

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

Meeting of March 18, 2015

The New Jersey Fire Safety Commission meeting was held on Wednesday, March 18, 2015 at the Middlesex County Fire Academy in Sayreville, NJ.

Commission Members Present: Assemblyman John Wisniewski, Chairman
Mr. Kevin Krushinski, Vice-Chairman
Mr. Stanley Sickels
Mr. Lawrence D. Wood
Mr. Roger Potts
Mr. Fredrick Collender
Mr. Armando Roman
Mr. Kenneth Swider
Mr. Michael Postorino
Mr. Gerard Naylis
Mr. Pasquale Intindola
Mr. Daniel DeTrollo
Mr. Arthur Londensky
Mr. Richard Blohm

Commission Members Excused: Ms. Kathleen O’Leary
Mr. Kevin Bellew
Mr. John Lightbody

DCA Staff Members Present: William Kramer, Acting Director
Lou Kilmer, NJDFS
Rick Farletta, NJDFS
Charles Lavin, NJDFS
Jerry Clark, NJDFS
Michael Whalen, Codes and Standards

Guests: Ronald McGowan Jr., Wildwood Crest Fire Co.
Don Scher, Hillsborough F.S. Cathy Chin, Alman Group
John Garton, NJ PEOSH Doris Flatley, Somerset Co. Fire Academy
Michael Allora, Clifton Fire Dept. Bob Davidson, Codes Council
Thomas P. Gerity, Old Bridge Dist 2 Vinny Corsaro, Jefferson Fire Bureau

A. Call to Order

Chairman John Wisniewski called the meeting to order at 10:00 AM and began the meeting with the “Pledge of Allegiance” and pointed out the fire exits.

B. Approval of Minutes

With no discussion requested or necessary corrections, the minutes of the regular meeting of January 22, 2015 were approved.

C. Correspondence

Chairman Wisniewski noted that all correspondence for today's meeting is contained in the Fire Safety Commission packets. With no discussion requested on any of the items, the meeting was moved to Public Comment I.

D. Public Comment I

Chairman Wisniewski opened up the meeting to any members of the public wishing to address the Fire Safety Commission. There being none at this time, the meeting was moved to Division of Fire Safety Activities.

E. Division of Fire Safety Activities

Acting Director William Kramer began his report by giving updates on various issues that had been raised at previous meetings. There was a request to post the NTSB report on the Paulsboro incident on the Division of Fire Safety website. That was completed. Also, Commissioner Blohm had asked for information regarding the amount of On-Scene Incident Commander certifications that had been issued and Chief Kramer reported it to be roughly 900.

Chief Kramer reported that the Division is still working on getting information for Chairman Wisniewski regarding the red light permits for the County Fire Coordinators and Deputy Fire Coordinators. Division of Fire Safety staff had also invited representatives from the Civil Service Commission to the upcoming FESHE Conference scheduled for April 10th and they have accepted.

The first proposal in many years is now in the New Jersey Register and is in the public comment phase right now. It was the proposal forwarded from the Codes Council and approved by the Fire Safety Commission concerning windowless basements. Chief Kilmer added that they are continuing to resubmit the other proposals as well. Also, Chief Kramer reported that the Residential Sprinkler Bill is now on the Governor's desk. How the bill ends up and what the Governor will wind up doing with it is still unknown at this time. Chairman Wisniewski said the consistent theme of the opposition of the bill is the cost. At this point, the Governor has 45 days to act. If it does not act, it will become law.

Chief Kramer reported that the Division of Fire Safety was able to conduct its first Peer Review session in many years. There were three fire officials who were called in for review, two of which chose to not show up (which is their option, they do not have to). The Committees job is to review sanctions that the Division of Fire Safety proposes and

make recommendations based on them. In all three cases, there was some compromise back and forth and the Committee's recommendations were adopted. In two of the three situations, the fire officials had continued to work although their certifications had lapsed. There will be two additional fire officials called in for Peer Review later on this month. Commissioner Richard Blohm asked if the penalties issued by these uncertified fire officials should be negated. Chief Kramer answered that, yes, they could be if they are challenged but the violation would just have to be re-issued. Commissioner Naylis asked if the uncertified fire official had imposed any monetary penalties. Chief Kramer said probably not, but they are not sure at this time.

