

**DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF FIRE SAFETY
NEW JERSEY FIRE SAFETY COMMISSION
REGULAR MEETING**

Meeting of May 16, 2007

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The New Jersey Fire Safety Commission meeting was held on Wednesday, May 16, 2007, at the Middlesex County Fire Academy in Sayreville, NJ.

Commission Members Present: Assemblyman John Wisniewski, Chairman
Mr. Pasquale Intindola, Vice-Chairman
Mr. Charles W. Schilling
Mr. Lawrence D. Wood
Mr. Frederick Collender
Ms. Kathleen O’Leary
Mr. C. Kenneth Anderson
Mr. Arthur Londensky
Mr. Steve O’Gorman
Mr. Daniel DeTrollo
Mr. Arthur Mercurio
Mr. Paul Hartstein
Mr. Lewis Candura
Mr. Kenneth Swider
Mr. John Lightbody

Commission Members Excused: Mr. Richard Blohm

DCA Staff Members Present: Don Huber, NJDFS Chief of Staff
Charles Luxton, NJDFS
Charles Lavin, NJDFS
Carmine Giangeruso, Codes and Standards
Michael Whalen, Codes and Standards
Gerry Grayce – Codes and Standards

Guests: Steven Hayes – Toms River Fire Prevention
Chuck Augenbaugh – NJ Deputy Chiefs Assn.
Conor Fennessy – NJ Apartment Assn.
Evan Piscitelli – Assemblyman Wisniewski’s office
Daniel P. Mulligan – Ocean Co. Fire Marshal

A. Call to Order

Chairman John Wisniewski brought the meeting to order at 10:08 AM and pointed out the fire exits.

B. Approval of Minutes

With no discussion requested or necessary corrections, the minutes of the regular meeting of March 21, 2007, were approved.

C. Correspondence

Chairman Wisniewski noted that each member of the Commission had received correspondence in their packets. Assemblyman Wisniewski noted an additional piece of correspondence, regarding Bills A1952 and A3386 that he had added to the Commission packet and spoke about the details of each. Committee Hearings on each were to be held on May 17, 2007 (the following day).

With no further discussion requested on any of the correspondence, the meeting moved to public comment.

D. Public Comment

Mr. Chuck Augenbaugh, of the NJ Deputy Fire Chiefs Association, spoke about a May 2nd article in The Bergen Record concerning a report by the National Transportation Safety Board on a recent Bergenfield incident. One of the recommendations in the report was that firefighters be trained in gas emergencies in the incident command system. Mr. Augenbaugh asked about what DCA Commissioner Susan Bass-Levin was going to do with this recommendation, but no one had heard what she intends to do as far as regulations.

Mr. Augenbaugh spoke about a recent article from Firehouse magazine concerning incident commanders being held responsible in wrongful death lawsuits. Chairman Wisniewski said that there was going to be a hearing on the wrongful death legislation taking place tomorrow (5/17/07) in the Assembly Insurance and Banking Committee. Mr. Augenbaugh said he would try to make that meeting. Mr. Augenbaugh spoke about another article by Jack Murphy about the ICC Code development scheduled for May 21st, and laid out the reasons why the fire service should be involved with code development. Mr. Augenbaugh said he would get a copy of this to the Codes Council for them to review.

Mr. Augenbaugh spoke briefly about the recent 10-alarm fire in Elizabeth, and he commended Chief Lathey Warkus for an excellent job in utilizing Chiefs from the surrounding cities to combat the fire successfully. Mr. Augenbaugh publicly suggested that the Division of Fire Safety do a report on the incident command structure that was used at this fire, and distribute it throughout the State.

E. Division of Fire Safety Activities

Chief of Staff Don Huber reported on behalf of the Division of Fire Safety in place of State Fire Marshal Lawrence Petrillo, who was at the large forest fire that was taking place in southern New Jersey. At that particular point in the day, the forest fire had burned about 13,000 acres and was about 10 % under control.

