

NH Fire Standards and Training Commission**MEETING MINUTES** (Approved)**June 1, 2017**

9:00AM

Richard M. Flynn Fire Academy, Classrooms 5 & 6, Dormitory Building
98 Smokey Bear Boulevard
Concord, NH 03301

FST Commission members present:

Jeremy Thibeault (Chair), Robert Buxton (Vice Chair), William Campbell, Amy C. Clark, Justin Cutting, Michael J. Joyal, Kerry M. LeBlanc, Richard P. McGahey, Kevin Pratt, and Nancy Smith
(10)

FST Commission members not present:

Richard C. Bailey, Jr., Stephen Carrier, J. William Degnan, Peter Lennon, and Steven Sherman (5)

Division of Fire Standards and Training & EMS Staff:

Assistant Director Jeffrey Phillips and June Connor (Administrative Assistant) (2)

Guest for Administrative Rules Public Hearing: Jeffrey Brown (1)

Guests for Calligandes Public Hearing: George Calligandes (Firefighter/Paramedic for the Town of Epsom), Chief R. Stewart Yeaton (Town of Epsom), Kelly Dearborn (Administrative Assistant for the Town of Epsom), and Donald Harty (Chair of the Epsom Board of Selectmen)
(4)

NOTE: "Action items" are in bold red.

I. CALL TO ORDER

The meeting was called to order at 9:06AM; a quorum was present with 9 in attendance at that time. A 10th member arrived a few minutes later.

Commissioner LeBlanc led the Pledge of Allegiance. There were no opening remarks.

NOTE: In order to accommodate those who were in attendance for hearings, some of the items on the agenda were taken out of order; their sequence is noted in these minutes.

II. NON-PUBLIC SESSION

The commissioners voted in favor of going into a non-public session to deliberate over an exam re-take waiver request.

III. APPROVAL OF MINUTES (IV on the original agenda)

Item 1. March 10, 2017 - Public

Commissioner Pratt requested that these minutes include more on the discussion that took place regarding testing for PFOAs. (POST MEETING NOTE: Here is what was added to the March 10th minutes):

IV. New Business

Item 3. Director Pendergast's nomination...."After her remarks about what has been accomplished during her tenure, the Director addressed Commissioner Pratt's concern about the closing of training facilities in the state. He asked if PFOA testing had been done at the Academy as it was done at other training facilities. Director Pendergast stated that Class B foam was not used at the Academy. Commissioner Degnan explained that the Dept. of Environmental Services determines where the testing will take place based on priorities. The Academy was not on its list of priorities."

Motion made (Pratt/Smith) – *to approve the minutes from the March 10, 2017 FST Commission public meeting, as amended to include points of discussion regarding PFOA testing*, passed with 4 abstentions (Cutting, Campbell, Buxton, and Joyal)

Item 2. April 6, 2017 – Public

Motion made (Cutting/McGahey) – *to approve the minutes, as written, from the April 6, 2017 FST Commission public meeting*, passed with 4 abstentions (LeBlanc, Joyal, Campbell, and Buxton)

Item 3. March 10, 2017 – Non-Public

Motion made (Smith/Joyal) – *to approve the minutes, as written, from the March 10, 2017 FST Commission non-public session*, passed with 4 abstentions (Cutting, Campbell, LeBlanc, and Buxton)

Item 4. April 6, 2017 – Non-Public

Motion made (Cutting/McGahey) – *to approve the minutes, as written, from the April 6, 2017 FST Commission non-public session*, passed with 4 abstentions (LeBlanc, Joyal, Buxton, and Campbell)

Item 5. May 4, 2017 – Retreat

Motion made (Buxton/Smith) – *to approve the minutes, as written, from the May 4, 2017 FST Commission retreat*, passed with 2 abstentions (LeBlanc and McGahey)

IV. REPORTS (V on the original agenda)**Item 1. Fire Marshal's Office – Director Degnan**

Commissioner Degnan was not present; no report was submitted.

Item 2. Forest Protection Bureau – Chief Sherman

Commissioner Sherman was not present; no report was submitted.

