

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

Meeting of July 18, 2024

The New Jersey Fire Safety Commission meeting was held on Thursday, July 18, 2024 at the Surf City Volunteer Fire Department in Surf City, New Jersey.

Commission Members Present:

Mr. Kevin Krushinski, Chairman
Mr. Arthur Londensky, Vice-Chairman
Sen. Anthony M. Bucco
Mr. Lawrence D. Wood
Mr. Steve O’Gorman
Mr. Arthur Hayducka
Mr. Kevin Bellew
Mr. Richard Blohm
Mr. Charles Siedenburg
Mr. Raymond Heck
Mr. Charles Maria
Ms. Kathleen O’Leary
Mr. Frederick Collender
Mr. John Wisniewski
Mr. Karl Spinner

Commission Members Excused:

Mr. Paul McGrath
Mr. Armando Roman
Mr. Nelson Wiest
Mr. George Aleu
Mr. Gerard Naylis

DCA Staff Members Present:

Richard J. Mikutsky, State Fire Marshal
Louis Kilmer, NJDFS
Timothy Weiss, NJDFS
Charles Lavin, NJDFS
Dan Timmerman, NJDFS
Lenny Inzerillo, NJDFS
Greg Kirkham, NJDFS
Jason Spiecker, NJDFS
Tim Weiss, NJDFS

Guests:

William Gee
Joseph M. Lenarski
Dennis Allen

Alan Querec
William Quinn
Robert Hull
John D. O’Leary

Matthew Janora
Joe Signorello
Michael Scanf
Brendan Rhodes
Joe Vallo

John Garton
John H. Lightbody
Adam Ellenda
Karen Grant
Brian Kubiel

A. Call to Order

Chairman Kevin Krushinski called the meeting to order at 10:02 AM. He led the meeting with the Pledge of Allegiance and a moment of silence for those recently lost in the line of duty and the men and women serving our nation overseas.

B. Approval of Minutes

With no discussion requested or additional corrections, the minutes of the regular meeting of May 15, 2024, were approved as submitted.

C. Correspondence

Chairman Krushinski noted that any and all correspondence for today's meeting was contained in the Commission packets.

D. Public Comment I

Chairman Krushinski opened up the meeting to any members of the public present wishing to address the Commission. Alan Querec from the Training and Education Advisory Council spoke in support of the Council's continued working with the eligible organizations on the minimum physical fitness standards for firefighting recruits. Mr. Querec expressed regret that one of the members inadvertently sent out a letter on this, but this was not on behalf of the Training & Education Advisory Council. Mr. Querec stressed that the Committee that is working on this within the Training & Education Advisory Council is focused solely on assisting the eligible organizations convey the physical challenges of firefighting to recruits. It is their goal to work towards a uniform way to do this, but the process is in its infancy. Mr. Querec asked that the New Jersey Fire Safety Commission work with the Training & Education Advisory Council on this. Commissioner Richard Blohm took exception to this request, as he feels the matter of physical fitness standards should be the domain of the Firefighter Safety & Health Advisory Council. Commissioner Blohm also took exception to the Training & Education Advisory Council's minutes, where it is said that the Firefighter Safety & Health Advisory Council is looking to squash the physical fitness standards.

Commissioner Blohm asked that anyone looking at minimum physical fitness standards take a more global perspective going forward. He spoke about the negative effect they would have particularly on the volunteer fire service, when for years the Commission and the fire service in general has had great challenges with recruitment and retention. Commissioner Blohm added that the Jersey City Fire Officers and New Jersey IAFF are

opposed to the physical agility testing. Chairman Krushinski agreed that the Firefighter Safety & Health Advisory Council should be examining the issue as well in addition to Training & Education Advisory Council.

Commissioner Blohm made a point to ask State Fire Marshal Mikutsky if the Division of Fire Safety was actively involved in looking at the minimum physical fitness standards. Director Mikutsky answered that, to the extent that the NJDFS is involved with and oversees the Training & Education Advisory Council, they are involved with all of the business they discuss.