Chief Huber reported about an incident involving an overturned gasoline tanker on I-195 the previous week. Unfortunately, one motor vehicle operator was lost in the incident. The Division of Fire Safety had staff on the scene of that incident for the better part of that day. Chief Huber also gave accolades to the emergency responders in Union County that handled a recent building collapse exceptionally well. Commissioner Steve O’Gorman added that it was a free-standing cinder-block wall on a wood structure that had not been strapped back. It was most likely knocked over due to high winds.

Chief Huber reported that the Firefighter II regulation proposal and the emergency evacuation procedure are both in the New Jersey Register (as of May 7) and will go through their 60-day comment period.

Chief Huber also spoke about the proposed requirement for smoke receptacles outside of public buildings. Many fires have been caused recently due to cigarettes that have not been properly extinguished – often with the cigarettes starting in mulch adjacent to the building. There was recently a meeting in Cherry Hill on this topic, which included people from the business community to gauge their concerns about requiring signage on their buildings or prohibiting mulch. The meeting was a success and all parties agreed that something does need to be done about this.

On May 15th, Chief Huber and other Division staff met with Amy Frank and Mike Whalen from Codes and Standards regarding the International Fire Code. The Codes and Standards staff got Chief Huber up to speed on the evolution and progress of the IFC. Mr. Whalen has been working diligently on this lengthy document to update it and clean up some of the language. Chief Huber agrees that the Division, and the fire service in general, needs to be more involved with code development – and this is the plan heading into the future. However, at this time, the Division of Fire Safety simply does not have the staff to dedicate to these types of initiatives. The Division of Fire Safety has had to prioritize with other programs and initiatives in other areas as well due to understaffing.

Commissioner Wood asked to whether the Codes Council would have an opportunity to review the comments on the IFC. Commissioner Wood believes that, after all their work, the Codes Council should be able to look at what will happen with the IFC. Chief Huber agreed with and supported this request.

Vice-Chairman Pat Intindola spoke about how Codes and Standards, the Division of Fire, himself, Commissioner Schilling, etc. had worked over a year on this document. He does not feel it’s necessary for the Codes Council to review it yet again. Vice-Chairman

Intindola feels the document was ready to go in January. Mike Whalen said that all the changes that were made by the Codes Council are what had been approved. A document then needed to be prepared identifying all of the changes. During that process, Mr. Whalen identified many codes sections that were requiring installations of systems that were also referring to a construction code standard that was not there because the UCC did not require systems in those areas. These items are the issues that are now being reviewed with the Division of Fire Safety to see if they need to be pulled out and put into Sub-Chapter 4.

Chief Huber reported on a few key dates that were up-coming:

There will be a Career Chiefs meeting tomorrow (May 17) in West Orange if any Chiefs present could make it. On May 19, Burlington County would be having their Fallen Firefighters Memorial at their training academy. Lastly, on June 1st, the Division of Fire Safety will be holding its 4th Annual Homeland Security Conference at Kean University.

F. Advisory Council Reports:

1. Codes Advisory Council

Commissioner Charles Schilling reported on two items that had been discussed by the Codes Council that had been passed down from the Commission. The first was the proposal regarding the marking of unsafe buildings to alert firefighters. Commissioner Schilling felt that it was a good, well thought-out proposal – but the discussion at the Codes Council meeting came to the conclusion that this would be covered in the new code, and the change was not necessary.

Commissioner Schilling also spoke about the discussion that the Codes Council had on the Signal Booster Codes and Ordinances – which is a booster system for wireless communications within large buildings. The Codes Council knew very little about this system, but there are currently no requirements or regulations controlling these systems. The Codes Council will look into it further.

Commissioner Schilling talked about the proposed changes regarding combustible materials adjacent to public buildings. Vice-Chairman Pat Intindola had an addition to this code change – which was to have it include balconies, as well as decks. Commissioner Schilling also talked about the proposal that day-care centers be required to have carbon monoxide detectors, which he feels will go through and be a positive step.

Commissioner Schilling asked about the current status of the State-wide high rise survey. Chief Huber said that, as far as he knew, the Divisions end of the survey was just about finished. Chief Paul Allen has been working with Gary Lewis on securing all the data from the larger cities in New Jersey.

