

NH Fire Standards and Training Commission**MEETING MINUTES** *(Approved)***May 3, 2018**

9:00AM

Richard M. Flynn Fire Academy, Dormitory classrooms 5 & 6

98 Smokey Bear Boulevard

Concord, NH 03301

FST Commission members present:

Jeremy Thibeault (Chair), Robert Buxton (Vice Chair), William Campbell, Stephen Carrier, Justin Cutting, Ashley Frame, J. Michael Joyal, Kerry LeBlanc, Peter Lennon, Richard McGahey, Kevin Pratt, Steven Sherman, and Nancy Smith **(13)**

FST Commission members not present:

Richard C. Bailey, Jr. and J. William Degnan **(2)**

Division of Fire Standards and Training & EMS Staff:

Director Deborah Pendergast, Assistant Director Jeffrey Phillips, Bureau Chief Justin Romanello, Captain Scott Cathy, and June Connor **(5)**

Guests:

Chief Allan Clark from Sugar Hill (pending representative for NHAFC) **(1)**

NOTE: "Action items" are in bold red.

I. CALL TO ORDER

Item 1. The meeting was called to order at 9:35AM when a quorum of 8 people was present. Commissioner Lennon led the Pledge of Allegiance. 5 more voting members arrived late. Commissioner Ashley Frame, from the Dept. of Education, introduced herself to the group.

Item 2. The "Standard Error of Measurement" public hearing was opened by Chair Thibeault. Captain Scott Cathy was on hand to answer questions. No guests were present to make comments on this subject.

II. REPORTS (See attachments)

There were no comments or additions to the submitted reports. No report was submitted from the Fire Marshal's Office.

III. APPROVAL OF REPORTS AND MINUTES

Item 1. May 3, 2018 reports

(Buxton/Carrier) – *A motion was made to accept the reports submitted for the May 3, 2018 FST Commission meeting*, passed with abstentions from Commissioner Frame.

It was agreed by all that in the future, **no motions/votes will be necessary for reports.**

Item 2. February 1, 2018 minutes

Commissioner Pratt requested that these minutes be amended to include his question as to whether or not there was a 5-year contract between Nextgen Nuclear Power Plant/Seabrook Station and the Fire Academy; his concern centered on the impact this would have on other training taking place at the Academy. This could not be included because the discussion occurred when no quorum was present.

A motion was made (Cutting/Buxton) - *to approve the minutes, in their original form, for the February 1, 2018 meeting*; passed with abstentions from Commissioners Sherman, Campbell, Lennon, Smith, and Frame.

Item 3. March 1, 2018 minutes

A motion was made (Cutting/Lennon) – *to accept the minutes from the March 1, 2018 meeting*, passed with abstentions from Commissioners Frame, Buxton, and Campbell.

IV. OLD BUSINESS

Item 1. Administrative Rules Sub-Committee

This sub-committee will meet after today's meeting (May 3, 2018).

Item 2. Curriculum Sub-Committee (Standard Error of Measurement)

This sub-committee has not met pending the results of today's public hearing.

Item 3. Retraining for additional testing – internal policy

(See attachment)

- The SC recommends that students who fail twice after taking a Firefighter I program, then do the re-training and fail twice again should go before the FST Commission.
 - Commissioner Buxton stated that the NH FST&EMS staff should make these types of decisions rather than the FST Commission.
 - Director Pendergast stated that the Division is open to having students who fail twice in the program and then fail twice in the re-training be required to re-take the full program again rather than going before the commission to request additional testing.
- Commissioner Joyal expressed concern regarding lapses of time between testing.
 - AC Phillips explained that if new editions of the program go into effect, students will be required to meet the new requirements of the new standard before testing.
 - ProBoard allows for a 12 month window for re-testing to the old standard when a new standard takes effect.
 - Students who take the online Jones and Bartlett re-training are required to buy codes which last for 365 days; this is an incentive to not wait too long.
 - Students are also advised by the staff to re-take exams as soon as possible.

A motion was made (McGahey/Buxton) – *to change the last sentence of the “Implementation of Fire 403.07 Retesting” policy to read, “In the event a student fails the certification exam two additional times, he/she will be required to re-take the full program.”* Passed with an abstention from Commissioner Frame.

- The first student to take the re-training has now passed the test. A second person has completed the training but has not yet re-tested. Students who take re-training programs are asked to fill out evaluations indicating how well they felt the program prepared them for re-testing.
- Commissioner Cutting asked about the vision for the other programs. AC Phillips answered that this could be done very similarly for Firefighter II. However, figuring out a retraining program for programs that are short in duration could be challenging. The curriculum sub-committee will discuss this.
- Commissioner Pratt expressed concern about increasing failure rates. AC Phillips explained that high school program results can negatively impact the results. **He will look into this in more detail.**

A motion was made (Buxton/McGahey) – *to approve the Fire 403.07 retesting policy with the amended language;* passed with an abstention from Commissioner Frame.

