



STATE OF DELAWARE  
**STATE FIRE PREVENTION COMMISSION**  
DELAWARE FIRE SERVICE CENTER

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1463 CHESTNUT GROVE ROAD  
DOVER, DELAWARE 19904

## **STATE FIRE PREVENTION COMMISSION**

Monthly Meeting

February 20, 2007

### **MEMBERS PRESENT**

Kenneth H. McMahon, Chairman  
Marvin C. Sharp, Vice Chairman  
Francis J. Dougherty  
W. (Bill) Betts, Jr.  
Kennard L. Pyle  
Bob Ricker  
Daniel W. Magee

Robert Newnam, Director, State Fire School  
Willard F. Preston, State Fire Marshal  
Sherry Lambertson, Administrative Specialist

### **GUESTS**

Grover P. Ingle, Assistant State Fire Marshal  
Richard R. Ward, Assistant State Fire Marshal  
John P. Rossiter, SFMO  
R.T. Leicht, SFMO  
Ross Megargel, D.O., OEMS  
James Cabbage, D.V.F.A.

### **CALL TO ORDER**

Chairman McMahon called the meeting to order at 9:00 a.m.

**PLEDGE OF ALLEGIANCE**

**REGULAR SESSION**

**APPROVAL OF JANUARY 16, 2007 COMMISSION MEETING MINUTES**

It was moved by Commissioner Dougherty, and seconded by Commissioner Betts that the minutes of the January 16, 2007 Commission meeting be approved as amended. Motion carried unanimously.

**CALL FOR ADDITIONAL AGENDA ITEMS**

Chairman McMahon called for additional agenda items. Commissioner Magee added Governor's Fire Safety Conference, EMS Quality Assurance Program and Meeting with Medical Directors. It was moved by Commissioner Betts, and seconded by Commissioner Magee to approve the agenda as written. Motion carried.

**REPORT OF THE STATE FIRE MARSHAL**

**REGULAR SESSION**

Agency's Activity for the month of January is as follows: investigations 66- (criminal 27- /accidental 32- undetermined 7-); arrests 10-; inspections 682- (health care 20- /deputy 155/tech services -192 "QAP-315"); complaints-43; plan reviews 369-; PRUF revenue collected (January) \$126,220 year to date \$1,170,153; total overtime hours worked 298.0-; time off in hours (Deputies) 430.0 (vacation 26.0- /compensatory leave 11.5- /sick leave 122.5- /holiday 270.0- /compassionate 0.0)

**Personnel Issues**

Bob Borkowski remains out of work due to an injury sustained on a fire scene.

Richard Perillo, Deputy for Kent County has graduated from the State Police Academy. Fire Marshal Preston and several other employees attended his graduation. Deputy Perillo was the speaker for the municipal class and was presented with two of the top awards for the entire police academy class. This reflects well of Deputy Perillo and speaks volumes for his future within our agency.

Fire Protection Specialist I, Kent County – Still waiting for an interview list. Interviews for the Fire Protection Specialist I for New Castle County will be conducted February 20, 2007 in the afternoon.

Personnel Issues cont.

Interviews will take place for the Telecommunications Specialist II position next week.

**INFORMATIONAL ITEMS**

DFIRS Update

The following fire companies are delinquent in DFIRS requirements.

- **New Castle County**

Belvedere	January – November Partial entry Feb, July, and August incidents
Christiana	June - November
Holloway Terrace	October - November
Talleyville	September & November
Wilmington Manor	November
  
- **Kent County**

Clayton	November
Harrington	July – September
Houston	July - November
Little Creek	June – November
  
- **Sussex County**

Memorial	May – November
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Hardwired Smoke Detectors

Fewer referrals are coming in for the hardwired smoke detectors. Fire Marshal Preston feels that is a reflection of Bob Borkowski being out of work.

False Fire Alarms

False fire alarm reports show that the companies using the False Fire Alarm Program have a noted reduction within the district they serve. Fire Companies that are not using the program show no impact whatsoever. This proves that the program works if it is taken advantage of. A comparison report will be presented to the commission upon completion.

### Proposed Kent County Coverage Plan

Fire Marshal Preston stated that his agency has three Deputy Fire Marshal's in Kent County and this causes some problems with the 3 – 11 Shift and on calls. Every third weekend you are on call and every third week you are on the 3 – 11 shift. Fire Marshal Preston proposed bringing a Deputy Fire Marshal from New Castle County to Kent County. This will improve coverage and employee morale. Kent County would cover from the canal down with this proposed change. All of the fire chief's have been contacted about the proposal and they have no issue with the change. This will not be implemented until Deputy Perillo finishes his field training. He will go to the National Fire Academy in April.