The National Fire Sprinkler Association is working on a project to standardize suspension forms. Commissioner Schilling feels that if we deviate from using NFPA 25, which is

actually part of our fire code, it is going to cause a major problem. The Codes Council has yet to discuss this in-depth yet, but will in the near future.

A lengthy debate on the Signal Booster Codes and Ordinances followed Commissioner Schilling's report. Commissioner Lawrence Wood asked what the Codes Council had found in their review of this signal booster code. As of now, there is no nationally recognized standard. Commissioner Wood urged the Commission to act quickly on pushing for legislation requiring the signal boosters in high-rise buildings – because the situation is critical. Without communications in high-rise building incidents, firefighters and citizens lives are at risk. Commissioner Schilling asked where these systems are in place, and Commissioner Wood replied that it was being used all across the country.

Commissioner Kenneth Swider explained the current communication system in many high rise buildings in New Jersey as having a network of phone jacks throughout the building that the fire service has access to in an emergency. Commissioner Wood replied that, while that system works in certain situations, the more current technology is available and is better equipped to save lives. Commissioner Wood suggested looking into getting this done through legislation.

2. Training and Education Advisory Council

Commissioner C. Kenneth Anderson gave the following report of the Training and Education Advisory Council:

The Training and Education Advisory Council met on April 10th at the Dempster Training Center at 10:00 am. The highlights of the meeting were:

- We discussed NIMS training requirements and alternatives to current programs with lots of questions but not final decisions.

Offerings of DFS, OEM, and Forest Fire Service and terms of MOU
Differences between EMI and NFA I-300 and I-400 courses
Need for Position Specific training (Section Chiefs, Staging Officer, etc.)
Need for clear information to the fire service on what the NIMS requirements are

- Changes to the Firefighter II standard were explained. (This proposal has since been printed in the *Register* (May 7th).) The Council members had some concern about adding five years experience as a firefighter as a qualification to challenge the test. However, this alternative is not automatic certification—as it was for Firefighter I—but simply allows the right to take the test.
- The Fire Officer Committee reviewed the outlines for a Building Construction Module and a Strategy and Tactics Module recommended by the instructors who conducted the pilot offerings and their other recommendations for amendments to the Standard. The committee reported:

The training for Fire Officer I and II should be 75 hours
The Strategy and Tactics Module should be 12 hours
The Building Construction Module should be 6 hours
The course can be effectively delivered either as a full time class or in evenings
A Train-the-Trainer class has to be offered
The course must be offered through (although not necessarily at) Tier 1 Eligible Organizations

The recommendations were approved by the Council and a Proposal to amend the existing Fire Officer Standard is to be prepared for review.

- A Proposal as endorsed by the Commission for amendments to the Instructor Standards has not been signed and submitted to the *Register*. One change is the creation of a Drill Ground Instructor certification to replace the Smokehouse and Live Burn certifications. The Proposal calls for a “course promulgated by the Office of Training and Certification.” Rumor has it a cause for the delay in printing the Proposal may be that a training course is not yet in place. Our Committee is reconvening to see if it can prepare the course outline and maybe details.
- The Council members are still sensitive to the rash of e-mails that circulated following the January Eligible Organizations meeting. The underlying allegation seemed to be that the Council work was being conducted in secret and arbitrary decisions were made. Should there be better reporting from the Division staff to the representatives at the EO meetings? Should the T&E Committee chairs be reporting at the EO meetings? Does the entire communications system between the Division and the fire service need to be reviewed and updated?

The next meeting of the Council will be on June 19th at 10:00 am at the Dempster Training Academy.

Everyone Goes Home:

Richard Anderson, a member of T&E, is also the Project Director of the National Fallen Firefighters Foundation Life Safety Initiative (FFLSI) Program. In 2005, he called the Council’s attention to the availability of the “Courage to Be Safe...So Everyone Goes Home” Program. The New Jersey Society of Fire Service Instructors (NJSFSI) offered to make one of its members available to deliver a Train-the-Trainer on this 3-hour presentation to Fire Instructors in New Jersey.

