A question was asked as to who should receive the findings letters and who should be copied? The hiring authority, be it the fire chief or a town manager, should receive the letter. If the town manager is the hiring authority, then the chief should be copied, and vice versa.
- **It was suggested that PFFNH and the Permanent Firefighters Association should be contacted so that they can try to communicate**

with the Retirement System about what they will do if the Commission finds someone guilty at a hearing.

- Director Pendergast stated that every new chief in the state now receives a handbook with all of the rules clearly spelled out.
- **Conclusion: The NHFSTEMS staff will draft a “Notice of Hearing” and a “General Finding” letter in preparation for the hearing process to go forward.**

The Hiring Practices sub-committee also discussed finger printing:

- **Finger printing and criminal background checks:** the following is what the committee would like to see inserted into the hiring standards:
- **Fingerprints and Criminal Records Checks:** Each applicant shall meet the following requirements relative to the applicant's fingerprints, criminal and motor vehicle record checks.
- The hiring authority shall cause each applicant for employment as a full-time or part-time career fire fighter to be fingerprinted, notwithstanding that the applicant may already be employed by another agency. The applicant's fingerprints shall be submitted to the division of state police for the purpose of determining the existence of any criminal history record. The hiring authority shall also check for the existence of a criminal history record and motor vehicle violation history record in New Hampshire and wherever the applicant has resided.
- No applicant who has been convicted of a felony under federal law, or the law of this or any other state, province, territory or country, unless he/she has been pardoned, shall be appointed as a full time or part-time career fire fighter, Fire Chief, Fire Officer, Fire Marshal or Fire Investigator and Fire Inspectors.

Commissioner Smith stated that this rule is not yet in its final form and that voting on it by the Commission could take place once that task is completed. Commissioner Lennon requested that “fire inspector” be added to the wording. A discussion ensued about state versus national checks, and the commission decided that national checks should be required.

A concern was expressed about whether or not requiring finger print checks would bring up the issue of unfunded mandates. The candidates would be required to pay for their fingerprint and criminal record checks.

Motion made by Commissioner Thibeault; seconded by Commissioner Smith – to ask the NHFSTEMS staff to formulate the fingerprint and criminal record checks rule language to include a national search; passed unanimously.

V. REPORT OF THE DIRECTOR

Director Pendergast was present and gave the following report:

Facilities:

- North Country waiting for final FA plan, otherwise finishing up second bathroom over the next few days. Project over 90 % complete.
- FAA funding of ARFF repairs/upgrades- preliminary letter denying funding, we are still asking questions, backup in Capital budget
- Still waiting for final word on 2014 grant funding for over \$400,000 worth of fire and EMS equipment
- Drill yard/apparatus:
Engine 3 is in service and being used. Our engine 1 was having more issues, was o.o.s again, but is now in service

Budget:

The process is still ongoing at the State House, but to this point our budget is still in tact. We had a meeting with the Business Office regarding the Fire Fund. We are taking measures to be extremely conservative with our budget and also changing how and what we charge for some of our programs.

Programs:

- Attended a meeting regarding all of the driver and apparatus operator programs. A report will be forthcoming.
- We met yesterday to finalize plans for the upcoming budget year class scheduling. We are attempting to meet the needs of all areas of the state with all levels of training and certification classes.
- Recruit school orientation is June 15. We have a full class with about 8 students on the wait list.

EMS continuing education classes: These have started at the Academy; they are held monthly, and breakfast is cooked by the staff.

NHFSTEMS Senior Staff Retreat: June 23rd. The budget will be one of the top items at the retreat.

The Director also spoke about **staffing news at the Division:**

- Captain Jim Lindquist has given his notice. His position will be posted.
- Two part time people have been hired to work in the e-learning department as educational technologists. They are replacing the two people who were let go as part of the “state as one employer” policy.

Director Pendergast concluded her report by stating that the subject of **fire chief credentialing** was discussed at a recent Fire Chiefs Executive Board meeting that she attended yesterday (June 3rd). Both the board and the Division are interested in improving the professionalism of fire chiefs in NH. It should be noted that all police chiefs in the state are credentialed, but the same does not hold true for fire chiefs. In fact, there are fire chiefs in the state who do not even have Firefighter I. A sub-committee was formed to investigate what can be done without alienating the volunteer fire departments.