### Fire Death Update

Fire Marshal Preston reported on two fire deaths that occurred in January 2007. The first fire death was a male victim found inside of a shed that was converted into a sleeping quarters.

The other fire death occurred when a gentleman escaped the fire, but returned to save pets. He was then burned and later succumbed to his burn injuries. There has been 6 fire deaths this year, and in all six cases there were no working smoke detectors. Both incidents are still under investigation.

Commissioner Magee asked if tactics should be changed in regard to teaching the importance of smoke detectors. Fire Marshal Preston stated that it is easy to give free smoke detectors away, but then people tend to take them home and put them on a table because they don't put them up. He feels that fire companies banding together going door to door checking smoke detectors and talking to the communities is a way to improve awareness. This is exactly why Fire Marshal Preston is a proponent of the Hard Wired Smoke Detector program with battery backup. It is harder or less likely to not have coverage with backup.

Fire Marshal Preston discussed his support in sprinkler protection in single-family dwellings along with smoke detector systems. This will impact fire deaths by 98%.

### Fire Safe Cigarette Legislation

The Commission was provided a copy of the Fire Safe Cigarette legislation for review. Changes are probable due to legislation in Maryland.

Kent County Sprinkler Initiative

Fire Marshal Preston will be meeting with the Kent County Chief's Association Officer's about the sprinkler initiative. Fire Marshal Preston is drafting legislation for them.

Tidewater Tentative Agreement

Fire Marshal Preston discussed a meeting held with Tidewater Utilities. Sixty-six subdivisions were effected by them being taken over without fire protection. The Fire Marshal's Office has personally visited each one of these areas and researched the records. A definitive resolution has been reached for sixty-three of the subdivisions. It is believed the last three will find resolution as well. Fire Marshal Preston discussed this issue and gave his opinion to the commission. He believes in a definitive answer and following the regulations.

NFPA 13D

It was moved by Commissioner Betts, seconded by Commissioner Magee to adopt the 2007 Version of NFPA 13D. Motion carried. This allows the use of wells with sprinkler systems.

**ACTION ITEMS**

No report at this time.

**FIRE MARSHAL/FIRE SCHOOL**

No report at this time.

**MISCELLANEOUS**

No report at this time.

**REPORT OF THE FIRE SCHOOL DIRECTOR**

**INFORMATIONAL ITEMS**

Director

- The current number of EMT-B's in the state is 1204.
- Attended the New Castle and Sussex Ambulance Association Meetings.
- Weekly and monthly Staff and Office Staff meeting continue.

Director cont.

- Conducting regular meeting with the EMS Staff.
- Attended a meeting with Terry Barton from Fleet Services. Director Newnam has concerns with the increase in cost to his agency because they are being forced to lease the vehicles from the state rather than purchase them out right. It has increased out sourced spending for the vehicles by \$70,000.00 for the Fire School. When all of the cars are turned over to fleet in a few years, the cost to the Fire School will be over \$100,000 per year. This funding is expected to come out of your existing budget and the Fire School cannot take a hit like that to their budget.
- Conducted a meeting with Ray Beaudry – DuPont – on Haz. Mat. Tech. Programs. DuPont will provide some equipment and gear for the class.
- DSFS computer program version 5 meeting with the programmer. The program is moving forward and Director Newnam is very pleased with it. This new version will allow the school to have better contact with the fire service through emails.
- Attended a meeting on ICS (Incident Command System) exercises conducted by DEMA.
- Held a meeting with Facilities Management to discuss various projects. This meeting was held because Facilities Management takes care of the Fire School and Maintenance Building Support Service. They provide heat and electric for the functionality of it although the school pays the bill. They do not do anything on the drill grounds or kitchen. The Fire School is responsible for everything in the building. The Fire School also maintains the satellite sites. Facilities Management handles large projects and you have to request it ahead of time for approval. They will only take care of projects, as funds are available.
- Continue to attend NIMS committee meetings at DEMA.
- Fire Chief's seminar on February 24, video-conferencing – 26 Chief's attending.
- DSFS Instructor's seminar on February 25 at Dover Center – 94 Instructors attending.
- Will be attending SERC and Working Group meeting.
- Attending New Castle joint workshop on March 10<sup>th</sup> at Station 16.
- Attending the DVFA Meeting in March at the Dover Center.
- Attending the CFSI dinner on March 29<sup>th</sup> in Washington D.C.
- Conducted a videoconference for the Fire Marshals Office on February 8<sup>th</sup>.
- Status of complaint – CFT Service – The complaint was about a “bus unit”. All of the Ambulance units for CFT in New Castle County were inspected last week. They were found not fully stocked, but employees got equipment and supplies out of storage and put them on the unit.
- Incident Management Team training will be conducted at the DSFS Dover Center March 14-15-16, 30-31, April 1.

