

NH Fire Standards and Training Commission**MEETING MINUTES** (Not Approved)**September 3, 2020**

9:30AM **In person meeting and call in option available**

Richard M. Flynn Fire Academy
98 Smokey Bear Boulevard
Concord, NH 03301

Action items are in bold red.

FST Commission members present:

Jeremy Thibeault (Chair), Robert Buxton (Vice Chair), Richard C. Bailey Jr., Allan Clark, Justin Cutting, Robert Field, Jason Greene, J. Michael Joyal, Steven Sherman, Nancy Smith (late), and Eric Wilking **(11)**

FST Commission members not present:

William Campbell, Ashley Frame and Paul Parisi **(3)**

FST Commission members via phone:

Kerry LeBlanc **(1)**

Division of Fire Standards and Training & EMS Staff:

Director Deborah A. Pendergast, Assistant Director Jeffrey Phillips, Captain John Keller, Captain Ted Tillson and Hayley O'Brien **(5)**

I. CALL TO ORDER

Item 1. The meeting was called to order at 9:30AM. Chair Thibeault read the "Checklist to Ensure Meetings are Compliant with the Right-To-Know Law during the State of Emergency" then Hayley did a rollcall attendance.

Item 2. Following the Pledge of Allegiance, Chair Thibeault asked for a moment of silence for Goffstown Captain Steven Tower

Item 3. Members were made aware there are no expirations for the remainder of the year.

- This will be removed from the agenda until upcoming expirations are within 6 months of their expiration date.

II. REPORTS

Item 1. Questions/comments regarding reports (Division, EMS, CB, FMO, Forest Protection, Curriculum)

Director Pendergast added a couple items to her report:

- The Division has been awarded the 2019 AFG Grant. Receiving approximately \$485,000 to put towards the purchase of a ladder truck.
- The Division is still awaiting final word on what the budget cut will be. 79% of the budget is payroll for instructors and unfortunately this will be decreased. The Division

understands the difficulty in limiting the classes being offered. Some instructors are still not comfortable in a teaching situation at this time, some full time departments have reached out to the Division and expressed that they have asked their members to be present in their full time job over their part time job and overtime stretches the budget. The Division has just finished 2 Firefighter II programs and 1 Firefighter I program. The Keene class currently going on now will end in October, the Concord class should end late September and Recruit School starts at the end of September. Fire Investigator has been eliminated from this budget year. A reduction in Fire Officer, Fire Investigator, Firefighter I and Firefighter II.

- There are still 5 vacant full time positions at the Division that are not able to be filled at this time. No full time staff cuts have been made, but depending on the final word from the Governor about the budget, some part time staff members may be cut.
- 8 CPAT waivers have been approved by the Director, based on their SJD and non-fire suppression duties. 1 individual was approved for a training requirement waiver based off his certifications, Master's Degree in Fire Science & Administration and extensive years in the fire service. 704.01 - Determination of a Waiver lays out this approved waiver. The Attorneys Office also confirmed the capability to approve this waiver.

Item 2. Legislative Report (Chief Mercuri absent – Director Pendergast reported)

- The rule regarding Ambulance Equipment, adding in Air Medical Transport, now has a scheduled hearing.
- The Administrative Rules in regards to the reimbursement process for the medical evaluations to those eligible individuals is moving along. Once the information is available, the division will distribute this information. At this time, nobody has submitted for reimbursement.

III. APPROVAL OF MINUTES

A motion was made (Wilking/Plummer) - to approve the minutes for the June 4, 2020 meeting; passed unanimously.

Bailey	Yes
Buxton	Yes
Clark	Yes
Cutting	Yes
Field	Yes
Greene	Yes
Joyal	Yes
LeBlanc	Yes
Sherman	Yes
Smith	Yes
Thibeault	Yes
Wilking	Yes

IV. SUB-COMMITTEES

Item 1. Administrative Rules Sub-Committee (Reported by Commissioner Smith)

- Nothing to report other than Nancy has been temporarily assigned to the GOFERR's Office for Emergency Relief and Recovery.