Commissioner McGahey spoke about reports he has received regarding the Fire Academy not being in working order during classes. In particular, the A and B buildings were not available for use due to issues with padgenite and gas lines. In addition, cars were not available for the auto extrication class. Director Pendergast will look into this. She did mention that Kidde did an inspection and gave the B building its approval; the roof was also repaired. Deputy Chief Anderson did comment that the B building was down for one day because a blower motor was not operational. He also explained that in the A building, the problem is not with the padgenite itself, but rather with the tracks that hold it up; replacement tracks are on order, but they have not yet come in.

VI. OLD BUSINESS

Item 1. Medical Requirements for Training

This policy has not yet been formalized. It should be done soon and will hopefully be in place after July 1st. Bureau Chief Phillips passed out a draft copy of the new medical release form. A discussion ensued about the complications of requiring physical exams. In the end, if a fire chief signs-off, he/she must also submit a copy of the documentation. The other option is for a physician to sign off on the form saying that the firefighter can perform the functions described on the second page of the form.

Item 2. Academy Awards

Nominations must be submitted within the next couple of days. **The list of past recipients will be sent out again.** (NOTE: emailed to all on 6/8/15) It was suggested that past commissioners be recognized. July 1 is the “drop dead” date.

VII. NEW BUSINESS

Item 1. Report from the NFPA 1002 (Fire Apparatus/Driver Operator) Visiting Committee (Andy Anderson)

Deputy Chief Anderson reported that the visiting committee met twice during April and May to provide the Commission with a preliminary recommendation of how the Division should proceed with the delivery of the Driver/Operator programs. Though it was determined that no major changes in the Standard were necessary, the committee did suggest an improved delivery of the 1002 programs. The report of the committee follows, and Deputy Chief Anderson thanked Todd McKee and Eric Uitts for their work on the visiting committee.

2015 NFPA 1002 VISITING COMMITTEE RECOMMENDATIONS

Emergency Vehicle Driver Training (EVDT) – Driver/Operator-All Vehicles (D/O-AV)

- Discontinue using the VFIS EVDT curriculum.
- Use NHFA staff & subject matter experts to develop a modular curriculum (Classroom Presentation & Skill Drills) using the format of the existing Driver/Operator-Pumping Apparatus & Driver/Operator-Aerial Apparatus curriculum.
- Adopt IFSTA's Pumping Apparatus Driver/Operator Handbook, 3rd Edition as the reference text for the curriculum (using only the pertinent chapters, i.e. driving, inspection & maintenance, etc.).
- Integrate the Traffic Incident Management System (TIMS) curriculum developed by the US Department of Transportation & US Fire Administration into the overall curriculum as a module.
- Design the curriculum in such a way that it can also serve as a preparatory class for students working to obtain a New Hampshire Class B Commercial Driver's License (CDL-B).
- Use NHFA staff to work with representatives of the NH Department of Motor Vehicles and other subject matter experts to investigate the development of testing procedures for students working to obtain a NH CDL-B (integration of CDL testing into the D/O-AV program).

Driver/Operator-Pumping Apparatus (D/O-P)

- Continue using the curriculum (Classroom Presentation & Skill Drills) developed by NHFA staff and adopted by the New Hampshire Fire Standards & Training Commission in June of 2012.
- Adopt IFSTA's Pumping Apparatus Driver/Operator Handbook, 3rd Edition as the reference text for the curriculum.
- Use NHFA staff & subject matter experts to update the current curriculum to reflect the switch to the IFSTA text.

Driver/Operator-Aerial Apparatus (D/O-A)

- Continue using the curriculum (Classroom Presentation & Skill Drills) developed by NHFA staff and adopted by the New Hampshire Fire Standards & Training Commission in September of 2010.
- Adopt IFSTA's Pumping and Aerial Apparatus Driver/Operator Handbook, 3rd Edition as the reference text for the curriculum.
- Use NHFA staff & subject matter experts to update the current curriculum to reflect the switch to the 3rd edition of the IFSTA text.