Director cont.

- A Planning and Evaluation workshop for staff will be conducted the week of June 25-29. The Office Staff will have a workshop on June 27.
- No Staff meetings will be scheduled for July and August.
- Draft of proposed Protocol Training Policy. This updates the current policy being followed from 2002.  
It was moved by Vice Chairman Sharp, seconded by Commissioner Magee to support the April 1, 2007 deadline for protocol training. Motion carried.
- Staff Performance Reviews for 2006 have been completed. They are completed for the office staff and senior instructors. They will be repeated in July.

Staff Activities

- Jim King, Jay Reynolds, and Bill Walton attended the ICS 313 Training – Unified Command
- Jim King will be attending Weapons of Mass Destruction Training in Alabama.
- Staff members attending the FDIC are Jim King, Mike Lowe, and Jay Reynolds.
- Jay Reynolds will be coordinating with DVFA on the 2007 conference HOT training.
- Bill Walton attended the IAFC Board meeting in January.
- Staff is contacting each Fire Chief by phone for the Officer listing, Membership lists and requesting number of chiefs attending the Chief's Seminar.
- Deputy Director Martin attended the Pro-Board meeting in Orlando. A recertification meeting is scheduled for April.
- Jim King will attend Wilmington Christian School Career Day in March.
- Bill Baker is working closely with the Marine Task Force committee.
- Mike Lowe will be at the National Emergency Training Center for Grant Reviews the week of February 12.
- Office Staff is scheduled to attend Telephone/Customer Relations class.
- Traffic Management Committees - status

Programs/Courses

- EMT-B Training update
  1. New Castle nights – 30 began – 17 currently
  2. Sussex nights – 28 began – 24 currently
  3. Kent nights – 18 began – 16 currently
  4. Kent weekend – 15 began – 12 currently

Programs/Courses

- Protocol Training – 300 students have completed. This does not include the classes conducted by Shore. The Fire School currently has a number of classes scheduled.
- A Risk Watch Activity Report was submitted to the commission.
- The Risk Watch News Letter was submitted to the commission.
- Grant Writing Workshop scheduled for February 26<sup>th</sup> at 9AM in classroom 5B.
- Adding Accountability Board to the Structural Firefighting Program.
- Implementing a Safety Officers checklist for the drill ground.
- Will provide the current EMT-B classes with the information for on-line testing.
- Instructor Aide Seminar scheduled for March 10<sup>th</sup>.
- Conducted a Vehicle Rescue Instructor Workshop for 15 Instructors.
- Developing a Rescue Boat Operations program in conjunction with Global Rescue.
- Vehicle Rescue Workshop recommendations from the Instructors approved by staff.
  1. Remove Code 3 airbags from the program.
  2. Send a letter to Fire Chief Holloway Terrace.
  3. Remove the Porta Power units from the program.
  4. Remove the use of a hacksaw and increase the usage of sawzall and air chisels.
  5. Agreed that Step Chocks can be used as wedges.
  6. Box Crib angles are not to exceed 30 degrees.
  - 7.
- First Responder Course – added the three stand-alone blocks into the core course.

Maintenance

- Office area up-grade proposal - \$55,000.00 – working with Facilities.
- Phone booster system has been installed at the Dover Center.
- Roof work over the Commission area has been completed.
- Repairs scheduled for the liquid pad-cracking tower.
- Brickwork and roofs completed on the pump houses, pump installation is scheduled.
- New audio systems have been installed in rooms 1-4A-4D and the Division.
- Fit testing equipment has been sent out for repairs – will schedule classes when returned.
- Haz. Mat. Tech. Manifold prop installed.
- Locking systems have been installed at the Dover Center and Divisions.

Maintenance cont.

- Installing a new drainage system, sidewalk, and office signage at the office entrance.

Financial

Tuition Account	(8000) 192,633 Balance 29,208.00 A/R
Hazardous Material Account	(8200) 59,760 Balance 12,035.00 A/R

Account Balances are normal

30 days past due	\$1,565.00
60 days past due	\$16,371.00 – E.I. DuPont (14,000.00)
90 days past due	\$40.00
120 days past due	\$286.25

**REPORT OF DEPUTY ATTORNEY GENERAL**

No report at this time.