Joseph Vallo from the Training & Education Advisory Council spoke in favor of the minimum physical fitness standards for firefighters as a way to strengthen the fire service in terms of effectiveness and long-term well-being of firefighters. Mr. Vallo also disagreed with Commissioner Blohm that the Jersey City Fire Officers against this and the two went back and forth in regard to who is and is not in favor of these potential standards. Mr. Vallo also stated that the New Jersey State FMBA is in favor of these standards. Speaking as the NJ State FMBA representative on the Fire Safety Commission, Commissioner Steve O’Gorman said he can not confirm the organization’s stance on this one way or the other. Lastly, Mr. Vallo stressed that these standards are geared solely towards candidates for the position of firefighter. It would not be a test for anyone that is already on the job.

Bill Hnatiuk from NJ Start spoke to ask for help in their mission of making volunteer fire departments awareness of what firefighting equipment and training is available – especially considering shrinking budgets these days. Mr. Hnatiuk said he looks forward to collaborating with the Fire Safety Commission members on this task.

With no more members of the public wishing to address the Commission at this time, the meeting was moved to Division of Fire Safety Activities.

E. Division of Fire Safety Activities

Director Richard Mikutsky began his report by speaking about how the NJ Division of Fire Safety, with support of the DCA Administration, continues to work to fill current vacancies. Director Mikutsky was pleased to announce that the NJDFS has filled the long-vacant Bureau of Fire Department Services Bureau Chief position. This position has been vacant since roughly 2016 and will be filled by Bruce Tynan.

Director Mikutsky reported that, on July 9, 2024, President Biden signed into law the Fire Grants and Safety Act (S.870). The AFG and SAFER grant programs will continue to deliver vital federal support to fire departments across the nation and enable them to address their baseline needs. Specifically, this bill: a) Reauthorizes the Assistance to Firefighters Grant (AFG) and Staffing for Adequate Fire and Emergency Response (SAFER) grant programs through fiscal year 2028; b) Reauthorizes the U.S. Fire Administration through fiscal year 2028, and c) Extends the sunset date for AFG and SAFER to September 30, 2030.

On June 6, 2024, the NJDFS hosted its 20th Homeland Security and Fire Safety Conference at Kean University. The keynote speaker was NJ State Police Colonel Patrick Callahan. The NJDFS also welcomed back past Director Larry Petrillo, who made a special presentation, as well as members of law enforcement intelligence agencies and the fire service.

NJDFS representatives have been meeting on the OSHA rulemaking proposal. The NJDFS, Department of Health, Department of Labor, as well as the States of Illinois and New York are meeting biweekly. The discussions are related to the impact of the upcoming rule changes regarding fire departments. The federal comment period on this has been extended to July 22, 2024. Also, as has been discussed during past Commission meetings, the NJDFS is taking steps towards formulating a plan to take a closer look at large scale/high dollar loss incidents.

Director Mikutsky gave the following report from the Training & Certifications Unit: Work continues by the Training & Education Advisory Council on the formation of a Fire Training Commission (FTC) and physical fitness requirements for recruit firefighters. The Office of Training & Certification has processed over 10,400 certifications this year; the Hazardous Materials certifications account for 5,100 of those certifications. All initial applications have been processed, but there is a backlog in applications being returned for various reasons (over 250).

A memo was released by the Office of Training and Certification detailing the Hazardous Materials: Operations Mission Specific PPE and Product Control credentialing programs for those individuals who were not offered these courses before 2018. This course should take approximately one day to accomplish. This includes 3 hours of classroom lecture, 1 hour lunch, 3.5 hours of practical skills, and 30 minutes for the written exam (2 exams – 10 questions each).

The NJDFS and Kean University are working to schedule Train-the-Trainer sessions for Hazardous Materials: Awareness and Operations credentialing programs. This would be a complete HazMat T-T-T for all “new” Instructors that have never been previously approved to teach these courses.

The Office of Training & Certifications, along with Kean, have started to work on New Jersey Weekend at the National Fire Academy for 2025. The dates will be Friday, May 30th; Saturday, May 31st; and Sunday, June 1st, 2025. The Real ID Act will be in effect. The following courses will be offered:

- Residential Sprinkler Plan Review
- Command and Control for Company-Level Operations
- Introduction to Unified Command for All-Hazard Incidents
- New Fire Chief: Administrative Issues
- Building Resilience in Leadership: Strategies for Growth and Confidence
- Safety for Hazardous Materials Incidents
- Fire Investigation: Fire as a Weapon

Director Mikutsky reported that there are two remaining Eligible Organization meetings for 2024:

- Toms River Twp. Fire Academy – August 23, 2024
- Atlantic County Fire Academy – November 22, 2024.