Item 3. Curriculum Review – Assistant Director Phillips

- The Fire Officer III and IV visiting committees continue to meet. The members will be reviewing curriculums from the Alabama Fire College.
- Fire Investigator Program – The required practical evolutions are being finalized. At this point, it looks like the program will be two weeks long with some online work and a mock fire investigation.
- A 3-day nuclear power plant training program is being held at the Academy.
- Commissioner McGahey asked about how many programs had Firefighter I as a prerequisite. Currently, Firefighter I is a prerequisite for pumps, aerial, and Firefighter II. Prerequisites adhere to what the standards are for any given program. **Assistant Director Phillips will research to see if any other programs require FFI.** (Point of clarification: Haz Mat Awareness/Operations is a prerequisite to be able to test for Firefighter I certification.)

Item 4. EMS Coordinating Board – Commissioner Thibeault

- Commissioner Thibeault was not present at the last CB meeting, held on May 18, 2017. Assistant Director Jeffrey Phillips was present and stated that a quorum was not present, so the meeting was not an official one; no votes were taken.
- It was mentioned that with licensing season over, we are up about 100 providers from last year. About 400 providers were de-activated. This is a typical attrition rate, compared to past years.

Item 5. FST & EMS Director's Report

Director Pendergast was not present, and no report was given.

V. HEARINGS (Ill on the original agenda)

Item 1. 9:31AM: David Hilts was on hand to open the public hearing on Fire 100-900 NH Fire Standards and Training Commission Rules. No one from the public was on hand so the hearing was suspended to give extra time for members of the public to appear. (9:32AM)

Item 2. Hearing for the Epsom Fire Department / George Calligandes

- The time listed on the agenda for this hearing (10:30AM) did not match the time that was on the notice of hearing letter that was sent out (9:30AM); the 9:30AM time slot was honored.
- Chair Thibeault was the presiding officer, and Assistant Director Jeffrey Phillips presented on behalf of the Division.
- Ten exhibits submitted by the Division were accepted as evidence. Chief Yeaton brought 2 additional documents that were accepted as "Epsom #1 and Epsom #2", even though they were not submitted 5 days prior to the hearing. Commissioner Smith cautioned Chief Yeaton that this should not be done for any cases in the future.
- A discussion ensued regarding the fact that Mr. Calligandes did not have his CPAT certification prior to being hired by the Town of Epsom on February 15, 2014 and that a waiver could not be granted because his job description listed fire suppression as a

primary job responsibility. (CPAT waivers are only granted to those whose job descriptions do not include fire suppression as a primary responsibility; i.e. fire chiefs, fire investigators, etc.)

- There were issues with the Form A (Exhibit 2) that was submitted in 2014, including an initialed statement on the form, written by Chief Yeaton, that Mr. Calligandes would have his CPAT within a year of his hire date as well as a box which was checked off by Chief Yeaton indicating that Mr. Calligandes was not a lateral transfer. In addition, a staff member from the Division checked off on the Retirement System form, used at that time, that Mr. Calligandes had met the hiring requirements.
- Mr. Calligandes' employment for TriTown Ambulance, in between his employment at the Londonderry Fire Department and his start in Epsom, could not be counted as continuous years of service because he was not in Group II retirement while employed for TriTown Ambulance.
- The group discussed the definition of emergency response; it cannot be defined as "EMS" in the Fire rules.
- Because mistakes were made on both sides and 2 years had gone by before the issue was brought to the forefront in 2016, the FST Commission members tried to determine what a fair solution would be.

Motion made (Smith/McGahey) – *that there was a violation of the hiring requirement, Fire 701.01(e) and Fire 702.01, relative to the CPAT pre-hiring requirement and that Mr. George Calligandes does not meet the requirements for granting a waiver based on his job description for the Town of Epsom. This finding will be effective as of September 30, 2017 unless documentation is submitted prior to that date that the CPAT pre-hiring requirement has been met.*

Roll call vote:

Robert Buxton	Y
William Campbell	Y
Amy C. Clark	Y
Justin Cutting	Y
Michael J. Joyal	Y
Kerry M. LeBlanc	Y
Richard P. McGahey	Y
Kevin Pratt	Y
Nancy J. Smith	Y
Jeremy Thibeault	Y

Motion passed unanimously.

