

# **NEW HAMPSHIRE FIRE STANDARDS & TRAINING COMMISSION**

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## **MINUTES OF MEETING September 3, 2015 (Approved)**

### **Voting Members Present:**

Robert Buxton, William Campbell, Stephen Carrier (Chair),  
William J. Degnan, Michael J. Joyal, Kerry LeBlanc, Peter  
Lennon, David Lindh, Jr., Richard McGahey, Kevin Pratt, Nancy  
J. Smith, Esq., and Jeremy Thibeault

### **Voting Members Absent:**

Timothy Carney, Brad Simpkins

### **NHFSTEMS Staff:**

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

## **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, September 3, 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 Lindh.

## **II. APPROVAL OF MINUTES**

*A motion was made by Commissioner McGahey; seconded by Commissioner Lennon; to approve the minutes from the meeting on June 4, 2015. Commissioner Lindh abstained. The motion was passed unanimously.*

### **III. CHAIR’S REMARKS**

Chair Carrier lamented the end of summer!

### **IV. COMMITTEE REPORTS**

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

Topics covered are from the latest EMS Bureau Report ([July-August 2015](#)) and are listed below:

- Protocol, law enforcement provider, and investigative rules were presented to JLCAR on August 20<sup>th</sup>.
- Trauma registry update
- EMS in the Warm Zone
- Mobile Integrated Healthcare (MIH)
- ELITE
- Education section update
- Grant funding
- 2015 protocols
- CAT tourniquet failure issue

#### **Item 2. Fire Marshal’s Office** (Fire Marshal J. William Degnan)

- Director Degnan’s office is concerned with the number of structure and car fires as indicated in 911 reports.
- Oversight of amusement rides is essential, emphasized by the recent brake failure incident in Cornish.
- There is a potential for criminal charges to be filed regarding the tent collapse at the Lancaster Fairgrounds due to permit and license violations. There is a lot of confusion as to how many people got injured because many went to their primary care physician after the fact.
- Later this month, a letter will be going out about a tent services workshop that will focus on existing codes and whether or not there is a need to look further and deeper into the subject.

#### **Item 3. Forest Protection Bureau** (Chief Brad Simpkins)

Chief Simpkins could not be present due to his agency’s involvement with the fire emergencies out west. No report was submitted.

#### **Item 4. Curriculum Review** (Bureau Chief Jeffrey Phillips)

- Instructor I and II/III programs are now scheduled through the end of April, 2016. A goal is to schedule programs well in advance.

- This fall, there will be a light schedule due to the continuing resolution; the Division only has half of last year's budget to work with at this time.
- Pro Board – our accreditation is up for renewal. In preparation for a site visit, test banks are being revalidated and new exams are being created to better follow along with Pro Board's policies and procedures.

**Questions asked by the FST Commission members:**

**Q:** With budget issues, what programs are suffering?

**A:** Fire Officer, which is in high demand

**Q:** Has the funding of Firefighter I and II programs been stopped?

**A:** No. There is a plan to have a funded program this spring in the seacoast area. There is a difference between a "funded" and a "contractual" program; they have different funding sources. "Contractual" means that the Division contracts with another organization and pays them to run a training program. For example, the Division was paying the IEU \$80,000 annually to run two Firefighter I programs. A cost analysis revealed that the Academy could do the same 2 programs for less than \$80,000. When a funded program is run, the student gets charged 35% of the actual program cost, and 65% is picked up by the Academy, per DOS Administrative Rule. Simply put, it costs 65% for an Academy class and 100% for a contracted class.

**Q:** Will the accreditation process be affected by the budget?

**A:** No

**Q:** There were some fully funded programs offered in which students paid the full price. How did those programs do?

**A:** The same as any other class. Requests for these types of classes are on the rise, particularly with driver operator and pumps classes. The Academy will run the programs that can be subsidized, but if someone wants to run a program that goes above and beyond that, we will work with them by letting them know how expensive it is to run. The Division now has the ability to take in additional funding to run a program. Depending on what the program is, this can be a viable option for many departments, though the cost of a Firefighter I or II program will probably be too cost prohibitive for most departments.

**There is a need to clarify the budget issue to lessen misunderstandings.**

Bureau Chief Phillips reiterated that ultimately, all decisions about what programs to run should be based on what is best for the New Hampshire fire service; if things are added to programs so that they become longer, then money has to be taken from other programs because there is no additional

funding. The FST Commission needs to keep this in mind as decisions are made about program additions.

### **Item 5. Academy Awards**

A list of the Academy Award recipients was distributed. They are as follows:

- Skip Sullivan
- Shawn Murray
- Assistant Commissioner Kevin O'Brien
- George Klauber
- Rodney Towne
- National Fallen Firefighters Foundation
- Center for Public Safety Excellence

This year, the Award of Excellence will go to Philip St. Cyr from Primex.