The N.J.A.C. 5:73 regulations are currently being worked on and will be sent for review. Changes will include the Incident Management Level 2 requirement for all chief level officers (promoted, acting, or elected), the Incident Management Level 1 requirement for the Hazardous Materials: Incident Commander state certification, and the establishment of the Junior Firefighter training regulations. A copy of the proposed Junior Firefighter training regulations will be sent to the T&E Council for review and comment. The N.J.A.C. 5:74 regulations covering the Standard for the Certification of Fire Protection Equipment Contractors is being updated and reviewed. Changes include the addition of “Smoke Damper”, “Fire Damper”, “Combination Fire and Smoke Damper Contractor”, “Smoke Control System Contractor” state certifications and a revised fee schedule.

The NJDFS continues to meet with representatives from Labor, Health, Forest Fire, DEP, and other parties to discuss the federal OSHA’s proposed 29 CFR 1910.156 Emergency Response rule changes that will affect the NJ fire service, volunteer and career alike. The comment period closes on July 22, 2024.

The NJDFS, the Fire Safety Commission, and the Training & Education Advisory Council have had some discussions on the forming of a Fire Training Commission (FTC) very similar to what the police have with the PTC. These have been very informal discussions so far. The Division and the SME Group will be meeting with representatives from IAFF to discuss the CPAT program.

Director Mikutsky reported that the Battleship New Jersey management group has reached out to the Office of Training & Certifications and has expressed interest in becoming an approved Eligible Organization and Training Facility. They will reach back out once the Battleship’s repair work has been completed and she has been returned to her berth in Camden. Also, the Basic Fire Police Officer credentialing program is being updated by Chief Martinelli from Cumberland. The additions of the TIM and Hazardous Materials: Awareness courses are being discussed. The SME Group will be meeting later this month in Atlantic County.

Director Mikutsky reported on the Office of Fire Department Preparedness and gave the following year-to-date statistics:

Notifications-multiple alarms	492
Emergency responses	40
Exercises	36
Special Events	36
Fire department assistance	81
Training	126
Fire department complaints	115
Assorted Meetings	743

The NJDFS State Emergency Operations Center-ESF4 (fire) Emergency Operations Plan now includes NJ Forest Fire Service. Emergency Operations plan has been reviewed and approved by NJOEM for 2024. Also, the discussions continue with Union County Communications for NJDFS radio migration from Mercer County. The communications center has completed its renovations. Currently, Union County communications center is dispatch for all UASI task force resources.

Director Mikutsky reported that FBI Newark WMD and the NJDFS have developed a criminal awareness course for the fire service. The course is announced through the Kean Fire Safety catalog as well as the FBI. The course has classroom development in the morning and hands on participation in the afternoon. Due to the unique hands-on portion the course will only be held at the Union County Fire Academy. In addition, Office of Fire Department Preparedness personnel are continually assisting State Police and the Office of Homeland Security with ASIM B course delivery (Active Shooter Incident Management). The SAVER working group continues to promote the course as the standard for active violent event responses, statewide.

The CODES project has been well received and counties are utilizing the program daily. iPad's have been distributed and the county coordinators are entering their fire resources. Those counties that are regularly utilizing the program have indicated the system is invaluable for resource deployment and accountability.

Director Mikutsky gave the following report from the NFIRS Unit, with all statistics being year-to-date for 2024:

- Civilian Burn Reports: 246
- Total Fatal Fire Reports: 37
- Residential Fatal Fires: 27
- School Fire Reports: 44
- Electric Vehicle Fires : 3
- Lithium-Ion Battery Fires : 57

NFIRS Unit Staff have trained approximately 410 fire service members in Fire Incident Report Writing Classes. The delivery method included all in person classes including three for Kean University and 31 local delivery classes. These training classes encompassed 36 different fire departments including both volunteer and career departments. This is a 73% increase in Fire Service members being training compared to the same period in 2023.