Item 4. Modular Education – instructor sign-off on course request form to ensure compliance

- Bureau Chief Andy Anderson completed an internal investigation and submitted a report of his findings.
- Students have the option of either re-doing the module that did not meet the standards or having credit for the module removed from their transcripts.
- The instructor sign-off is still a work in progress; this is an IT related issue.

V. NEW BUSINESS

Item 1. Academy Award nominations

The sub-committee submits recommendations to the Director. The FST Commission does not discuss the nominations during meetings. Director Pendergast announced that there is one nomination so far. The deadline for submissions is today, May 3, 2018.

Item 2. Sub-committee meetings

- Sub-committee meetings are considered to be public meetings under the “Right to Know” law.
- Quorums must be present (Example: If you have a committee of 3, 2 members could be present and 1 member could be on the phone. All votes in this type of situation must be done by roll call.)
- Meetings must be noticed, and minutes need to be taken.
- Email meetings are not allowed, unless it is an emergency; the unavailability of members does not constitute an emergency.
- Video conferencing does not constitute physical presence.

Item 3. Approval of NFPA 1033 Fire Investigator curriculum

- 2 public hearings were held, and no one attended either one.
- The 60 day comment period is now over. 2 comments in support of the program were received.
- Commissioner Degnan previously recommended that, due to legal reasons involving fire investigators, grades should not be disclosed; it should be strictly pass/fail.

A motion was made (Lennon/Campbell) – to approve the NFPA 1033 Fire Investigator program as amended regarding pass/fail, passed with an abstention by Commissioner Frame.

Item 4. Approval of NFPA 1003 Airport Firefighter curriculum

2 public hearings were held, and the 60 day comment period ended yesterday.

No one showed up for either hearing and no comments were received.

A motion was made (Carrier/Buxton) – to approve the NFPA 1003 Airport Firefighter program; passed with an abstention by Commissioner Frame.

Item 5. Commissioner Pratt inquired as to the test date for PFOA testing on the Academy grounds. AC Phillips was in contact with DES within the last couple of weeks and reported that DES wants the water in the retention area to go below-grade before the test is done so that they can dig down to the water table.

Item 6. Commissioner Buxton inquired about the establishment of a visiting committee for the Haz Mat NFPA 1072 programs. **AC Phillips will follow up with this.** He did say that we are waiting for the test bank to get released.

Item 7. Commissioner Cutting asked that thank you notes be sent to the visiting committee members once their work is completed. **A letter will be drafted.**

Item 8. Strategy and Planning

Director Pendergast gave a report on behalf of Chief Nick Mercuri.

- We are in receipt of the .8 million dollar Substance Abuse and Mental Health Services (SAMHSA) grant. The money will be dispersed at just over \$800,000 per year over 4 years. Interviews have been held and conditional offers have been made for the 2 full time positions involved with this grant.
- Just yesterday, the Governor's Commission on Drugs and Alcohol released to our Division just over \$70,000 to be spent on more law enforcement Narcan training, disbursement of Narcan kits, and addressing the behavioral health of emergency responders. (The Division is now drafting a program for compassion fatigue and behavioral health for first responders.)
- A hand-out was distributed of the results of the 2016 strategy and planning session with the FST Commission. Any changes in opinion should be expressed to Chief Mercuri soon before the May 11th senior staff retreat during which a strategic plan draft will be put together. No one had any questions or comments.

Item 9. Fire 602.01 implementation

Information packets were mailed out this week to all of the fire departments in the state. This rule requires all fire departments to submit annual rosters for fire personnel.

Item 10. SB 544 – moving the equivalent of 2% of the insurance tax fees from the General Fund to the Fire and EMS Fund.

The bill has been amended to allow the Division in FY19 to use \$130,000 of General Funds. We have been instructed to fix the funding issue in the next budget cycle. We are looking at lapsing between 10 and 13% of our budget over the next 2 years, including the Fire Marshal's Office. At the end of FY19, the Fire Fund and the Instruction Account that we have will both be at 0. Many members of the legislature do not like the idea of dedicated funds.

Item 11. Commissioner Pratt asked about the process involving selling the ladder truck. All surplus has to go through the state surplus system. AC Phillips added that we may be able to trade it, but there are many steps involved in this process. The majority of "stuff" goes to the White Farm and gets sold at auction. \$500,000 of grant money will help to pay for the new ladder truck.

VI. GOOD OF THE ORDER

- Bureau Chief Justin Romanello was introduced to the group. He has taken over as the Bureau Chief of EMS at the Division.
- Commissioner Stephen Carrier will be stepping down as the representative of the NHAFC when his term expires in November. Chief Allan Clark will be taking his place, upon approval from the Governor; he was on hand to speak to the group.
- Commissioner J. William Degnan has resigned; his last meeting will be on June 7th.
- Commissioner Richard McGahey, representing the Permanent Firefighters, will also be stepping down when his term ends in November.
- Closing of the public hearing for Standard Error of Measurement – 9:58 AM.

VII. ADJOURNMENT

A motion was made (Joyal/Carrier) – to adjourn the meeting at 10:00AM; passed unanimously.

NEXT MEETING: June 7, 2018

REMAINDER OF 2018 SCHEDULE:

- September 6, 2018
- November 8, 2018