

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

**Meeting of January 16, 2019**

The New Jersey Fire Safety Commission meeting was held on Wednesday, January 16, 2019 at the Middlesex County Fire Academy in Sayreville, NJ

**Commission Members Present:**

Mr. Kevin Krushinski, Chairman  
Mr. Pasquale Intindola, Vice-Chairman  
Sen. Sam Thompson  
Mr. Lawrence D. Wood  
Mr. Armando Roman  
Mr. Gerard Naylis  
Mr. Charles Siedenburg  
Mr. Steve O’Gorman  
Mr. Daniel DeTrollo  
Mr. Raymond Heck  
Mr. Richard Blohm  
Mr. Fred Collender  
Mr. Arthur Londensky  
Ms. Kathleen O’Leary

**DCA Staff Members Present:**

Richard Mikutsky, NJDFS Director  
Lou Kilmer, NJDFS  
Rick Farletta, NJDFS  
Frank Clark, NJDFS  
Charles Lavin, NJDFS  
Jerry Clark, NJDFS  
Leonard Inzerillo, NJDFS  
Vince Campagna, NJDFS  
Kent Neiswender, NJDFS  
Tim Weiss, NJDFS  
Michael Whalen, Codes and Standards

**Guests:**

Alden Blackwell, Tenafly FD	Ronald McGowan Jr, Wildwood Crest Fire
Paul McGrath, City Fire	John Garton, NJDOL-PEOSH
Alan Querec, Somerset County	David Kurasz, NJFSAB
Gerard Duffy, NJOSH	Donald Scher, Hillsborough Fire
	David T. Phelan
	Rich Silvia, NJFPPA President

## **A. Call to Order**

Chairman Kevin Krushinski called the meeting to order at 10:05 AM. He led the meeting with the Pledge of Allegiance, a moment of silence, and pointed out the fire exits.

## **B. Approval of Minutes**

With no discussion requested or additional corrections, the minutes of the regular meeting of November 14, 2018 were approved.

## **C. Correspondence**

Chairman Krushinski 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 Krushinski opened the meeting up to any members of the public wishing to comment before the Fire Safety Commission. David Kurasz from the NJ Fire Sprinkler Advisory Board spoke and informed the Commission that there was a hearing scheduled on the one- and two-family sprinkler bill in Trenton on January 17<sup>th</sup>. They are in need of people to testify, so if anyone is interested they should speak to Mr. Kurasz.

David Fallon, speaking as a private individual, spoke about the need for residential fire sprinklers – and how water purveyors are impeding homeowners' ability to get them. Mr. Fallon gave his own personal account of how getting residential sprinklers in his own home was thwarted by the water purveyor in his area, and his struggle to get help with this from state agencies. This situation has been going on for over a year, and the Board of Public Utilities has not stepped in or taken any kind of action on Mr. Fallon's petition. There was a lengthy discussion amongst the Commission regarding how to remove the roadblock that private water utilities have created for homeowners getting sprinklers in their homes. David Kurasz echoed Mr. Fallon's concerns, and added that the problem is that the Board of Public Utilities only oversees a limited number of the water companies and there are numerous small ones out there. Senator Thompson asked to speak with both Mr. Fallon and Mr. Kurasz after the meeting to see what could be done.

With no additional members of the public wishing to comment 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 wishing everyone a safe and happy new year and went over all the liaisons from the NJDFS to the various Advisory Councils. Director Mikutsky distributed a directory of these liaisons in the Commission meeting

packets, which also contained a legislative report from the NJDFS that shows all the bills that are being tracked.

Director Mikutsky gave an overview of 2018 – a year that saw 62 civilian fire fatalities, which is a bit of an uptick based on the past few years. There were five fires that saw multiple fatalities, as well as four firefighter line of duty deaths. Also, there were 50 school fires that were reported in 2018 - up from 37 in 2017. There were also two incidents where there were injuries due to fireworks, but Director Mikutsky noted that these were only the ones that were reported.