NFIRS Unit staff responded to 10 of the 33 fatal fires in New Jersey and conducted 12 Fatal Fire NFIRS Report Reviews of the current 33. Staff also conducted 40 emergency responses to fire departments for NFIRS Coding assistance in various types of fires including multiple alarm fires, Fatal Fires, Civilian Burn Fires, Electric Vehicle Fires, Warehouse Fires and Residential Dwelling Fires. NFIRS Unit Staff calculated Property Loss Estimation of Fires in New Jersey at approximately \$120,385,902.00 during emergency responses.

NFIRS Unit Staff have audited, processed, and released 117,665 incidents for fire departments to United States Fire Administration for Data Analysis. Only 502 of the 702 or 71% of fire departments have reported any NFIRS Reports in 2024.

NFIRS Unit Staff received and reviewed 221 Civilian Burn Reports, 42 School Fire Reports and 54 Lithium-Ion Battery Fire Reports. NFIRS Unit Staff produced six technical NFIRS analytical reports which included 1 School Fire Report and 5 Lithium-ion Battery Reports.

Director Mikutsky gave a report from the Community Risk Reduction Unit. Their staff is hard at work putting together the 21st Annual Anthony R. Braig Conference on Youth Firesetting. It is scheduled for December 5-6, 2024 at Middlesex County Fire Academy in Sayreville. Details and registration information will begin coming out shortly after Labor Day. Also, the Operation Save-a-Life Program is ongoing, with fire departments receiving their allotments of smoke/CO alarms. Due to the extremely small supply received from Kidde this year, the NJDFS is working to ensure all fire departments that receive alarms are in good standing before they are deemed eligible for the program. This includes many criteria, including submitting NFIRS data, being up to date on their Annual Survey, and having accounted for all alarms they have been given in the past.

Community Risk Reduction staff is currently working on the Summer 2024 edition of the Fire Focus Online Newsletter. With the approval of/collaboration with the DCA Communications Office, this should be posted and distributed on August 1st.

Director Mikutsky gave a report from the Arson Investigation Unit. So far this year there have been 155 fire investigations (with 40 being deemed “Incendiary”) and 35 K9 deployments. There were also 285 “dispatch notification only” follow-ups and 35 firefighter injury cases. The Unit also now has a college intern assigned to them for the summer. She has been teamed with Investigator Letts & K9 Remi to learn and assist.

New Jersey forest fire cases have recently increased again, with a major 5200-acre wildfire in Wharton State Forest in Tabernacle last week. This fire was deemed arson and is still under investigation with NJ Park Police pursuing the case. A smaller wildfire was started nearby on the same day, and multiple arrests were made for this case. It was attributed to illegal discharge of fireworks. This same area has had multiple wildfires over the last year, so their relation is being evaluated.

Arson Investigation Unit staff also recently assisted with fire investigations at Rutgers - which saw a fire destroy a large farm maintenance storage building; and in Atlantic City, where a rooming house fire resulted in multiple injuries.

Bureau Chief Louis Kilmer began his report by talking about the new computer system, Dynamics, that is coming together week after week. Chief Kilmer also reported that the life hazard use fees being collected are up significantly, and this can be attributed to the new computer system’s effectiveness. This will help the local enforcing agencies to

receive more funds and the 4th quarter rebates should be coming out shortly (ahead of schedule). Chief Kilmer also noted that the contractor service portal is up and running, with a deadline of November 1st for all contractors to submit their reports. The NJDFS is in the process of an education program with the contractors. Chief Kilmer reported that the fire department access section of the computer system is up and running as well, which is extremely useful in getting departments real-time information on buildings, hazards, etc. Chief Kilmer reported that there is still a lot of clean-up to be done in the new computer system. This is relative to removing old data, correcting inaccurate data, and collecting outstanding fees.

Chief Kilmer reported that the 2018 Fire Code (Subchapters 2 and 4) went into effect back in April and the anticipated date of the code being fully adopted is October 15th. The combustible mulch element of the code is set to go into effect next April (April 2025), something that took a lot of work and Chief Kilmer is particularly proud of. In anticipation of the new code, there will be ten training classes – all taught by NJDFS staff. All ten offerings will have been done by October 15th. The NJDFS is also working with the International Codes Council on getting books printed.