**Former Commissioners Mike Brown and George Klauber will be notified that they will receive recognition plaques at the ceremony.**

“Instructor Emeritus” – Those who have been active instructors for a minimum of 30 years at the state level are given this distinction. They no longer have to maintain their instructor status as a result. Those who have achieved this status include Steve Allen, Ray Chandler, Mike Clark, Paul Fortier, Bob Goudreau, Brent Lemire, and Richard Martel. Bureau Chief Phillips is not sure how the recipients were actually recognized. More are now in line to receive this distinction, including John Beland, Less Cartier, Mark Lemay, Kris Soderberg, and Gary Johnson. (Jeff is researching whether or not Jim Hayes and Ron O'Keefe also meet the criteria; Commissioner Carrier said they have been active and should be included in the list.)

*A motion was made by Jeremy Thibeault; seconded by Robert Buxton - to invite the Instructor Emeritus recipients to the Academy Awards ceremony and call them up as a group to be recognized for their service.*

**Post FST Commission meeting note: Rick Mason informed us that certificates were given to Instructor Emeritus recipients in the past.**

### **Academy Awards schedule:**

- Photos at 5:30PM (Commissioners who need to have portrait photos updated can have them done at this time.)
- Dinner at 6:00PM
- Awards ceremony at 7:00PM

**Task for the Nominating Committee (LeBlanc, Simpkins, and McGahey):**

**Work needs to be done on nominating the FST Commission Chair and Vice Chair for the 2016 season. This needs to be done by the next meeting on Nov. 5<sup>th</sup>.** The vote will be taken on January 7<sup>th</sup>. Commissioner Carrier

welcomed all those who wish to throw their hats into the ring. Please contact Commissioner LeBlanc ([kleblanc@hanover.com](mailto:kleblanc@hanover.com)) to express your interest in being considered by the Nominating Committee.

## **V. REPORT OF THE DIRECTOR**

Director Pendergast was present and gave the following report:

### **Facilities:**

- North Country classroom over 95% complete. NFPA 1584 Rehab class there this evening.
- FAA funding of repairs and upgrades to the ARFF has been denied. Continuing to work with DOT Aeronautical and our NH delegation who is working in Washington to put a Federal push on the project.
- We are in the process of repairing hydrants on the drill yard. One was completed yesterday along with some grading repairs around the hydrant.
- We took delivery of our new flashover simulator a couple of weeks ago. It is completely installed, has been tested and we are in the process of TtT classes.

### **Apparatus:**

- The bid has gone out for our mini pumper and has been awarded. We had to go back to fiscal because of crossing budget years with this project. We will go to G&C next week. We should have that onsite within 90-120 days.

### **Budget:**

- The process is still ongoing at the State House. We are working with a continuing resolution budget. Not to be alarmist, but we had a meeting with the business office regarding our Fire Fund and are close to crisis mode with our funding. We are taking measures to be conservative with our budget and changing some of the outdated fees of our programs. Two EMS field offices have been closed (Milford and Lebanon) and the employees were brought to Concord. Up in the North Country, the Gorham EMS office was relocated to a building which is now shared with the DMV, cutting our costs by about 25%. This is our busiest field office, and so there are no plans to shut it down. Out-of-state travel is only approved if it is truly needed. There are now 120 fewer instructors on the payroll, eliminating fees that had to be paid to the Business Office. To bring in revenue, we are now charging a facility use fee for outside agencies. In our original budget of around 6.4 million dollars, we cut \$600,000. On top of that amount, the Business and Commissioner's Offices are asking that we cut an additional 7%. This adds up to about 1 million dollars less in our budget than had been anticipated. Our Division is funded through the Fire Fund, and some of the proceeds also go to the Fire Marshal's Office as well as Homeland Security. The Fire Fund brings in approximately \$8 million dollars a year, while the three agencies combined spend approximately 10 million dollars a year. By the end of 2017, there will be less than \$500,000 left in the fund. The Fire Fund has been very flat for the last several years. Meetings continue with the Business Office to try to figure out ways of dealing with this situation. We have also been working with the Grants Management Office to learn more about what is available through grant funding, such as the EVDT program.
- We just received word from FEMA, confirmed by Senators Shaheen and Ayotte, that our 2014 AFG Grant is being awarded. (\$465,000 total, used to purchase a training ambulance, a female high-tech simulation mannequin to be used both at the Academy and around the state, 42 new air packs, 4 new thermal image cameras, and 2 commercial quality smoke-generating machines)

**Programs:**

- We are redoing the EVDT/driver operator program and will recommend the addition of the TIMS module to the Commission. This will make it eligible for grant funding and can be offered to all depts. across the state.
- This fall, Nov.10, we will be hosting Primex and the Fire Chief Symposiums at the Academy again, very popular last year.
- Recruit school orientation began June 15. They recently completed FFI and are now in the FFII portion of the program

**Student Medical Release Form:**

- (See under VI, Item 1 below.)

