

NEW HAMPSHIRE FIRE STANDARDS & TRAINING COMMISSION

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MINUTES OF MEETING

June 2, 2016

(Not Approved)

Voting Members Present:

Commissioners:

Richard C. Bailey, Jr., Stephen Carrier (Chair), Justin Cutting, William Degnan, Michael Joyal, Peter Lennon, Kevin Pratt, Brad Simpkins, Nancy J. Smith, Esq., and Jeremy Thibeault (Vice Chair) (10)

Voting Members Absent:

Commissioners:

Robert M. Buxton, William Campbell, Kerry LeBlanc, and Richard McGahey (4)

NHFSTEMS Staff:

Director Deborah A. Pendergast; Jeffrey Phillips, Bureau Chief of the Bureau of Fire Standards and Training (BFTA); and June Connor, Administrative Assistant (minutes)

Guest:

Eric Uitts (left after DOAV visiting committee presentation)

NOTE: "Action" items are in bold red.

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 9:00AM on Thursday, June 2, 2016 at the Richard M. Flynn Fire Academy, 98 Smokey Bear Blvd., Concord, NH. A quorum was present with 10 voting members in attendance.

The Pledge of Allegiance was led by Commissioner Degnan.

The commission remained standing for a moment of silence in honor of Kyle Jameson.

II. APPROVAL OF MINUTES

A motion was made by Commissioner Thibeault; seconded by Commissioner Lennon- to approve the minutes from the FST Commission meeting held on March 3, 2016 – passed unanimously.

(The May 5th meeting was cancelled.)

III. COMMITTEE REPORTS

Item 1. Emergency Medical Services (Bureau Chief Jeffrey Phillips for EMS Bureau Chief Nick Mercuri)

Legislation update:

- HB 1594 (background checks and definition of “patient”) – passed by the senate and has been signed by the governor.
- HB 1586 (impersonation bill) – went to a study committee for the summer
- HB 1131(ambulance marking bill) – inexpedient to legislate (ITL)
- EMS rules – at legal for formatting in preparation for being sent to JLCAR

Grants:

- Ambulance – should have a purchase order by the end of the month
- Infection control – still working out an agreement with DHHS for how funding will be spent.
- Narcan training – collaborating with DHHS to provide more training for law enforcement.
- EMS system evaluation with NHTSA is moving forward; process is being clarified.

Education:

- The simulation program and the corresponding coordinator position have been updated and the part-time position has been posted. FEMA awarded another federal grant; a trauma mannequin, a new state-of-the-art cardiac monitor, and a hydraulic stretcher will be purchased with this money.
- Warm zone training – Over 300 people have taken this online program.
- Haz Mat Operations program – This program, with an online component and a day-long practical, is being worked on.

- PIT crew CPR training – This program is being developed for a new protocol.
- Re-entry process for paramedics – This process is being reviewed for those paramedics who leave the profession and want to return after a long period of time; the current re-certification process can take up to 2 years.
- HB 4365 (Protecting Patient Access to Emergency Medications Act of 2016) - This bill was introduced to the Federal House of Representatives in January, 2016 as an update to the Controlled Substances Act (CSA) to ensure the continued ability of emergency medical services practitioners to administer controlled substances to patients. It was assigned to a sub-committee. The end result should be that the law will mirror current EMS practices.
- The EMS Coordinating Board voted in support of a firefighter level of licensure similar to that of law enforcement, so that firefighters will be able to administer Narcan.
- Shawn Jackson resigned from the BEMS; the bureau is now looking at all of its sections and will be realigning them with its core functions. **An overview of the BEMS reorganization will be presented to the FST Commission in September.**

Item 2. Fire Marshal's Office (Fire Marshal J. William Degnan)

Legislation:

- bill to legalize smoke bombs – killed in the senate
- HB 1266 – to legalize fire crackers – vetoed by the governor
Reloadable mortars and bottle rockets (in the top 3 for injury statistics, nationwide) are not banned; the FMO supports getting these back on the banned list.
- HB 427 – Fire Code – went to a conference committee
- NFPA 101 Life Safety Code – passed and will become effective on June 30th
(There is now a commitment from NFPA to conduct a 6 hour training update on the 2015 edition during the week of October 10, 2016, and there will be a Saturday class in the north country on October 15th if the training facility is available.)
- NFPA 1 (Requirements cover the full range of fire and life safety issues from fire protection systems and equipment and occupant safety in new and existing buildings to hazardous materials, flammable and

combustible liquids, LP-Gas, etc.) - sent to a study committee which will start in mid-August

- SB 319 (relative to LODD survivor benefits) – conference committee agreed to pass bill as amended in the Senate; provides clarification about who beneficiaries would be
- HB 533 (Arc fault circuit interrupters) – conference committee removed an attached bill that had been vetoed by the governor. This bill will give electricians an option to remove arc fault interrupters when there is constant tripping. The bill passed in its original form.

Other items:

- CO working group – partnering with the VT State Fire Marshal's Office and Dartmouth College to enhance carbon monoxide education and outreach. The oil and gas trades have also been brought into the group. There should be a workshop in the fall.
- Last summer's tent collapse tragedy in Lancaster – **a summit/workshop will be held on June 23rd to analyze fire codes and discuss new emergency plans that should be put into place for this type of assembly. Fire Marshal Degnan asked the commission members to let him know of any end users that should be included in this summit.**

Commissioner Degnan was asked if portable structures (stages) and stage props fall under the same purview; these actually fall under the building code because they are temporary structures. Depending on their size, some props may not fall under the building code as temporary structures.

Item 3. Forest Protection Bureau (Director Brad Simpkins)

- **Spring 2016 statistics:**
 - * 75 fires reported; 450 acres burned
 - * largest fire – 190 acres in Stoddard
 - * 12 structures impacted, 6 of which were destroyed
 - * Reported injuries have not been serious.
- Arson has been a big issue this spring, especially with the fire in Stoddard involving a firefighter. Arson investigations are going on in 5 other towns.
- Forest Protection Chief – interviews were held for this position. A new chief should be hired by July.
- Fire billing issue – The first meeting of this 12 member committee will be held this afternoon (June 2nd) at 1PM. In case any statutory changes

need to be made, the committee's findings should be ready in early September.

Item 4. Curriculum Review (Bureau Chief Jeffrey Phillips)

- CPAT – next week at the Laconia Ice Arena; about 200 people expected. (Later on in the meeting, Bureau Chief Phillips stated that the number is actually up over 250. Applicant wise, this number is lower than usual, but it really depends on how many do not show up. There were 45 “no-shows” for the written test.)
- Firefighter I and II programs are winding down with practicals and testing.
- Instructor I program, with 39 students – finishing up (Due to the high demand of this program, the delivery was changed to accommodate more students.)
- Instructor II/III – Halfway through. This class is made up of many tenured people, and the experience level of the students has made it a very good class.
- Inspector I – finishing up next week
- Inspector II – completed
- Investigator program – getting it ready to submit to ProBoard; should be ProBoard approved in the fall.
- Online programs rolled out – Fire Service Communications which incorporates the interoperability piece. Haz Mat Awareness is in process.
- Instructor Mentoring Program – has been revamped.
- Teleconferencing equipment – will be used in the fall at the Bethlehem site for an Instructor I program. This equipment will also be tested next week for a Firefighter I Train-the-Trainer.
- Instructor shortage – This is a growing concern. Some classes have been cancelled as a result. Commissioner Pratt asked if some of the instructors who received in-activity letters in the past could be contacted again. Bureau Chief Phillips explained that there are about 300 part time people; of those 300, there are at least 100 who have not worked for the Division in the last 12 months. Director Pendergast added that the 29.5 hour work week limitation is also a contributing factor. Efforts will be made to reach out to as many instructors, past and present, as possible.

Item 5. Academy Awards

Director Pendergast reported that the Committee of Merit was interested in combining with the Academy Awards as long as it was understood that the ceremony would be held at the Concord City Auditorium and that the awards presented should be pared down to one Academy Award and one Award of Excellence.