**ACTION ITEM**

Personnel

BLS Medical Director

Dr. Ross Megargel reported that an official posting has not gone out for the position of the Commission BLS Medical Director. An unofficial notice went out to the membership of the Delaware Chapter of the American College of Emergency Physicians and Dr. Megargel has received some inquiries.

Dr. Megargel discussed an incident that involved the suspension of two EMT-B's. Dr. Megargel described the occurrence that led to the EMT-B's ultimate suspension by a medical director. An EMS medical director suspension hearing officer was provided by the Department Public Health, who heard testimony from the EMS medical directors and the involved EMT-Bs regarding the incident that lead to the emergency suspension of the EMT-Bs. The purpose of the Hearing Officer is to determine if the EMS medical director suspension to protect the public was warranted. The OEMS expects a decision from the Hearing Officer today (2/20/07). Following the Suspension hearing, the EMS medical directors felt that there was an opportunity for all parties involved to resolve the incident without a hearing. The EMT-B's were presented with an opportunity to agree to remediation training.

BLS Medical Director cont.

They both agreed and will return to work under a probation period. Dr. Megargel believes that the incident concluded with a reasonable resolution by protecting the public and protection of the certification process for the commission. OEMS is satisfied with the ability of having a Hearing Officer from Public Health to review the suspension for the purpose of protecting the public and find a speedy resolution so employed EMT-B's can return to work. Dr. Megargel suggested that the Commission adopt the Hearing Officer process as well to avoid a long hearing process.

It was discussed and suggested that the Commission develop and adopt a hearing process that would involve having a Hearing Officer, Prosecutor and Investigator. These individuals would be assigned from outside of the Commission. A Hearing Officer would hear all sides of the case. A Deputy Attorney General with subpoena authority would present the case for the state. A trained investigator would assist the Deputy Attorney General. The EMS medical directors may be called as incident witnesses and expert witnesses regarding patient care. A hearing officer process may allow for quicker resolution, allow the Commission members to avoid a long hearing process while allowing the Commissioners to retain their authority. The Commissioners would retain their authority by making the final decision on the certification issue based on the hearing officer's findings and recommendations.

Vice Chairman Sharp asked how the Complaint or Incident Review cases are filed? They are filed in a locked cabinet only accessible by the commission. Former BLS Medical Directors, Dr. Sweeney and Dr. Bailey filed cases by case number and they are currently kept under that status. For cases that do not appear before the Complaint or Incident Review process, files are kept under a separate filing system by the name of the EMT-B involved. It was agreed that a policy should be developed to flag an EMT-B that has a questionable occurrence for future reference if needed. This may be done through the Fire School training and certification records.

An informal meeting will be scheduled between the Commission and Medical Directors on April 24, 2007. The meeting agenda will consist of the Standing Orders, Disciplinary Process and to inform the commission of the new due process for medical directors suspension.

Quality Assurance Program

Commissioner Magee discussed the possibility of a Quality Assurance Program for EMS. Chuck Evans of New Castle County asked for the Commission's support two years ago on this endeavor. The Commission gave Mr. Evans their blessing at the time and it does not appear that anything has happened. He should have taken the process through the State Chief's Association. Commissioner Magee placed on the floor for discussion that every fire company in the state be required to participate in a Quality Assurance Program. This is a mandate in House Bill 332. It would be standardized across the board.

Dr. Megargel state that the Quality Assurance program is a great idea and is something that everyone has hoped would assist the Medical Directors, Commissioners and Fire School. We need three phases to the program. First we need to implement Quality Assurance training so the people know what we're talking about. A Commission driven statewide program probably initially based on some EDIN queries are important and should be addressed statewide by the local companies. Second, Encourage local level companies that may be dealing with issues such as EMS scratches. Locally two or three companies can get together and work on QA/QI to solve the concern.

We can deal with statewide issues and local issues with this program. Start small and build the program up. Commissioner Magee suggested that the Fire School and OEMS work together on creating a program. Director Newnam asked at what level the Fire School would be involved when OEMS holds the EDIN reports? Dr. Megargel stated that the EDIN reports are the property of the Fire Prevention Commission and OEMS manages it for the Commission. The Medical Director has a right to see the records because they are technically his patients. Dr. Megargel does not want to tell the Commission what areas they need to do quality assurance on. He would be glad to make suggestions, and feels the commission should start with easy things and grow the program with experience.

It was moved by Commissioner Magee, seconded by Commissioner Pyle to have the Office of Emergency Medical Services and State Fire School develop points of interest and goals of developing a Quality Assurance Program within 60 days to be brought back to the commission with recommendations on how to implement a statewide Quality Assurance Program. Motion carried.