**Questions for the Director:**

**Q:** Can the Commission see a copy of the Fire Academy's budget?

**A:** Yes

**Q:** What are the other funds that service the Fire Academy?

**A:** Our entire operating budget comes out of the Fire Fund. The only other thing we have for other sources of income are grant monies and tuition. **A budget presentation will be put on the agenda for the next FST Commission meeting in November, including both the Fire Academy and Fire Fund budgets.**

Bureau Chief Phillips added that had the budget not been vetoed, the Fire Fund money set aside for Homeland Security (\$500,000 – \$600,000) would have been eliminated. The Fire Fund currently funds 85% of what the FST Commission is responsible for and 11% of Homeland Security and Emergency Management needs. Commissioner Degnan offered an historical perspective, explaining that the Fire Fund was originally intended to fund fire services in NH. Fire training was to be the priority and then fire safety was to be phased in. EMS and Emergency Management were added later on and were never part of the original plan. In the past 3 or 4 years, some of the Fire Fund money has also been used to help balance other budgets.

**Q:** Where are we on the dual-employment waivers?

**A:** The waivers that were submitted for those who teach the Wildland program and also work for the Division of Forests and Lands were granted; however, the instructors can only teach the Wildland program.

## **VI. OLD BUSINESS**

### **Item 1. Medical Requirements for Training**

A copy of the most recent [Student Medical Release Form](#) was distributed. (This form is located on the NHFSTEMS website home page under the "Of Interest" sub-heading.) The form was revised to clarify that copies of student physicals (NFPA or otherwise) are not required; the only thing that is required

is a healthcare professional's sign off. Most students are going to their PCP's or walk-in clinics to get their forms signed. If a healthcare professional insists upon giving a student a physical before signing off on the form, the local community will have to decide how to pay for it. This form is required for any class that requires physical exertion. Most of the feedback has been positive.

**Questions:**

**Q:** What were the concerns from the Professional Firefighters about the form?

**A:** Who would be responsible for payment of student physicals was the main concern. If a department mandates a certain type of training (swiftwater, for example), then the department should be responsible for paying for physicals. However, there are communities whose budgets will not support this. Some career departments offer stipends for members who want to get advanced training, which is an incentive for them to use their private healthcare insurance.

**Q:** Will instructors also have to submit this form?

**A:** At this time, we are looking in to whether this can be mandated for part-time instructors.

**Comment by Commissioner Degnan:**

During the cancer presumption discussions in the Legislature this past year, a great deal of the discussion centered around how a person's health would be determined up front before being hired by a department. Annual physicals after hiring will also become more prevalent. Bureau Chief Mercuri asked whether or not this would have an impact on "Line of Duty Death Benefits", and Commissioner Degnan responded that it would, and cited the case of Lt. Clark in Bedford as an example.

**This item should be taken off the agenda for the next meeting.**

**Item 2. Hiring Practices**

**Notice of Hearing Letter:**

A copy of the draft letter was distributed.

**Q:** What will happen to a person who works for multiple departments and whose hours add up to a full-time position? Will he/she be able to laterally transfer to another department?

**A:** Getting the proper documentation to support this is very difficult. At one point, there was talk about changing the Administrative Rule to clarify this situation, but no action was actually taken. There are also inherent complications regarding the submission of Form A's, etc. Perhaps it would be a good idea to find out how the Retirement System designates a full-time firefighter.



- A copy of the hearing letter will be going to both the town manager and the fire chief and will only be sent after all other avenues have been explored in terms of finding a solution to the problem.
- Commission Smith suggested that the wording at the top of the hearing letter be revised to read, “IN RE: [name of fire chief **and** the hiring authority]”

In addition, Commissioner Smith referred to the second page of the letter in the section highlighted in yellow:

**Presiding officer:** The FST Commission has the ability to designate a presiding officer to oversee a hearing rather than having the entire Commission in attendance. At the last meeting, the Commission decided that there is not much advantage in doing so because a written report still has to come back to the Commission for approval. If in the future, the Commission decided to appoint a presiding officer, then the wording to that effect should be put in the letter.

**Exhibits and witness lists:** This should also be stated in the letter.

- At this point in time, there are two departments that could be faced with hearings.