Chief Kramer talked about a couple interesting situations that have taken place since the previous meeting. In one case, a municipality in Gloucester County added some requirements (policies/procedures) for the volunteer fire department there. They passed an ordinance, the fire department appealed it, and the appellate court ruled in favor of the municipality. The ruling was basically that the municipality has the authority to adopt ordinances that control, to a great extent, what a volunteer fire department in their community can and cannot do. Commissioner Lawrence Wood asked what the classification of this fire department was, and a lengthy discussion ensued on independent fire companies and whether or not any department is truly independent. Chief Kramer and Commissioner Potts contended that there are no independent departments – all are either under the municipality or the fire district.

There was a similar situation in Atlantic County where there were complaints of fire officers not having the appropriate certifications, which the Division went and acted on. Those officers were taken out of service until the situation could be rectified. Also, the Chief of that department has been disciplined for serving as an instructor without the proper certifications. Commissioner Naylis asked if the validity of the training delivered is in question. Chief Kramer answered that the Division of Fire Safety will not be revoking any of the students' certifications or penalizing them in any way.

Commissioner Stanley Sickels spoke about the need for all fire inspectors in the state be certified and asked if there was any movement towards this. Chief Kramer said that no, nothing has been proposed to this point but he does agree with Commissioner Sickels regarding the issue. Chief Kilmer added that this may require a statutory change and Chief Kramer said it would be looked into further.

Chief Kramer referenced a situation where volunteer fire departments were served with OPRA requests that were initially not complied with. It was then ruled that the departments were not exempt from OPRA requests, and the appeal of that ruling is in the courts right now. This is certainly something to keep an eye on moving forward.

Chief Kramer called upon Major Rick Farletta to report on everything relative to the Bakken Crude issue going on in much of the state. The Division of Fire Safety is heavily involved in the preparations for a potential Bakken incident throughout the state, including several training exercises working with the fire service, evacuation planning, law enforcement, etc. Throughout the spring there will be exercises in Jersey City,

Somerset County, and Camden County. Another will most likely be planned in Gloucester County. There is heavy federal involvement on these exercises. Major Farletta has been urging fire coordinators to be mindful of these materials being transported by rail and accounting for them in their plans.

Bureau Chief Lou Kilmer said the Annual Reports submissions from throughout the State have been filed for the most part, only a handful have not been finished and sent in at this point. The Annual Reports have also given the Division of Fire Safety a chance to confirm that the working fire officials in each municipality had updated certifications. Also, the Division is continuing to work on improvements for the RIMS computer system. There seems to be a decline in issues with the system, but some do still exist.

Chief Kilmer said that the Division of Fire Safety recently met with an industry group of business owners concerning a Bulletin about CO2 dispensing systems. They seemed to be quite supportive of the bulletin and proposals, and hopefully it will be issued shortly.

Commissioner Daniel DeTrollo asked for an update on the investigation Edgewater fire. Chief Kramer answered that the Division of Fire Safety has been looking into the code compliance aspect along with the Division of Codes & Standards. There will be a report submitted to the DCA Commissioner on the findings. Commissioner DeTrollo said he brought this up because there have been recent bills proposed to put a moratorium on building for an extended period of time after the incident. Chairman Wisniewski said the bill is geared towards preventing the use of lightweight construction which, in this day and age, essentially prohibits building. However, Commissioner Naylis added that it was brought up at prior Commission meetings to examine the issue of lightweight construction in-depth. Commissioner Sickels added that he was the one, as a member of the public at the time, who raised the issue and Commissioner Naylis made the subsequent motions. Commissioner Sickels further explained that there are huge areas of unsuppressed concealed spaces in these types of buildings, which creates a major problem. Also, buildings are now being built as “platform structures” that put the top levels out of the range of the firefighting equipment – this had not been considered when changes in the code were made. Commissioner Sickels added that this is a huge firefighter safety issue, in addition to a life safety issue.