Academy Award criteria:

The Academy Awards, by vote of the Commission on July 24, 1996, shall be given to that person or persons who, in the estimation of a Commissioner, have made an outstanding contribution to fire training in New Hampshire. Nominations may be made by any Commission member. All nominations shall be reviewed by a select committee of the Commission who shall make the final determination as to the recipients.

Fire Service Award of Excellence criteria:

In 2004 the Commission voted to add a new award category, “Fire Service Award of Excellence”, to be bestowed upon individuals not affiliated with fire training, but who have given exceptional support to the fire service...a person who has made or is making a difference.

Chair Carrier reminded the members that it is a function of the FST Commission to nominate and present the awards each year. Details will have to be worked out with the Committee of Merit as to who will do the actual presenting of the Academy Awards. Also, if the commission wants to include photographs/music, etc. this will have to be worked out with the COM.

A motion was made by Commissioner Joyal; seconded by Commissioner Degnan – to combine the Academy Awards with the Committee of Merit ceremony; passed unanimously.

Discussion continued as to whether or not it could be done this year (September 25th). In order to make this happen, **nominations would have to be submitted to the Academy Award sub-committee no later than July 1st.**

The members of this committee are as follows:

- Steve Carrier, Chair
- Richard McGahey
- Deborah Pendergast
- William Campbell

The commission members should meet via conference call on July 15th at 1PM to discuss the findings of the sub-committee. (An email will be sent out with directions as to how to call in.)

The nomination process should be completed by August 1st at the very latest.

Chair Carrier asked that Academy Award information, including award criteria and the past recipient list, be placed in the FST Commission binders. The past recipient list will also be sent out to the FST Commission members via email.

Further discussion centered on how to best get nominations. The original intent was for each commissioner to look for potential nominees within their respective organizations. People who have done outstanding work for the Academy, the FST Commission, and/or the fire service in general can be nominated, and that is why it is important for commissioners to do the nominating.

IV. REPORT OF THE DIRECTOR

Facilities:

- The parking lot lighting project is complete. We now have all LED lamps which will save significant costs on our energy bills.
- We have nearly completed our **drill yard clean-up** project. This includes a tree clearing project and we have removed dumpster loads of scrap rubble from our technical rescue classes.
- This now allows us to move forward with the **planning, designing and building of our technical rescue training building**. We received a HS grant and purchased 14 Conex (shipping) containers which will be configured into a training prop.
- We are in the process of getting quotes to **replace the auditorium seating** with theater-style seats. Many of the current seats are broken, missing or otherwise worn.

Apparatus:

- Our **ladder truck is back in service** after passing inspection
- Our **full size pumper bids** have been received and we are working through which bid will be awarded.
- Our **ambulance bid** is being re-written and re-bid due to a low response and no bids within our price range

Budget:

We received official notification from Senator Ayotte's office as well as FEMA that we are being awarded the 2015 AFG. This is an award of about \$365,000 to purchase a new set of propane fired live fire training props, some PPE for students and instructors, and a new SCBA compressor. For EMS we will be getting a new cardiac monitor, a hydraulic stretcher, and a high fidelity trauma mannequin. This brings our total in AFG funding at over one million dollars in the last 2 1/2 years, for a significant savings to the Fire Fund

Programs:

- 2016 State test - 2 weeks ago, approximately 145 candidates took the written exam. In the coming days, the physical agility testing will take place over the course of 3 days.
- At the end of June we will once again host the fire Explorer program for one week and in July, we host the Camp Fully Involved, a week long fire camp for girls.

Other updates:

- I met with the Executive Director of the NH Retirement System and a few members of his staff. It was a good meeting, and both parties agreed to re-open lines of communication in regards to notifying us of who gets enrolled into Group II.
- We are in the process of hiring a new captain to fill the position held by Captain Bob Pragoff; this position has been vacant since Bob's passing in December. The other captain position, held by now retired Bob Leuci, has not yet been filled.
- I have been continuing to travel around the state meeting with fire chiefs. Several small volunteer departments have expressed concern about not being able to get volunteers. When volunteers are finally found, it is not feasible to put them through 184 hours of Firefighter I training. I have pointed out that the Firefighter I course can be taken module by module. A specific certification for part time/volunteer firefighters is not recommended by NFPA.
- Update on Gary Johnson
- Finally, senior staff left campus last Thursday for a full day retreat.