Item 2. Curriculum Review Sub-Committee (Commissioner Clark absent)

- Will discuss in the New Business section of the agenda.

Item 3. Visiting Committees:

- **Haz Mat NFPA 1072** – (Reported by Commissioner Buxton)
Nothing to report.
- **Firefighter NFPA 1001** – (Reported by Chair Thibeault)
Discussion under New Business.
- **Technical Rescue NFPA 1006** – (Reported by Chair Thibeault)
Nothing to report.
- **Fire Officer NFPA 1021** – (Reported by AD Phillips)
Nothing to report.
- **Instructor NFPA 1041** – (Reported by AD Phillips)
Working on a prototype. Hoping to meet with Commissioner Cutting within the next 30 days and bring a proposal to the Curriculum Committee to move forward.

V. OLD BUSINESS

Item 1. Review of Current Committees

Visiting Committee Liaisons list will be updated and sent to the Commission members.

The Current Committees listed are in statue, therefore they are not going away. Even though they have not met in quite some time, it is important that the Commission keeps a seat on it.

VI. NEW BUSINESS

Item 1. NFPA Firefighter I & II Curriculum

A lengthy discussion ensued including, questions, comments and concerns.

Commissioner Clark explained The Visiting Committee constructed a formal presentation to the Curriculum Committee to discuss how they developed the program. After this meeting, the Curriculum Committee recommended proposed changes that the Commission would hold a public comment/hearing to obtain information from the public and move this process forward. Covid has delayed this process and put them behind schedule. All the information presented is available to anyone who would like it. The Visiting Committee was asked to streamline where it

is possible. They eliminated select in person lectures, established prerequisites, decreased some hours in FFI, but also added new things to FFI, prominent changes were in FFII. The Visiting Committee was instructed to only teach to the standard, but FFII over the years had accumulated quite a few additional items. Plus, some items originally in FFII are now in FFI. Taking FFI & FFII concurrently would be less hours than what FFI originally was. Once the public hearing ends, the comments will come back to the Curriculum Committee and staff to review and make any necessary changes.

Commissioner Sherman expressed concerns with moving the curriculum forward as presented. Concerns regarding meeting certifying needs, basic level classes and not reducing the hours enough to allow for volunteer departments ability to attend. Commissioner Sherman stated that keeping FFI and FFII as certifying levels, programs shouldn't be cut to reduce hours.

Commissioner Joyal asked about the motion to amend shown on the chart outlining the hours. Commissioner Wilking explained the excel spreadsheet that he created to show the hours spent in each section. Commissioner Wilking pointed out that at the Curriculum Sub-Committee meeting, the members were told they had 2 choices, to either support what the Visiting Committee recommended and bring it to the Commission or reject the recommendation and send it back to the Visiting Committee to be reworked. Commissioner Wilking reviewed his proposed recommendation of the curriculum from the Visiting Committee to the Commission members. Commissioner Wilking stated that the process for approving a curriculum wasn't clear.

Commissioner Clark stated that the current approval process is that the Curriculum Committee receives the report of the Visiting Committee, then the Visiting Committee voted to send the recommendation to the Commission for preliminary approval to schedule a public hearing. Commissioner Clark stated that making changes to the proposed curriculum at this Commission meeting does not follow the approved process. At this point, Commissioner Clark stated that the Commission can either accept the recommendation from the Curriculum Committee and hold a public hearing or reject it. Once the public hearing has been held, the Commission then has the ability to send it back to the Curriculum Committee for further revisions based on the comments from public hearing. Commissioner Clark reiterated that at today's Commission meeting, the correct process is to either accept the recommendations or reject them. A discussion about any changes to the recommendations would occur at the next Commission meeting, after the public hearing.

Commissioner Buxton clarified that at the public hearing, the Commission would be posting the work from the Visiting Committee, not the Division's work.