Commissioner Naylis spoke about the gap in the fire code where a permit is not required for soldering, braising, grinding, and that sort of work that has an ignition source. It appears that this was the cause of the Edgewater fire and should be the impetus to require such permits so that the proper precautions are taken. Commissioner Naylis also re-requested that the Codes Advisory Council examine the lightweight construction issue.

Commissioner Intindola asked about the hiring notices from the Division of Fire Safety that were sent out to the Fire Safety Commission. Chief Kramer noted that they were for per diem inspectors, which the Division has been using for three or four years now. The interviews have not been conducted yet, but roughly 30 applications have been received.

Commissioner Sickels asked if the increase of Life Hazard Use fees was still a part of the proposals being submitted by the Division of Fire Safety. Chief Kramer answered yes, the fee increase is included. Commissioner Sickels also asked about a potential bulletin or memo by the Division of Fire Safety in regards to requirements for Incident Commanders in charge of hazardous materials incidents. Chief Kramer answered that the plan was to send something out along with other notifications in November, but they could certainly send something out sooner if needs be.

F. Advisory Council Reports:

1. Codes Advisory Council

Commissioner Pat Intindola reported that the Codes Advisory Council met on February __ and the minutes of the meeting are contained in the Commission packets. Commissioner Intindola was unable to attend the meeting, so Commissioner Sickels gave the report.

Commissioner Sickels reported that the Codes Council discussed the log of proposals that have been done by the Council and approved by the Fire Safety Commission – some of which are very old. The proposals were recirculated to the Codes Council so that they can revisit these issues and newer Council members will be up to speed. Hopefully there will be movement on them.

The Council is looking into a draft proposal that requires reports on suppression systems to be forwarded to the fire official. At this point, this process is not uniform throughout the state. Also, they Council is continuing to work on the designation of animal surgery centers as life hazard uses. The Division of Fire Safety recommended including all similar-type facilities where animals and staff are present on a 24-hour basis. There was also a motion to include all motels and hotels as life hazard uses. The motion was approved and accepted.

There was a discussion of the Codes Advisory Council regarding mulch storage facilities. Bob Davidson, member of the Codes Council, was present to speak on this topic. He spoke about the code requirements necessary for these types of places, as there have been several incidents in recent history involving mulch. Chief Kramer added that an article or bulletin being sent to the code community would certainly be appropriate. However, Chief Kramer's concern was this is something fire officials should already be aware of – and doesn't want them relying exclusively on bulletins to get their information.

Commissioner Pat Intindola added that a lot of the work and meetings are being done by conference call and this seems to be the way it's going to go moving forward. This also goes for the national code changes, which will now be voted on by phone.

2. Training and Education Advisory Council

Commissioner Lawrence Wood reported the Training and Education Advisory Council had to cancel its last meeting, scheduled back in February, due to a snowstorm. Commissioner Wood reported progress and the upcoming FESHE Symposium is scheduled for April 10th at the Middlesex County Fire Academy. Invitations have gone out and anyone interested in attending or more information can go to www.keanfiresafety.com The program should be very beneficial to the fire service community and the colleges and universities alike.

Due to the cancellation, a Committee has not yet been established to examine firehouse security as was discussed at the previous Fire Safety Commission meeting. However there has been correspondence in regards to forming one and Commissioner Wood anticipates getting that established at the following meeting.

3. Statistics and Information Advisory Council

Commissioner Gerard Naylis said that it is once again that time of year to make sure that all 2014 NFIRS data has been submitted to the Division of Fire Safety. Chief Kramer added that the NJDFS NFIRS Unit is currently at 83% reporting for 2014 thus far. Also, the NJDFS is now looking into federal grant applications that would go towards some in-depth analysis of all the data that has been collected the past several years.