The NJDFS's Arson Investigations Unit had a historic year in 2018, as they handled 236 fire scene investigations. A focus going into 2019 is bolstering the Arson Investigations Unit with three new K9s, as this group was spread extremely thin last year. Director Mikutsky commended their hard work in the past year, and they have already done 8 investigations only two weeks into the new year.

The NJDFS's Office of Fire Department Preparedness has sent out a survey on Class B AFFF foam to figure out what fire departments are in possession of. This is a result of the discussion at the last meeting regarding ground contamination that has been referred to by the Department of Environmental Protection. Commissioner Lawrence Wood remarked that the Fire Safety Commission members had not been immediately forwarded this survey, and Director Mikutsky agreed to have all bulletins and documents put out by the NJDFS be sent to all the Commission members as well.

Director Mikutsky reported that the State Fire Coordinators Meeting was scheduled for January 26<sup>th</sup>, and there would be four new County Coordinators appointed to replace those who were retiring/stepping down. The NJDFS has also been requested by Trenton Fire Department and Paterson Fire Department to examine their operations concerning staffing, etc.

In regards to the Junior Firefighters Bill, Director Mikutsky reported that the NJDFS had gone over the past proposed legislation and made recommendations. In the meantime, a new bill was introduced in the Senate by Senators Bucco and Singleton (S220) but they do not have the language on this bill yet.

On January 31<sup>st</sup>, the NJDFS will be participating in the Kickoff Event for the 21<sup>st</sup> Annual Operation 7 Save-a-Life program. February 3<sup>rd</sup> thru February 9<sup>th</sup> is National Burn Awareness Week, and the NJDFS will be putting out information throughout that week. Also, on April 26<sup>th</sup>, the NJDFS will be working with Kean University to host the Firefighter Health and Safety Summit at Middlesex County Fire Academy.

The NJDFS has continued to work with its partners on homeland security issues – namely the FBI, NJ State Police, and the Office of Homeland Security & Preparedness. The NJDFS will actually be partnering with OHS&P on a podcast that they have been distributing later this month.

The NJDFS has been involved in working with the Atlantic City Fire Department and were asked to take part in their recent promotional process. The NJDFS has also been working with the ACFD on setting up a better and safer schedule – moving to a 46-hour workweek with a four-platoon system. Director Mikutsky and Chief Louis Kilmer will both be in Atlantic City next week as they receive their ISO report. Commissioner Richard Blohm asked for some further detail on how things are progressing with the Atlantic City Fire Department amidst the State takeover. Director Mikutsky outlined how the NJDFS has given input in regards to how to get the most out of the department while keeping both the city and the firefighters safe. Part of that was going from 10 companies to 8 – which will reduce the actual man-hours worked per week while still providing coverage. Ultimately, the final decisions lie with the attorneys from the State and the monitors. The situation is not ideal and it doesn't look like increasing staffing is on the table right now.

Overall, Director Mikutsky feels the NJDFS is moving in a positive direction heading into the new year. He also noted that for Fiscal Year 2020 the NJDFS is earmarked for seven additional positions, but it is unclear whether those positions will be filled at this point.

Chief Louis Kilmer reported that, for the ninth year in a row, the NJDFS completed all of its inspections for the year (2018) in their municipalities and all State facilities. This included over 50,000 violations issued in roughly 17,000-18,000 initial inspections. Chief Kilmer commended all the staff involved in reaching this goal.

In the February 4<sup>th</sup> edition of the New Jersey Register, an adoption notice will appear for the new fireworks regulations. This is to implement the law passed back on July 4, 2017 to legalize certain types of fireworks in New Jersey. This will enable the NJDFS to move forwards on other code updates and corrections. There are approximate 50 updates and corrections need in the 2015 Code, and that will start its way through the approval process in the very near future. Additionally, there will be a code update soon that will correct various minor errors, typos, etc.

Chief Kilmer spoke about the RIMS system, and reported that the NJDFS will now be moving to a Microsoft-based system. The NJDFS is in the process of making sure it works for fire officials on a local level, and also that it has the ability to share information with fire departments as far as fire suppression. It would also allow for contractors to submit reports that are required automatically.