Motion made by Commissioner Lennon; seconded by Commissioner Thibeault – to accept the recommendations of the visiting committee for the Driver/Operator Pumping Apparatus and Aerial Apparatus programs and to establish 2 pilot programs; passed unanimously.

(**NOTE:** EVDT/DOAV has not yet been finalized and will be brought before the Commission at a later date.)

Item 2. Report from the NFPA 1021 (Fire Officer) Visiting Committee
(Tim Robinson)

Three meetings were held within the last month. The visiting committee recommends that the Jones & Bartlett text continue to be used, but it needs to be upgraded to the 3rd edition.

Some minor changes were made to the way project assignments were worded, and it was suggested that there be added training on paperwork and report writing.

The bulk of the committee's time was spent working on how students should be seated in the class. Students who go through all of their firefighting training and then take Fire Officer without having had any actual experience working on a department tend to impact the quality of the class in a negative way. The committee recommended that students have a minimum of 2 years of experience after having taken Firefighter I before being allowed to take Fire Officer I. In addition, the visiting committee asked that the FST Commission allows the Fire Officer program to go to the 3rd edition of the Jones and Bartlett text.

A discussion about course prerequisites followed. To clarify, the current prerequisites for Fire Officer I are as follows:

- Firefighter II certification
- H806 or both ICS 100 and ICS 200
- Fire & Emergency Services Instructor I

NOTE: Those who meet all but Instructor I will receive a certificate of attendance until such time as they successfully complete Instructor I. Then they can take the written exam for Fire Officer I certification. It is also important to note that those who take Instructor I after having taken Fire Officer I can only take the Fire Officer I certification exam if the standard is the same as it was when they originally took the course.

Concern was expressed about the fairness of the 2 year waiting period in terms of limiting the ability of firefighters to serve within their own communities; this is particularly true for the smaller departments who do not offer a lot of training. Tim Robinson explained that the visiting committee discussed this issue at length, and they concluded that in the smaller departments, most people do not take Firefighter II until they have already had at least a year or two of experience, so he questioned just how much of a burden the 2 year waiting period would be. The committee also discussed the option of having

the fire chief submit a letter of support for the applicant, but this was done in the past without much success. Commissioner Buxton observed that because there is a “soft” prerequisite (Instructor I) for the Fire Officer Program in an effort to provide education to more people, it does not make sense to have a “hard” prerequisite of a 2 year waiting period after Firefighter I which will limit education for those who want to take the same program. Bureau Chief Phillips added that Recruit School and Lakes Region Community College students will be the only ones to go straight through without getting a lot of actual department experience; he suggested that these students be accepted into Fire Officer I on a “space available” basis; this would give preference to fire department members.

Motion made by Commissioner Pratt; seconded by Commissioner Degnan – to accept the recommendation of the Fire Officer visiting committee to go to the 3rd edition of Jones & Bartlett for the Fire Officer I program; passed unanimously.

Motion made by Commissioner McGahey; seconded by Commissioner Buxton – to not accept the prerequisite requirement for Fire Officer I of a 2 year waiting period after completion of Firefighter I; passed unanimously.

Motion made by Commissioner Joyal; seconded by Commissioner Thibeault – to give priority seating in Fire Officer I to those who are officers, members of a NH fire department, and have at least 2 years of experience; opposed by Commissioner McGahey and approved by Commissioners Buxton, Carney, Carrier, Degnan, Joyal, LeBlanc, Lennon, Pratt, Simpkins, Smith, and Thibeault; motion passed.

VIII. GOOD OF THE ORDER

No items were discussed.

IX. ADJOURNMENT

Motion was made by Commissioner McGahey; seconded by Commissioner Thibeault, to adjourn the meeting at 11:50AM; passed unanimously.

Remaining 2015 schedule:

9:00AM meetings: September 3, 2015.

The November 5, 2015 meeting will begin at 3:00PM and be followed by the Academy Awards Ceremony at 7:00PM.

Respectfully submitted,

Deborah A. Pendergast, Director

Prepared by June Connor, Administrative Assistant I