4. Master Planning and Research Advisory Council

In the absence of Commissioner John Lightbody, no report was given. The minutes of the February 10th meeting are included in the Commission packets.

The next meeting of the Master Planning and Research Advisory Council is scheduled for April 6th at the Toms River Fire Academy.

5. Public Education Advisory Council

Commissioner Daniel DeTrollo reported that the Public Education Advisory Council met on March 11th at the Middlesex County Fire Academy and the minutes of that meeting are contained within the Commission packets.

The 10th season of the New Jersey FIRE Bowl program is officially underway as of February 13th. The “Academy Day” Field Trip is set to take place at Middlesex County Fire Academy on April 16th for all participating teams. All sponsors from past years are back, which includes: Hartz Mountain Industries, IMTT-Bayonne, Joshua Marcus Group, and the NJ State FMBA. Charles Lavin also spoke about a special logo that was designed to commemorate the program’s 10th year.

The written competitions will take place at all participating schools the week of April 20-24. However, due to scheduling difficulties caused by the new PARCC Testing, the date

of the Final Competition (originally reported as May 15th) is yet to be determined. Once that date is set, further details will be made available.

The Public Education Advisory Council's Vincent Corsaro raised concerns in regards to people having fire extinguishers in their homes. It seems clear that the Fire Extinguisher Bill is unlikely to be repealed, and he therefore suggested working on doing some PSA or literature teaching people when and how to operate a fire extinguisher correctly. It would include educating people on the right types of fire extinguishers to use, when to update them, and where to keep them in their homes. Mr. Corsaro also suggested partnering with a corporation like Kidde or Home Depot to help the process along.

The next meeting of the Public Education Advisory Council is scheduled for May 13th at the Middlesex County Fire Academy in Sayreville.

6. Firefighter Safety and Health Advisory Council

Commissioner Richard Blohm reported that the Firefighter Safety and Health Advisory Council met on January 22nd and the minutes of that meeting are contained in the Commission packets. The Council discussed the PEOSH alert that talks about the Department of Labor's reporting requirements when it comes to firefighter injuries and fatalities. Also, there was a guest speaker from the Department of Health that spoke about the connections between firefighting and asthma.

The Firefighter Safety and Health Advisory Council also submitted some information to the Commission in regards to the SCBAs and the compatibility requirements for NIOSH certification when interchanging its components. There was also some discussion on the fire service's concentration on Carbon Monoxide, but there is very little attention paid to Hydrogen Cyanide which is present during the burning of structure fires. There is growing evidence that this is having a serious impact as well.

The next meeting of the Firefighter Safety and Health Advisory Council is scheduled for today, March 18th, at the Middlesex County Fire Academy at 1:30pm.

7. Juvenile Firesetter Prevention Advisory Council

In the absence of Commissioner Kathleen O'Leary, Vice-Chairman Kevin Krushinski reported that the Juvenile Firesetter Prevention Advisory Council met on March 12th at the Middlesex County Fire Academy in Sayreville.

Vice-Chairman Krushinski reported that the "Fire Is" website continued to see a big uptick of hits throughout the winter months. This is due mainly to the spread of the program on a national scale. The vast majority of the hits are coming from outside of New Jersey now. Also, there will be three "Fire Is" courses offered throughout the spring semester, starting the following week.

Vice-Chairman Krushinski explained that there are official no smoke detectors from the 2014 supply remaining for distribution. The new supply for 2015 is expected to come sometime in April and will be distributed from there. Also, State Fire Commission Chairman Wisniewski had reviewed the pamphlet and gave it his endorsement from a legal standpoint. With the pamphlet ready for distribution, Jerry Clark can go about posting the electronic copy on the NJDFS website so it is available for download and printing. The pamphlet is ready to be disseminated as needed.