Chief Kilmer also spoke about the aspect of the Fire Code that requires 10-year sealed smoke alarms. He stressed that the window to change over to these types of alarms was July 1, 2018 thru December 31, 2018, and now they are required. Also, the NJDFS is in the process of getting all Annual Reports from the local enforcing agencies. At this point there does not seem to be any major issues with submitting these reports, and the process seems to be moving along relatively smoothly.

Chief Kilmer reported that the Peer Review Board will be reviewing three fire officials in the near future. As has been discussed in the past, the NJDFS will not bring people in for review for minor things; those being brought in are for very serious cases. Chief Kilmer also announced the newly formed Compliance Unit will be starting up next week and this will certainly bolster the Division's ability to collect fees, issue judgments, etc. The Unit is comprised completely of staff that was promoted from within. It will be supervised by George Beckett.

The NJDFS is continuing to work with the state's farming community and doing inspections at their buildings and facilities. This is an ongoing process that, in many cases, the farmers have appreciated the efforts of the inspectors in safeguarding their workers and their buildings. Chief Kilmer reported that the NJDFS is continuing to work with various other state agencies on school safety issues – fire emergencies, lockdowns, active shooter, etc. It is ultimately the goal to ensure that schools are safe and secure from intruders, fire, and any number of hazards presented.

Chief Kilmer spoke about the NJDFS's trainee program in which employees – who previously had no fire service/inspections experience – work their way up to being fire inspectors and fire officials. Two exceptional examples from this program, Talon Harris and Isaiah Goldsby, were in attendance at the meeting. The Fire Safety Commission applauded their hard work and success at the NJDFS.

Vice-Chairman Pat Intindola asked about the new smoke alarm requirements, more specifically what would happen if you had an existing one and are selling your house. Chief Kilmer answered that you would need to replace the old smoke alarm with a 10-year sealed battery one in order to get the certificate of occupancy. Obviously this does not concern hard-wired smoke alarms. Chief Kilmer also noted that he will be putting out an article on the specifics of this.

## **F. Advisory Council Reports:**

### **1. Codes Advisory Council**

Vice-Chairman Pat Intindola reported that the Codes Advisory Council met on December 19<sup>th</sup> at the Middlesex County Fire Academy and the minutes for that meeting are in the Commissioners' packets. Vice-Chairman Intindola reported that there were discussions on Subchapter 3, and the progress of the updates to the 2015 IFC would take another six months or so according to Chief Kilmer. There was also discussion on Subchapter 4, and adding a retro-fit for Emergency Responder Radio Coverage. The Council weighed the pros and cons of this and it will continue to be reviewed.

Vice-Chairman Intindola reported that the Codes Council is continuing to work on the Fire Protection Color Tag System, and will soon be meeting with the Fire Equipment Contractor's Advisory Board on this. The Codes Council also reviewed materials from the National Association of State Fire Marshals on Classroom Door Security and Locking Hardware. There was also discussion about the Mulch proposals and debate as to the proper distance between mulch and a given building.

Chief Kilmer gave a brief report on “Cold Spark Machines” which are pyrotechnics that resemble a waterfall and they are used at concert venues, stadiums, etc. They are becoming more and more popular lately, but they do not technically fit into regulations on pyrotechnics. The NJDFS is looking into requiring a separate type of permit for these. There will be a demonstration of these cold spark machines at the next Codes Advisory Council meeting.

Vice-Chairman Intindola spoke about the issue of contractors’ responsibility to forward fire protection reports to the authority having jurisdiction. Chief Kilmer clarified that the contractor, not the business owner, is responsible for this and it would have to be done within five days. Vice-Chairman Intindola made a motion that the Fire Safety Commission adopt this, and a lengthy discussion ensued in regards to the effect it would have. Many Commission members expressed concern that having the contractor responsible for this submission within five days, rather than the business owner, would affect the process – particularly because contractors are not referenced in the Uniform Fire Code. Also, there was concern about contractors not submitting reports until they are paid in full and that could be well beyond five days. Commissioner Arthur Londensky made a motion that this issue be tabled until the complete proposal of this issue can be reviewed in writing. This motion was seconded by Commissioner Daniel DeTrollo and passed unanimously.

