

STATE OF NEW HAMPSHIRE



Mechanical Safety Board

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**MEETING MINUTES
MECHANICAL SAFETY BOARD
August 20, 2014**

Timothy Dupont
Chairman
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William Trombly Jr
Vice Chairman
bill@billtrombly.com

Omer Beaudoin
Member
omeranddolly@comcast.net

Steven Chartier
Member
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Steve Labbe
Member
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David Pelletier
Member
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Lyndon Rickards
Member
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Terrell Swain
Member
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The scheduled meeting of the Mechanical Safety Board was held at 33 Hazen Drive, Concord, NH on the above date, beginning at 10:15 am. The members present and participating were Tim Dupont, Steve Labbe, Steven Chartier, David Pelletier, Omer Beaudoin and Terrell Swain. Absent were William Trombly Jr and Lyndon Rickards. Also attending were Shana Warriner, Administrative Supervisor / Board Secretary, Jeffrey Cyr, Chief Mechanical Inspector and Matthew Labonte, Bureau Chief and Dept. of Safety Attorney David Hilts.

Non-Public Meeting

On the motion of Tim Dupont and second of Omer Beaudoin the board voted to conduct a non public session for the purpose of discussing confidential board business, namely a matter which if discussed in public would likely affect adversely the reputation of a person, other than a member of the body or agency itself and records pertaining confidential information noting that such a non public session is authorized by RSA 91-A:3,II(c) and RSA 91-A:5,IV.

Upon the motion of Tim Dupont and Steve Chartier the Board voted to withhold and seal the minutes of the non public session from public disclosure pursuant to RSA 91-A:3,II on the grounds that public disclosure would be likely to affect adversely the reputation of a person other than a board member. Each member recorded his or her vote on the motion which passed by the unanimous vote of all members present.

Call Meeting to Order.

Meeting was called to order at 10:15 am.

Motion by Tim Dupont to approve Sean Galloway's' application, second by Steve Labbe. All in favor.

Motion by Tim Dupont to approve Dennis Boucher's application, second by Omer Beaudoin. All in favor.

Motion by Tim Dupont to approve Jeffrey Zabriskie's application, second by David Pelletier. All in favor

Approve Minutes from Previous Meeting

Motion to accept July 16th minutes by Tim Dupont second by Omer Beaudoin. All in favor. David Pelletier abstained.

Motion to accept July 25th minutes by Tim Dupont second by Omer Beaudoin with amendments specific to the justification for the emergency meeting as suggested by Attorney Hilts. All in favor. Dave Pelletier abstained.

Public Comment

Pat Tormey from the Dept. of Education informed the board that they are doing an investigation on Career Institute in Salem. July 31st they did a site visit. They have a HVAC program so she wanted to inform the board of the investigation. Dept. of Education will be having its 2015 & 2016 provider's education and will be doing some more focusing on gas trainees. They will come back to the board when they have further information and coordinate their efforts with Chief Cyr.

Correspondence

None

Training

- a. Heritage Gas Training Program: Motion to table at minimum to the September board meeting by Tim Dupont, second by Dave Pelletier.
- b. NATE Training & Testing Programs: Motion to table until at least the September board meeting by Tim Dupont in its entirety as well as "Item a" until they get additional information. Steve Labbe wants to know what was discovered by Chief Cyr. Tim revised his motion to table "Item a", second by Dave Pelletier. All in favor 4 yay and 1 Nay. Tim motioned to table "Item b" until the September board meeting, second by David Pelletier. Reason is to gather more information and research specifically dealing with emergency 300 rules and he wants to make sure there are no conflicts with the recently enacted 300 rules. Steve Chartier's concern is that we didn't table CETP or any of the Trade Schools. All in favor to discuss 2 yay 3 nay, motion fails. Omer Beaudoin made a motion to keep excepting NATE until the September meeting, second by Steve Chartier. Attorney Hilts can put things on record and cannot prevent Steve Chartier from voting even though he suggested he abstained from voting due to things discussed in a previous non-meeting. Against the advice of counsel Steve Chartier did not recuse himself. David Pelletier stated as we have approved the 300 rules and NATE does not meet the requirements, and we except NATE that wouldn't be good business for the board. Chief Cyr had a letter from NATE dated 11/28/2007 stating that they were not a classroom program just a testing program. They do not qualify under the new rules that the board approved. Anyone before July 28th can use NATE anyone after July 28th and emergency rules does not meet the requirements. Steve Chartier had a letter from the president of NATE stating they require 140 hours of training. Public input was provided by Jim Fusco of Granite State Trade School stating according to 301.14, NATE does not meet the requirements. Public input was provided by Bob Wilkins who was the chairman of the Heating Advisory Committee, stating that "rules are rules". They would need to make amendments to the rules. Mr. Wilkins advised that NATE is a nationally recognized training and only 25% of the states

require licensing so other states that don't require licensing wouldn't be able to use NATE certification if they came to our state and would essentially have to start from the beginning and that this isn't logical. Chief Cyr responded by letting Mr. Wilkins know they will be eligible for testing with the NATE certification in those states that do not have formal licensing. Tim Dupont said he wanted to take the vote on the motion by Omer Beaudoin to keep excepting NATE until September board meeting. All in favor 1 yea and 3 nays, motion fails.

Committee Reports

- a. BCRB Update - Summer Hiatus.
- b. Rules Working Group Update – The committee didn't meet since the implementation of the emergency 300 rules. Should be meeting within the next two weeks.

Legislative Update

- a. HB 1383 – Pending final vote and Governor's signature.

Old Business

- a. 300 Rules did not get put on discussions agenda by JLCAR which means they are not going to be challenging the emergency rules. They will be in effect until January 2015.
- b. 332-G:10 Criminal Conviction Discussion will be further discussed in the September board meeting.

New Business

- a. Consent agreements: Chief Cyr told the board the potential hearing in September for an individual most likely won't be happening as he has one last meeting with the attorney and he anticipates the consent agreement will be signed.
- b. Chief Cyr presented three proposed consent agreements, one for an owner of a company and two for installers. They installed equipment improperly and within hours a fire broke out. Employees stated they did what they were told by the owner. Chief Cyr went over the agreement in detail. The three consent agreements that were signed were for Owner Russell Gilpatrick #GFE0802652 and Installer Jonathan Rolfe #GFE0802651 and Installer Bradley Fitzgerald #GFE0801565. Motion to approve consent agreements by Tim Dupont second by David Pelletier. All in favor.

Chief Inspectors Report

Chief Cyr reviewed his report with the board. He said they would like to implement a short quiz at the end of code update seminars to make sure information is being retained. This would benefit the providers to see how they could improve and what is working. Chief Cyr also notified the board that "List Serve" is up and a notice with the option to opt in or out via email will be coming out soon. People who opt into the service will be able to get notifications and important information via email. Also, on September 4th FW Webb and the inspectors will have a booth set up at the NHMS (New Hampshire Motor Speedway) for any questions for the public regarding our program.

There will be a public hearing on the 100 and 200 rules September 17th at 11:00am. That will be run by Attorney David Hilts.

With no further business to address the Board meeting adjourned at 12:10 pm. ***The next meeting of the Board will be September 17, 2014 at 10:00 a.m., 98 Smokey Bear Blvd. Classroom 1., Concord NH 03301***

End of Minutes