Chief Kilmer gave a report on NJDFS staff and thanked all the DCA Administration and Director Mikutsky for their hard work and commitment to bolstering personnel. The problem they are still seeing, however, is with getting people to apply for the positions. Chief Kilmer spoke about a recent statewide list from Civil Service that only had 18 people on it – many of which were not eligible or already worked at the NJDFS. There needs to be a new initiative or new ideas to get more candidates involved.

Chief Kilmer reported that the NJDFS is seeing more and more shared service agreements and need to be reviewed. He spoke about the need for these agencies to have their own house in good working order before taking on more jurisdiction and additional responsibility. Chief Kilmer also spoke about training and the ongoing discussion about how CEUs are issued. This does not mean more requirements, only more opportunities to earn them.

Chief Kilmer reported that Governor Murphy recently signed the legislation on smoke control systems, which requires the contractors to be certified when working on them. This will be in the New Jersey Register on August 5th. There will also be a requirement for the contractors to submit their reports via the portal. The Contractor Certification Unit will be monitoring this. Chief Kilmer also mentioned the School Suppression Survey, which is still ongoing but not the highest priority at this point due to staffing issues.

There has been a lot of discussion recently regarding food truck permits, which is being looked at by the Codes Advisory Council as well. The NJDFS will be issuing a bulletin on this at some point in the near future. Chief Kilmer also followed up on the suggestion of the NJDFS taking a closer look at the biggest large-loss fires in the state. They are going to be working on this and looking to get intelligence on what could have prevented the fire and/or what could have been done differently from a code standpoint. Chief

Kilmer stressed that this would be done for informational purposes, not to assign blame or point fingers. Chief Kilmer added that the Attorney General's Office is still looking at the issue of fire department connection on highways and determining which state agency is responsible for maintaining them.

With no additional questions raised regarding Division of Fire Safety Activities at this time, the meeting was moved to Advisory Council reports.

F. Advisory Council Reports:

1. Codes Advisory Council

Commissioner Arthur Londensky reported that the Codes Advisory Council met at the Middlesex County Fire Academy in June, and many of the topics discussed were those that Chief Kilmer covered during his report. The minutes of this meeting were not available as of yet, but would be distributed to the Commission members electronically for their review at a later date.

2. Training and Education Advisory Council

Commissioner Charles Siedenburg reported that the Training and Education Advisory Council had met on June 18th and the minutes of that meeting are contained in today's Commission meeting packets. Commissioner Siedenburg reported that the primary topic of discussion was regarding the minimum physical fitness standards for recruit firefighters – as had been debated earlier under Public Comment I. Commissioner Siedenburg added that he was not privy to any additional meetings held on this topic, as mentioned prior by Commissioner Blohm, but he would be looking into it and joining that committee to make sure it is discussed out in the open.

3. Statistics and Information Advisory Council

In the absence of Commissioner Gerard Naylis, Secretary Charles Lavin gave a brief report that Commission Naylis submitted prior to the meeting:

“FEMA and USFA are planning a free webinar on August 1st on the new fire data collection tool.”

4. Master Planning and Research Advisory Council

Commissioner Raymond Heck reported that he would be coordinating with Commissioner Lawrence Wood on planning a meeting of the Master Planning and Research Advisory Council for either July 26th or July 28th. At this time, the Council is working alongside The League of Municipalities, as well as Tony Correia, in examining the information from the new OSHA standards. They are looking into how they will effect the current budgetary constraints and how departments and municipalities will be impacted.

5. Public Education Advisory Council

In the absence of Commissioner Paul McGrath, no formal report was available at this time.

6. Firefighter Safety and Health Advisory Council

Commissioner Richard Blohm reported progress for the Firefighter Safety and Health Advisory Council. As was the case earlier in the meeting, robust discussions on the physical agility standards have been taking place.

The next meeting of the Firefighter Safety and Health Advisory Council is scheduled for September 24th at Middlesex County Fire Academy.

7. Youth Firesetting Prevention Advisory Council

Commissioner Kathleen O’Leary reported that no meeting had been held since the last Fire Safety Commission meeting in May. Charles Lavin added that Director Mikutsky had covered any update on Youth Firesetting Intervention programs during his report on the ongoing planning of the 21st Annual Anthony R. Braig Conference on Youth Firesetting.