A Youth Firesetting Intervention & Prevention Specialist 2 course is scheduled for May 7th and 8th at Middlesex County Fire Academy. Registration information can be found at www.keanfiresafety.com and the course will be taught by Joe Ehrhardt and Helge Nordtveit.

The 13th Annual New Jersey Juvenile Firesetter Prevention Conference is scheduled for December 3rd and 4th at Middlesex County Fire Academy.

The next meeting of the Juvenile Firesetter Prevention Advisory Council is scheduled for May 14th at the Toms River Fire Academy.

G. Committee Reports

1. Residential Sprinkler Committee

With the Residential Sprinkler Bill on the Governor's desk, Commissioner Naylis urged everyone (and everyone they know) to write him a letter urging him to sign in. Also, Commissioner Naylis referenced a recent fire in Hoboken that was contained by a single sprinkler head and it essentially saved the entire building.

2. Bylaws Committee

Fire Safety Commission Secretary Charles Lavin typed up and submitted a new version of the NJ Fire Safety Commission Bylaws. This was made to include revisions submitted by the Committee, and those revisions were very minimal (changing of names, addition of Advisory Councils).

Commissioner Stanley Sickels made a motion to adopt the Bylaws in their current form. The motion was seconded by Commissioner DeTrollo and passed unanimously.

H. Old Business

Commissioner Roger Potts spoke about the issue of volunteer fire departments being subject to the Open Public Records Act. This ruling, that a volunteer department's documents are public, has been made and upheld by the Appellate Division. Chairman Wisniewski confirmed that the Appellate Division's ruling is law if the period of time for review has expired. Commissioner Potts also called the Commission's attention to the two young men who have been doing the "After the Fire" presentations about the Seton

Hall Fire. Commissioner Potts and Vice-Chairman Krushinski both gave the presentation a ringing endorsement and suggested that everyone see the presentation at some point. It was a big hit at Sayreville High School and was eye-opening for the students. The presentation runs roughly two hours and includes the running of a DVD video. Chairman Wisniewski added that the Seton Hall Fire has certainly raised questions about dormitory sprinklers, safety procedures, etc. when sending a child off to college.

Commissioner Gerard Naylis asked that the Codes Advisory Council do a thorough examination of lightweight construction and make recommendations to the International Codes Council based on their findings. Commissioner Stanley Sickels answered that the comment period wrapped up on March 6th and asked Chairman Wisniewski if it would be appropriate to hold off on action pending the review of the code and comments. Commissioner Naylis said it would still be appropriate to do the research and have the data and detail so that the process can move forward. Commissioner Intindola said it would be included on the agenda for the next Codes Advisory Council meeting.

Commissioner Stanley Sickels asked if there was anything in the statute allowing for “adverse possession” of a position. He specifically reference the Acting State Fire Marshal, who should be allowed to obtain the position permanently after serving as acting for a certain amount of time.

I. New Business

Vice-Chairman Kevin Krushinski spoke about “Rule 26” and asked the New Jersey Division of Fire Safety to re-issue a notice to fire officials reminding them of it. This is the rule that requires the authority to forward all juvenile firesetting incidents to the proper County contact person. This is something that is currently falling by the wayside. Chief Kramer agreed that something additional could be sent out. Vice-Chairman Krushinski also spoke about the possibility of offering a course for legislators about what exactly firefighters do and how the fire service operates. Middlesex County Fire Marshal Michael Gallagher has agreed to host such a course at the Academy. This will be looked at for future consideration.

J. Public Comment II

Chairman Wisniewski once again opened up the meeting to any members of the public wishing to address the Fire Safety Commission. There being none at this time, the meeting was moved to Adjournment.

K. Adjournment

Chairman Wisniewski asked if anyone had any additional business they would like to bring before the Commission. There being none, the meeting adjourned at 11:45 am.

*** The next meeting of the Fire Safety Commission will be on Wednesday, May 20, 2015 at 10am. It will be held at the Middlesex County Fire Academy in Sayreville, NJ ***