The T&E Council discussed the offer. There was general agreement that we should do something about the “Courage to Be Safe... So Everybody Goes Home” Program. Inasmuch as there isn't a State Fire Academy in New Jersey as in many other states, the Division of Fire Safety was probably an appropriate place to centralize the effort. The FFLSI program was customized for New Jersey presentation. A Train-the Trainer was offered at FDIC East in 2005 and 24 instructors completed the program.

Rich Anderson is now leading a nationwide 20-city Whistle-stop Tour by the National Fallen Firefighters Foundation to honor local fallen firefighters and publicize training efforts to reduce the number of in-the-line-of-duty deaths. The New Jersey stop was on May 3rd at the Burlington County Emergency Services Training Center. As part of the event, the foundation presented the Seal of Excellence Award to the Division of Fire Safety, the New Jersey Society of Fire Service Instructors, and the Burlington County Emergency Services Training Center in recognition of training programs the center has undertaken to improve firefighter safety.

Information can be found at <http://www.everyonegoeshome.com/index.html>.

3. Statistics and Information Advisory Council

In the absence of Commissioner Gerard Naylis, no report was given.

4. Master Planning and Research Advisory Council

Commissioner John Lightbody spoke about the upcoming ICC meetings in Rochester, NY. The number of votes at these meetings is based on the population of the township that you're coming from. As an example, Dover Township has 95,000 people and gets 8 votes. Commissioner Lightbody urged the Commission to help drive up attendance from people in New Jersey, because the vote on residential sprinklers is extremely important and – if passed – will go into effect in 2009. Commissioner Lightbody urged that, if it does pass, New Jersey not sit around and wait until 2009 to do something about it.

Commissioner Lightbody spoke about the term “shared services” and the negative stigma that has gotten attached to it over the years. He recommended the term “shared resources” to be a more friendly expression. Toms River Public Education Officer Bob Yaiser put together a PowerPoint presentation on shared services and public education. The presentation illustrated the success that Toms River Township has had, financially and quality of fire safety education alike, through the use of shared resources.

Commissioner Lightbody talked about the relative lack of communication between the Division of Fire Safety and the State's fire service. He reported that the Division's website is often not up to date, and things like mailings and newsletters have not been sent out with the same frequency as they once had been. Chief Huber reported that the Division's web-master has been out of work with a serious back injury – and they were hoping to either hand off the website duties to someone else, or get that employee back in the near future. Also, the Division of Fire Safety is operating to the best of its ability with the current number of staff members, which is significantly lower that it should be to operate at an optimal level.

Commissioner Lightbody reported about the need for more 24-hour staffing at mental health facilities throughout the State. During drills, Chief Lightbody found that there was not enough staff to get all patients safely out of the building in the event of a fire. Several

patients are handicapped or heavily medicated, and have special needs in getting safely out of a burning building. Chief Huber added that, in these facilities, conventional wisdom says that while everyone is sleeping minimal staff is required. However, this logic does not work in the event of an emergency. Commissioner Lightbody asked that the Codes Council look into this problem.

Commissioner Lightbody concluded his report by expressing his opinion on the Division of Fire Safety doing inspections throughout the State. He feels that there is no reason that townships in New Jersey can not handle their own inspections, and allow the Division of Fire Safety to concentrate its resources and manpower on code development, investigations, public education, etc. Chief Huber tended to agree with this opinion, but the way the laws are written – the Division is charged with doing inspections and will continue to carry out its duties as best it can.

5. Public Education Advisory Council

Commissioner Daniel DeTrolio reported that the latest meeting of the Public Education Advisory Council was replaced by the 2007 Fire Bowl Championship event on June 8th in Bayonne. The program was a great success with Public School #14 winning the state championship and Toms River Intermediate South coming in second.

All the participants were extremely well-prepared with fire safety education knowledge and Bayonne won based on their speed with the buzzers. The event was hosted by MY-9 Anchorman Harry Martin and all event participants were given medals, awards, and smoke detectors.

6. Firefighter Safety and Health Advisory Council

In the absence of Commissioner Richard Blohm, no report was given.