Discussion/Questions regarding the report:

- Commissioner Degnan asked the Director if there were any plans for an underground propane prop. It was agreed that this would be a great prop to have. A "Request for Information" (RFI) is out now asking vendors what props they actually have. Once the purchasing opens up after July, a more specific bid will be put out.

- Though PGANE does not donate propane, but they are donating some of the work involved when the prop gets installed.
- Commissioner Joyal asked about the high school firefighter I programs and whether it is known how many students show up for the career testing; it would be good to know how effective these programs are in terms of actually bringing people into the fire service. **Bureau Chief Phillips will present a report to the commission in September after having gone over the results of all of the high school programs over the last 2 years**; the initial glance is not positive. It will be difficult to tell if the students become volunteers because there is no requirement for volunteers to report to the Academy.
- Is a fire department reporting process needed? There is no legislative or administrative requirement for any fire department to report to a state agency. Because EMS agencies are licensed through the state, there is a reporting mechanism for them. Commissioner Degan commented that this issue came up when cancer presumption was being debated; some departments keep excellent records about who goes to a scene for any given incident, and many do not. Having more fire data in general would be very helpful on many levels, but this will require legislative action. The senior staff at the Academy supports the FST Commission getting behind this issue, but fire chiefs and volunteers may be hesitant about too much state interference. **Commissioner Degan and Director Pendergast will try to meet with Primex** to see if they can help with the data that they collect, but it will still not be all encompassing; many towns buy their own private insurance. Not all town governments are closely tied to their fire departments, so getting lists of volunteers that way will not necessarily be full-proof either.
- **A suggestion was made to send out a “Form C” to all volunteer fire departments or towns once a year which will ask for current rosters; at this time, this cannot be mandated. The Academy staff will figure out how to best handle this and will report back to the commission. (This should be put on the agenda for the September meeting under “Old Business”).**
- A question was asked as to what the bid price was for the fire pumper and who the vendor was. (\$398,200 – HME truck from Lakes Region Fire Apparatus)
- **Organizational chart question – Commissioner Joyal requested that the rank structure be updated on the org. chart (sworn versus non-sworn)**

V. OLD BUSINESS

Item 1. Hiring Practices

- **Fingerprint and National Criminal Record Check rule check language**
No update necessary.
- **2015 hiring issues summary**
No update necessary

Item 2. Retirement System:

Covered in the Director's Report in section IV.

Item 3. Report from the EVDT/DOAV Visiting Committee

(Guest: Eric Uitts) ([see attachment](#))

- Chair Carrier started out by stating that the curriculum sub-committee did not meet, and he asked the members of that committee (Kevin Pratt, Justin Cutting, Bill Campbell (absent), and Peter Lennon) if, due to a time crunch, they were comfortable having this be done at the full commission level. They were amenable, but reserved the right to convene after the presentation if there were remaining questions and/or concerns.
- Bureau Chief Phillips stated that this is a typical NFPA standard revision that has lagged behind the other two parts of the standard (pumps and aerial already approved) due to the integration of the Traffic Incident Management Program. The purpose is to bring DOAV into compliance with the most recent standard.
- Mr. Uitts began by giving a history of the driver operator programs in New Hampshire. After looking at the various program components on the market, the visiting committee decided that the best course was to go with an in-house classroom presentation to mirror the way the other two programs had been designed. Changes from the old program include adding an additional 4 hours for the Traffic Incident Management piece (federal DOT class); this class was also customized with NH photos and statistics. The class has also been designed for those who will be driving smaller emergency vehicles, like ambulances.
- Mr. Uitts then explained the breakdown of the program – 5 classroom modules. He stated that the committee also spent time designing

classroom presentations to address the requirements of a CDL preparation program.