The next meeting of the Youth Firesetting Prevention Advisory Council is scheduled for September 11th at Wildwood Crest Volunteer Fire Department.

G. Committee Reports

1. Residential Sprinkler Committee

In the absence of Commissioner Gerard Naylis, Secretary Charles Lavin gave a brief report that Commission Naylis submitted prior to the meeting:

“The State Legislature has voted to delay the implementation of the requirement for automatic sprinkler protection in new townhouses. The Bill has been sent to the Governor for his consideration. I am recommending that this Commission urge the Commissioner of the Department of Community Affairs to contact the Governor and urge him to veto this legislation.”

Commissioner John Wisniewski made a motion that a letter be sent to the Governor’s Office from the Commission, urging him to veto this legislation. The motion was seconded by Commissioner Kathleen O’Leary and passed unanimously.

2. Ad-Hoc Committee on Legislation

Commissioner Kevin Bellew by reporting that Governor Murphy signed the Bill on residential sprinklers just last week, so there was now no need for a letter to be sent on behalf of the Commission. Commissioner Wisniewski withdrew his previous motion. Commissioner Bellew said that he thanked Governor Murphy for his support on this, as well as thanked Senator Bucco at today's meeting for his efforts.

3. NJ Statewide Utility Safety Team

Commissioner Steve O'Gorman reported that the NJ Statewide Utility Safety Team met last month and reported progress. The next meeting is scheduled for August 22nd at Monmouth County Fire Academy. They are working to spread the word about these meetings more widely throughout the fire service.

4. Electric Vehicles Working Group

In the absence of Commissioner Gerard Naylis, Commissioner John Wisniewski gave a brief report that Commission Naylis submitted prior to the meeting:

"The Committee was formed to attempt to draft a guidance document to assist planning boards and zoning boards of adjustment when evaluating an application that includes EV charging stations.

An initial email was circulated within the Committee on this topic. Commissioner George Aleu circulated a report on the topic for review by the Committee.

Chairman Naylis contacted Walter Nugent, who heads the fire science program at New Jersey City University, inquiring whether one of the classes at NJCU would consider conducting research on the topic of EV charging stations and write a research paper to assist the Committee. The Committee recognizes that this is a topic that requires good strong data to enable the drafting of a guidance document. The Committee does not want to create a work product based solely on undocumented or unsubstantiated claims to address what appears to be a serious issue. It is likely that this project will take until the end of the year to complete."

H. Old Business

Chairman Krushinski asked if anyone had any Old Business to bring before the Commission. Chief Kilmer spoke to thank Senator Bucco for introducing the legislation cleaning up the Fire Safety Act. Chief Kilmer also spoke about the legislation – which is now in its third committee in the Assembly, and second in the Senate – which would elevate the NJDFS inspector positions to get more viable candidates. Senator Bucco said he would follow up on this and Commissioner Wisniewski said he would contact the Assembly Speaker. Commissioner Wisniewski added that, in his experience, legislation that is sent to this many committees it usually means it won't be moving forward.

I. New Business

Chairman Krushinski took the opportunity to thank Kyle Costable and the Surf City Volunteer Fire Department for hosting today's meeting. Chairman Krushinski also thanked the Deputy Chiefs Association for sponsoring the refreshments at today's meeting.

There being no further New Business to conduct at this time, the meeting was moved to Public Comment II.

J. Public Comment II

Chairman Krushinski asked if anyone from the public wished to comment at this time. Bill Gee asked if there had been any movement on the NJDFS's ability to track lithium-ion battery fires. Director Mikutsky answered that, yes, they have made progress on this and will have a report coming out on what data they have on this. Mr. Gee also referenced a discussion from back in January regarding reports from a fire in Elizabeth, but Director Mikutsky said there was no update on this at the present time.

K. Adjournment

With no further discussion requested, Chairman Kevin Krushinski called for a motion to adjourn. Vice-Chairman Arthur Londensky made the motion, which was seconded by Commissioner John Wisniewski and passed unanimously. The meeting adjourned at 11:08 PM.

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