G. Committee Reports

1. Juvenile Firesetter Prevention Committee

Commissioner Paul Hartstein reported that the Juvenile Firesetter Prevention Committee met on May 9th at the Middlesex County Fire Academy. The minutes from that meeting are contained in the Commission packets.

There was a Juvenile Firesetters Specialist II program held the previous weekend with Instructor Marty King from West Allis, Wisconsin. There were about 35 attendees. Also, the Committee is in the process of planning the 5th Annual Juvenile Firesetter Conference – which will take place in late November/early December 2007.

The Committee is also planning on presenting the Juvenile Firesetter Intervention Specialist I program at the Burlington County Fire Academy on June 18th and 24th.

Charlie Luxton reported that they were working on having a Juvenile Firesetter program at the volunteer convention in Wildwood.

Commissioner Hartstein also spoke about a DVD entitled “To Hell and Back”. The video uses scare tactics to warn students about the dangers of fire and juvenile firesetting. Many members of the Juvenile Firesetter Prevention Committee found the video to be too graphic and inappropriate – and recommended that it not be used.

The next meeting of the Juvenile Firesetter Prevention Committee will be a barbecue on July 11, 2007 at the Camden County Fire Academy at 11 AM.

2. Residential Sprinkler Committee

In the absence of Commissioner Gerard Naylis, no report was given.

3. Signal Booster Codes and Ordinances Committee

Commissioner Lawrence Wood, in adding to the previous discussion on Signal Booster Codes and Ordinances, said that if it was possible to bring this change about through codes – it would be much easier than doing it by way of legislation. Commissioner Wood suggested that the Commission hold off on further discussion on this topic until the next meeting when the Codes Council would be able to report their findings on it.

H. Old Business

With no old business to discuss, Chairman Wisniewski moved the meeting to New Business.

I. New Business

Commissioner Arthur Londensky spoke about the problem of property owners converting one-family dwellings into multiple occupancy dwellings. Many property owners (landlords) are doing this to increase the amount of tenants – and therefore, increase the amount of rent they are receiving. Commissioner Londensky said this was a problem because it creates an extremely dangerous situation for the occupants, particularly when they are in an attic, basement, etc. and do not have a clear means to escape in a fire. A recent incident, in which roughly 18 occupants were living in a one-family home, illustrated the need to increase the penalties on the offending party. Fortunately, the fire took place in the middle of the day when no one was home – otherwise it would have been national news. In this specific case, the dwelling was changed to have more rooms *after* it had been inspected. Commissioner Londensky feels as though the penalty needs to be much stiffer to discourage these kinds of dwellings from being made.

Commissioner Arthur Mercurio reported on a recent trip that he had made to Tennessee, on which he built a close relationship with some of the fire officials there. Commissioner Mercurio also spoke about a tour he took of the Oak Ridge Atomic Labs, which is a

maximum security laboratory complex with its own fire department. During his trip, materials from the Division of Fire Safety that Commissioner Mercurio had given to the fire service in Tennessee assisted in fighting a forest fire there.

Commissioner Lewis Candura spoke about the problem of handicapped-accessible buildings, and how they have created a potential danger in terms of fire. While many buildings are handicapped-accessible, some are not handicapped-*egressible*. In some schools, the only means of a child in a wheel-chair to get out of a building (or off their floor) is an elevator. Commissioner Candura suggested that steps be taken to prevent situations such as these. Chairman Wisniewski agreed and cited The Station night-club fire as an instance where handicapped-accessibility impeded the victims' escape. Chief Don Huber added that fire officials, during emergency evacuation planning, should be looking at these types of concerns. Also, there is equipment that could be put into stairwells for that very purpose. Commissioner Ken Swider added that in newer buildings, elevators will stay functional during a fire – unless the smoke detector or sprinkler head in the elevator shaft that has been activated.

J. Adjournment

Chairman Wisniewski asked if anyone had any additional business they would like to bring before the Commission. There being none, the meeting was adjourned at 11:51 AM.

****** The next meeting of the Fire Safety Commission will be on July 18, 2007 at 10am. It will be held at the Toms River Fire Academy in Toms River, NJ. ******