- The skill drills/practical evolutions have not changed very much; they meet all of the components of the 1002 standard as well as incorporating CDL prep.
- Name change – the EVDT terminology, associated with the previously used VFIS program, will switch to the DOAV terminology.
- The IFSTA textbook will be used as a reference, the same as was adopted for the other two driver operator programs.

Questions/Discussion:

Q: Does the driving requirement add any more restrictions to the piece of land used for driving?

A: Actually, less land will be needed; it is the hope that as a result, more locations can be utilized.

Q: Will driving simulators be utilized?

A: The curriculum was designed so that should we get a simulator in the future, it can be incorporated into the program.

Q: Because there is a federal piece to this program, is there any federal money that comes with it?

A: This will be submitted to grants management to see if we can use Homeland Security money.

Q: Is a CDL license required to take the course?

A: No, just an operator's license.

Q: Can this be a stand-alone class?

A: Yes

Director Pendergast added that with the proposed changes to the DOAV program, Homeland Security grant monies should be available, making the program more available and affordable to all departments.

Procedural discussion:

Commissioner Cutting wanted to be sure that visiting committee procedures were being followed and that the committee had done everything it was supposed to do. Bureau Chief Phillips explained that over the last 5-7 years, the type of presentation being given by Mr. Uitts today is either given to the full commission or to the curriculum committee; instructor guides and other details are not brought to the commission. Mr. Uitts added that full presentations with slides, etc. are done after the pilots are completed.

Commissioner Cutting referred to the flow chart (approval from curriculum committee – pilot – public hearings – another meeting of the curriculum committee to deal with questions, and then to the full commission) Commissioner Cutting went on to ask if the next step for the DOAV program would be to hold a public hearing. A discussion ensued about major changes versus minor changes and how they affect whether or not a public hearing is held. Mr. Uitts stated that the proposed DOAV program is more of an update than a major change. Instructors would have to be “refreshed” rather than retrained. (Bureau Chief Phillips explained that the train-the-trainer process is moving more towards mentoring than the way it has been done in the past which is to just bring in everyone for a couple of hours and show them the new parts of the program.) At the end of this discussion, Commissioner Cutting advocated for a public hearing, citing Part 402.02:

Fire 402.02 Public Review. Pursuant to RSA 21-P:29, III, the commission, prior to any final vote regarding minimum standards, selection procedures, or certification, shall:

- (a) Provide notice of the proposed action to members of the fire service through a direct mailing to all fire departments at least 2 times prior to holding any public hearings on the proposal;
- (b) Allow a 60-day period for the receipt of written comments on the proposal; and
- (c) Hold public hearings on the proposal, one in the daytime hours and another during the evening hours.

Commissioner Thibeault commented that this issue has come up before, and it was his understanding that today’s presentation by Mr. Uitts, being done in a public commission meeting that has been properly posted, counts as a public hearing. Unless programs are controversial, it is rare for people to show up for public comment. Commissioner Joyal commented that the rules and the visiting committee flow chart do not match procedurally.

NOTE: Bureau Chief Phillips urged the commission to consider analyzing the whole visiting committee process and revising/updating as necessary. He also advised that this could involve statute changes.

Bureau Chief Phillips cited 21-P:29 III:

21-P:29 Educational and Training Requirements; Certification. –

III. Prior to any final vote regarding minimum standards, selection procedures, or certification, the commission shall:

- (a) Provide notice of the proposed action to members of the fire service.
- (b) Allow a 60-day period for the receipt of written comments on the proposal.
- (c) Hold public hearings, one in the daytime hours and another during the evening hours, in such a way as to maximize input from members of the fire service.

Commissioner Joyal cited 402.03, stating that there is some missing information.

Fire 402.03 Minimum Information Required for Approval.

- (a) For approval, training outlines shall include, as a minimum, the following information:
- (1) Subject area(s) covered;
 - (2) Required number of hours per subject area;
 - (3) General content of each subject area;
 - (4) Teaching methodology;
 - (5) Description of visual aids to be used, if any;
 - (6) Description of reference material or information to be used, if any;
 - (7) Required facilities;
 - (8) Terminal performance objectives, which means the required demonstration by the student of the competencies required;
 - (9) Description of written and practical certification tests;
 - (10) Statement that the proposed curriculum meets nationally accepted standards;
 - (11) Instructor/student ratio;
 - (12) Prerequisites, if any; and
 - (13) List of equipment required.