Commissioner Buxton requested that the NH FST&EMS staff present an update on this case to the FST Commission at the September meeting.

V. HEARINGS (continued from page 3)

- Attorney David Hilts re-opened the Public Hearing regarding the Fire 100-900 NH Fire Standards and Training Rules at 11:00AM. Two members of the public showed up but did not want to testify. Attorney Hilts closed the public hearing at 11:00AM and turned off his recorder.
- The FST Commission voted on the 4/5/17 version of the rules; this version was also approved by the Commissioner of the Department of Safety.
- The Commissioner wanted the FST Commission to consider several changes to the 4/5/17 version, most of which are grammatical in nature for the final proposal that will go to JLCAR.
- One substantive change was on page 29, regarding PART Fire 704 Waivers. After much discussion, the FST Commission agreed to table this discussion until Phase II or the rule revision process.

Motion made (Smith/Joyal) – *to approve the final proposal with amendments discussed at this meeting on June 1, 2017*; passed unanimously.

- Attorney Hilts will make the changes to the rules and try to get the commissioner's approval and submit them to JLCAR by the end of business on Friday, June 2, 2017. If this occurs, then they will be on the JLCAR agenda for the June 16th meeting; if not, the next JLCAR meeting is in July.
- Attorney Hilts asked the FST Commission to vote on 1 or more commission members who do not constitute a quorum to represent the FST Commission at the JLCAR meeting.

Motion made (Smith/Joyal) – *to approve that either the FST Commission Chair, Vice Chair, or a designee attend the JLCAR meeting to represent the FST Commission when the Fire 100-900 rules are considered*; passed unanimously.

(Vice Chair Robert Buxton was named.)

Attorney David Hilts left the meeting at 12:05PM.

VI. OLD BUSINESS**Item 1. Administrative Rules sub-committee**

This item was handled during the public hearing.

Item 2. Saf-C 6200 Rules on administrative fees (RSA21-P:14-VII)

No update.

Item 3. NHOODLE accounts for FST Commissioners

Commissioner Cutting thanked Assistant Director Phillips for setting up these accounts which proved very helpful.

Item 4. Statewide training needs assessment

Chief Nick Mercuri was not present to give a report.

VII. NEW BUSINESS**Item 1. Live fire training in acquired structures**

This item was tabled until the September FST Commission meeting.

Item 2. Fire Service Award of Excellence and Academy Award for Sept. 25th ceremony

- **Chair Thibeault asked the sub-committee to take over the nominations for these awards which are due by July 1, 2017.**
- **He also stated that the sub-committee list should be addressed at the January, 2018 meeting.**

VIII. GOOD OF THE ORDER**Item 1. PFOA Testing**

Motion made (Pratt/Clark) – *to ask the Division of Fire Standards and Training & Emergency Medical Services to research testing for PFOA at the Academy.*

Roll call vote:

Robert Buxton	N
William Campbell	N
Amy C. Clark	Y
Justin Cutting	Y
Michael J. Joyal	Y
Kerry M. LeBlanc	Y
Richard P. McGahey	Y
Kevin Pratt	Y
Nancy J. Smith	Y
Jeremy Thibeault	Y

Motion passed with 2 in opposition (Buxton and Campbell).

Item 2. FST Commission membership update

- June Connor has not received any letters from the Governor's Office regarding term renewal approvals.
- Commissioner Thibeault is the current FST representative to the EMS Coordinating Board, and his term expires on August 31, 2017. **The FST Commission will have to vote on this position at the September meeting; it will be added to the agenda.**

IX. ADJOURNMENT

- The meeting ended at 12:20; a quorum was not present at this time.
- **Next scheduled meeting: September 7, 2017**
- **Remaining 2017 schedule: November 2, 2017**

Respectfully submitted,

Director Deborah A. Pendergast

NH FST& EMS

(Notes prepared by June Connor (Administrative Assistant I))