**Q:** How will the process work in terms of notifying the Commission that a hearing will take place?

**A:** It will appear on the agenda that is sent out before the meeting.

**Q:** Does a quorum need to be present for a hearing?

**A:** Yes

**Q:** Is this a public or private hearing?

**A:** Public. These hearings are not about certification of public employees, so there is no basis for them being non-public sessions. (The hearings are more about local hiring practices rather than individuals.)

**Q:** How will these hearings be posted?

**A:** **The FST Commission agendas will now be posted at least 24 hours in advance on the website and in the Academy lobby.**

**Comment by Commissioner McGahey about the Retirement System Board:**

The Hiring Practices Committee reached out to George Walker, the chair of the Board of Trustees. Mr. Walker was unaware that the Retirement System was no longer working with NHFSTEMS and will bring this up at their September meeting.

***Motion made by Commissioner Buxton; seconded by Commissioner Lennon – to accept the Letter of Hearing with the recommended amendments; passed unanimously.***



**General Finding Letter:**

This letter will be sent out after a hearing and is still a work-in-process.

**Fingerprint and National Criminal Record Check rule:**

This needs to be added to the rules. **The draft language of this rule will be presented at the next meeting.**

**Hiring females:**

A question was asked as to whether or not there will be any changes taking place regarding females taking the CPAT exam. After some negative press, community officials and the media have been asking questions about the fairness of hiring practices. Does the Commission need to clarify its position publically? A discussion ensued, and the members decided that public re-affirmation of hiring practices was not necessary at this time.

**VII. NEW BUSINESS**

**Item 1. Report update from the EVDT/DOAV Visiting Committee (Andy Anderson)**

- At the last meeting, Deputy Chief Anderson thanked Eric Uitts and Tom McKee for helping with the report and neglected to mention that Steve Colburn also assisted.
- DOAV – changes made by the committee and reported at the last meeting are underway.
- The DOT staff is very supportive of adopting traffic incident management module. NH may be the first state to do this. We are now working on closing the loop on how students get tested so that they can get their CDL licenses at the end of the program. Two pilot programs will be held in the spring of 2016. A final report will be presented to the Commission at the June, 2016 meeting.
- Pumping Apparatus – a couple of modules are being revised based on student feedback. The October class in Dover will be the first one to see the new PowerPoint presentations.
- Aerial – Bartlett Fire Dept. will be hosting this program in October. Another pilot will be scheduled in the spring.

**(This item should be moved to Old Business for the next meeting.)**

**Item 2. Schedule Commission schedule for 2016**

***Motion made by Commissioner Buxton; seconded by Commissioner Thibeault – to accept the 2016 schedule; passed unanimously.***

## VIII. GOOD OF THE ORDER

### **Item 1. Former Director Richard Mason recognized by Fire Rescue**

**International** (printed from the Everyone Goes Home website)

August 28, 2015

Chief Siarnicki presented the National Fallen Firefighters Foundation's Seal of Excellence to the Center for Public Safety Excellence at FRI. The Seal of Excellence is awarded to an individual or group that demonstrates their commitment to the 16 Firefighter Life Safety Initiatives.

The mission of CPSE is two-fold: credentialing fire and emergency services individuals and accreditation of fire departments. The credentialing commission utilizes the 16 Firefighter Life Safety Initiatives in their portfolio for various designations, including Chief Officer, Fire Officer and Chief EMS Officer. The 16 FLSIs will be include in the next edition of the manual for the accreditation requirements.

Rick Mason was recognized for being one of the CPSE's first designated Chief Fire Officers. Mason's work with the CPSE and the Commission on Professional Credentialing has resulted in tremendous advancements in the programs. He served for 9 years on the Commission, including three as chair.

[Everyone Goes Home website](#)

### **Item 2. Memorial services**

September 11, 2015 – starting at 8:45. **Commission members are needed to help read the list of names.**

September 26, 2015 – NH Fallen Firefighters service begins at 10:00AM.

## IX. ADJOURNMENT

*Motion was made by Commissioner Buxton; seconded by Commissioner McGahey, to adjourn the meeting at 11:00AM; passed unanimously.*

### **Remaining 2015 schedule:**

**The November 5, 2015 meeting will begin at 3:00PM, followed by pictures, dinner, and the 7:00PM Academy Awards ceremony.**

**2016 FST Commission meeting schedule:**

**January 7, 2016**

**March 3, 2016**

**May 5, 2016**

**June 2, 2016**

**September 8, 2016**

**November 3, 2016** (The Nov. meeting is connected to the Academy Award ceremony. The meeting is at 3:00PM, followed by pictures, dinner, and the 7:00PM ceremony.)

Respectfully submitted,

Deborah A. Pendergast, Director

Prepared by June Connor, Administrative Assistant I