Chair Thibeault mentioned the policy that the Commission voted on to follow for the approval process. The time to discuss and look at the breakdown of hours is at the post public hearing meeting. Commissioner Buxton and Commissioner Joyal agreed that the Commission needs to follow the approved policy and process.

Commissioner Wilking asked for a clarified explanation of what is being voted on. If the Commission approves the proposed recommendations, the curriculum goes to a public hearing for comment. If the Commission rejects the proposed recommendations, the recommended curriculum from the Visiting Committee goes back to the Curriculum Committee to handle it or send to the Visiting Committee. Commissioner Buxton clarified that sending the curriculum to a public hearing does not support or not support any hours, it provides the stakeholders the opportunity to give their input.

Commissioner Cutting read the policy for the approval process. Chair Thibeault mentioned the Commission created the policy, meaning they also have the ability to change it, just not midstream. Commissioner Cutting agreed with Commissioner Wilking that changes should be made to the curriculum before the public hearing. Commissioner Clark read the flowchart process again and stated that changes to the recommendations from the Visiting Committee are to be made after the public hearing.

Commissioner Bailey asked what the timeframe would look like if the proposed recommendations were sent back to the Curriculum Sub-Committee. Commissioner Clark stated that it depends what the Curriculum Committee decides to do. If they decide to send it back to the Visiting Committee, it would significantly delay the process, such as 3 to 4 months. Commissioner Buxton stated that regardless of sending the recommendations back to the Curriculum Committee or accepting the recommendations today, a public hearing will still need to occur as it is in the process. Noting that on top of the 6 month delay due to Covid, any more of a delay in this process will not allow for the curriculum to be ready for the spring 2021 classes.

Chair Thibeault stated that a flaw in the approval process flowchart and policy was recognized and will need to be addressed. There is a motion on the floor and no harm is seen by sending the proposed recommended curriculum to a public hearing for comments. Noting that change is still allowed to the curriculum after the public hearing.

Assistant Director Phillips reminded the Commission that the 60 day public comment period does not happen until the Commission votes on it. Meaning if the recommendations proposed to the Commission today is not approved, the Commission would need to hold a special meeting prior to November. The public comment period would then go from the beginning of November to the beginning of January. AD Phillips stated that he is not advocating rushing this process, but he wanted to ensure that all the Commission members are aware of what the timeline would look like at this point.

A motion was made (Clark/Field) - to accept the curriculum for Firefighter I and II as proposed by the Visiting Committee and move it to public comment and hearing. Motion carries with 7 yes votes and 5 no votes.

Bailey	Yes
Buxton	Yes

Clark	Yes
Cutting	No
Field	No
Greene	No
Joyal	Yes
LeBlanc	Yes
Sherman	No
Smith	Yes
Thibeault	Yes
Wilking	No

Chair Thibeault thanked all Commission members for their debate and passion on this topic. Reminding the Commission members that all proposals are not off the table. The public hearing information will allow the Commission to proceed in the correct direction on a reasonable timeline.

Item 2. Review of the Sub-Committee Policy

The Curriculum approval guide was developed by the Curriculum Committee and approved by the Commission. AD Phillips suggested the Curriculum Committee review and clarify the policy and procedures for the November Commission meeting.

A motion was made (Clark/Buxton) – *the Curriculum Committee evaluate and potentially revise the approval process and policy due to the apparent conflict between the chart and verbiage;* passed unanimously.

Bailey	Yes
Buxton	Yes
Clark	Yes
Cutting	Yes
Field	Yes
Greene	Yes
Joyal	Yes
LeBlanc	Yes
Sherman	Yes
Smith	Yes
Thibeault	Yes
Wilking	Yes

VII. GOOD OF THE ORDER

Item 1. The Division altered the delivery of their current Fire Officer II program due to Covid to include a remote instruction and individual break out session and it was very successful.

VIII. ADJOURNMENT

A motion was made (Buxton/Field) – *to adjourn the meeting at 11:00 AM*, passed unanimously.

NEXT MEETING: November 5, 2020 at 9:30 AM

(Minutes: Hayley O'Brien, Administrative Assistant)

DRAFT