It was moved by Commissioner Pyle, and seconded by Vice Chairman Sharp to enter into Executive Session for personnel issues. Motion carried. The Commission entered Executive Session at 10:47 a.m.

### **EXECUTIVE SESSION**

It was moved by Commissioner Dougherty, and seconded by Commissioner Betts to go out of Executive Session. Motion carried. The Commission exited the executive Session at 10:54 a.m.

### **REGULAR SESSION**

#### **ACTION ITEM**

##### Personnel

It was moved by Commissioner Betts, seconded by Commissioner Magee to tentatively hire a Juvenile Intervention Specialist pending the passing of the psych evaluation. Motion carried.

##### Boundary Confirmation

The Commission discussed boundary confirmation information from 1983. Boundary Confirmation will continue at the March 2007 meeting.

##### Governor's Fire Safety Conference

The Master of Ceremony and Guest Speaker have been contacted and agree to attend the 2007 Governor's Fire Safety Conference. The conference committee will attempt to change the Governor's Fire Safety Conference this year to include weeklong events and conclude with a dinner and award ceremony at the end of the week. CEU classes will be offered during the week. It was decided to include in the invitation list the ladies auxiliaries, industry and daycare providers. The conference committee will keep the commission up to date with changes. A meeting will be scheduled with Governor Minner and Lt. Governor Carney to discuss the event.

Event Date:                Saturday, October 13, 2007  
Place:                        Sheraton Hotel in Dover  
Cost of tickets:            \$25.00

Reappointment of State Fire Marshal Discussion

It was moved by Commissioner Pyle, seconded by Vice Chairman Sharp to reappoint Fire Marshal Preston to his position for another 4-year term. Motion carried with a roll call.

McMahon – Yes  
Betts - Yes  
Ricker - Yes  
Pyle - Yes  
Sharp - Yes  
Magee - Yes  
Doc - Absent

It was moved by Commissioner Magee, and seconded by Commissioner Ricker to enter into Executive Session for personnel issues. Motion carried. The Commission entered Executive Session at 2:05 p.m.

**EXECUTIVE SESSION**

It was moved by Commissioner Ricker, and seconded by Commissioner Pyle to go out of Executive Session. Motion carried. The Commission exited the executive Session at 2:16 p.m.

**REGULAR SESSION**

**ACTION ITEM**

Personnel

It was moved by Commissioner Ricker, seconded by Commissioner Betts to adopt the Executive Specialist responsibilities as amended. Motion carried with a roll call.

McMahon – Yes  
Betts - Yes  
Ricker - Yes  
Pyle - Yes  
Sharp - Yes  
Magee - Yes  
Doc - Absent

**REGULAR SESSION**

**GENERAL INFORMATION**

No report at this time.

**CORRESPONDENCE**

No report at this time.

**MISCELLANEOUS INFORMATION**

No report at this time.

**REPORT OF THE COMMISSIONERS**

Chairman Kenneth H. McMahon

Chairman McMahon reported that he attended the Monthly Fire Prevention Commission Meeting, New Castle Chief's Meeting, Kent County Fire Chief's Meeting,

Commission Reports cont.

McMahon - M.I.S.C. Meeting, New Castle County Fireman's Meeting, DEMSOC Meeting, State Chief's Meeting and DVFA Table Officer's Meeting.

Commissioner Francis J. Dougherty

Commissioner Dougherty reported that he attended the Monthly Fire Prevention Commission Meeting, Brandywine Hundred Fire Company Meeting, New Castle Chief's Meeting, Fire Marshal Interviews in Dover and New Castle County Firemen's Association Meeting.

Commissioner Bob Ricker

Commissioner Ricker reported that he attended the Monthly Fire Prevention Commission Meeting and Complaint Investigation Meetings.

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Vice Chairman Marvin Sharp

Vice Chairman Sharp reported that he attended the Monthly Fire Prevention Commission Meeting, Kent County Fireman's Association Meeting, Sussex County Fireman's Association Meeting, State Fire Chief's Association Meeting, Kent County Fire Chief's Association Meeting and DVFA Meeting.

**DATE OF NEXT MEETING**

March 20, 2007  
Commission Chamber  
Delaware Fire Service Center  
1463 Chestnut Grove Road  
Dover, DE 19904

**ADJOURNMENT**

It was moved by Commissioner Ricker, and seconded by Commissioner Betts that the meeting be adjourned. Motion carried. The meeting was adjourned at 2:19 p.m.

Respectfully submitted,

Sherry R. Lambertson  
Executive Specialist

sl/