Chair Carrier summarized the issues as follows:

1. Report of the committee as it was presented today.
2. Does there need to be a change to the rules or does there just need to be a procedural change?
 - **There is an administrative rules sub-committee: (Nancy Smith, chair; Robert Buxton, and Michael Joyal).**
 - **Chair Carrier asked that this committee re-convene to study this issue and come back to the commission with a recommendation – statute change, rule change, or procedural change? They should consult with the curriculum review committee (Steve Carrier, Chair; Kevin Pratt, Justin Cutting, William Campbell, and Peter Lennon)**
 - **Bureau Chief Phillips urged all of the commission members to look through the rules to see if there are any other areas of concern for the administrative rules sub-committee.**
 - **Commissioner Simpkins added that if the rules have expired, the committee should look into getting interim rules until such time as the rules can be updated; Chair Smith should be informed of this immediately. (Director Pendergast will contact her.)**

Commissioner Degnan commented that this really shouldn't be about whether or not the visiting committee is making a minor or major change, but if a standard is being set; the statute should be followed. He supported a public hearing.

Commissioner Simpkins read the 91-A rules regarding public hearings:

II. Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public.

Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings.

Chair Carrier stated that the commission discussed this issue in the past and decided to put public hearing notices on agendas so that regular meetings could be considered as one of the 2 required public hearings. He asked that this be done on future agendas.

Commissioner Simpkins brought to the group's attention that the rules were effective in June of 2008; therefore, these rules have expired.

The members discussed procedure for moving the pilots forward. After hearing feedback from instructors, staff, and the public, the FST Commission would give final approval for the curriculum to stand as it was presented.

A motion was made by Commissioner Thibeault; seconded by Commissioner Joyal - to authorize the piloting of the DOAV program and go forward with notifying fire departments; passed unanimously.

Discussion: The 2 pilots are usually an Academy and a field class, but because the practical part is being held off campus, the Academy class can actually be considered a field class. Mr. Uitts added that both pilots will be scheduled for over the summer, and the first class is to be held at the Academy with the practical evolutions at the speedway. The second class practical evolutions will probably be held in the southern part of the state, perhaps at the Auto Auction in Derry. Additional sites will be vetted after the pilots are completed. Director Pendergast asked if the staff should send out the 60 day written notice (electronic) to all fire departments and post the notice on the website as well as in the Academy Administration Building. Wording to this effect was added to the motion.

Item 3. Fraudulent certificate update

This matter has been turned over to local police as well as to the Division's investigator.

VI. NEW BUSINESS

Item 1. Tentative legislative presentation

The legislators did not respond to their invitation from the Academy.

Item 2. Fire Inspector II retest petition

The FST Commission voted to go into non-public session at 11:20AM to discuss a retest petition.

VII. GOOD OF THE ORDER

- Commissioner Pratt has been re-appointed by the Federation of Fire Mutual Aids Association; a letter is forthcoming.
- **Budget: From now on, budget reports will be sent out with agendas; questions about the report can be asked at the commission meetings. Commissioner Joyal also asked the any financial issues that come up be put either in the Director's Report to the FST Commission or on the agenda as an item.**
- **Audit of the Fire Fund:** The Division senior staff is working with the Director of Administrative Services on this. Commissioner Barthelmes would like to see this done by the end of the summer. Director Pendergast reported that the Division should finish out the fiscal year on target with a 7% cut in spending. Bureau Chief Phillips added that there is still more going out than coming in. The Fire Fund has been tracking this year at a 3.5 to 4% increase.

IX. ADJOURNMENT

A motion to adjourn at 11:35AM was made by Commissioner Thibeault; seconded by Commissioner Lennon; passed unanimously.

2016 FST Commission meeting remaining schedule:

September 8, 2016 – Next meeting
November 3, 2016

Respectfully submitted,
Deborah A. Pendergast, Director