Commissioner Gerard Naylis asked a question regarding the new smoke alarm regulations. If a home is equipped with a hard-wired system, do smoke alarms need to be replaced with 10-year sealed battery ones? Chief Kilmer answered that when there is a hard-wired system present, it would not need to be replaced. Commissioner Naylis also expressed concern that there has not been progress as far as hot work permits, and asked Vice-Chairman Intindola to make this committee’s work a priority going forward.

The next meeting of the Codes Advisory Council is scheduled for February 20<sup>th</sup> at the Middlesex County Fire Academy in Sayreville.

## **2. Training and Education Advisory Council**

Commissioner Lawrence Wood reported that the Training and Education Advisory Council met via phone-in meeting on Tuesday, December 18<sup>th</sup>. The minutes of that meeting are contained in the Commission meeting packets. All business of the Training and Education Advisory Council is covered in detail in those minutes, and if any Commissioner has any questions on them they can be directed to Commissioner Wood.

Commissioner Wood also reported that the Council is in the process of reviewing its roster to ensure that members are active and reappointed in a timely manner. Commissioner Wood made a motion that three new members of the Training and Education Advisory Council be approved by the Fire Safety Commission. They are Keith Greene, Ron Martinelli, and Alan Querec and their resumes have been distributed

to the Commission members prior to the meeting for review. The motion was seconded by Commissioner Gerard Naylis and passed unanimously.

Commissioner Richard Blohm expressed concern about having telephone meetings, in the way that this would prevent someone in-the-know about how to access the meeting from attending and commenting on the Council's business. Commissioner Wood assured the Commission that these meetings, which were planned to boost attendance during potentially bad-weather months, are widely advertised to any interested parties well in advance and anyone is welcome to attend remotely.

The next meeting of the Training and Education Advisory Council is scheduled to take place via conference call on Tuesday, February 19<sup>th</sup> at 10:00 AM.

### **3. Statistics and Information Advisory Council**

Commissioner Gerard Naylis urged everyone present to let their fire departments know that their NFIRS data for 2018 as soon as possible. They are trying to get everything together by February 1<sup>st</sup> so as to get the next annual report process started in a timely manner.

Commissioner Naylis also reported that the Statistics and Information Advisory Council will be looking closely at this past year's data to examine why there was an uptick in fatalities and what could potentially be done to bring that number down in 2019. Also, the Council will be looking at how fire departments can access their data and identify it via congressional districts and legislative districts.

### **4. Master Planning and Research Advisory Council**

Commissioner Raymond Heck reported that much of what Director Mikutsky spoke about in the NJDFS Activities report was what the Master Planning and Research Advisory Council had identified as points of concern. Commissioner Heck thanked Director Mikutsky for appointing Jerry Clark as NJDFS liaison and wished him luck in that position.

Commissioner Heck spoke about how he was encouraged to hear about the NJDFS's work with Homeland Security and their involvement with school lockdown drills. These are things that the Council has talked about and focused on as areas that need to be concentrated on going forward. Commissioner Heck spoke about how the fire service in the State of New Jersey should be preparing itself – both in personnel and equipment – for these issues that will be a focus going forward. Commissioner Wood added that Homeland Security should be providing more detail to the fire service as far as how to respond to a hostile, or potentially hostile, emergency situation. Director Mikutsky answered that, generally, this is viewed as a law enforcement matter but the fire service has been working more and more closely with Homeland Security to make the response more complete – and the fire service is playing catch-up to some degree. Rick Farletta added that there are six trainings in New Jersey (through OHS&P) coming up on the

active shooter situations and he would provide the information on these to the Fire Safety Commission.

Commissioner Heck also spoke about the firefighting foam that is potentially out there when the results of the Division of Fire Safety's survey comes back. He said that we need to be prepared to deal with the results as far as being able to remove the foam. Director Mikutsky and NJDFS's Rick Farletta answered that it would ultimately come back to the Department of Environmental Protection on what is done with the foam. At this point, they are at the first step of data gathering of what is out there.

Commissioner Heck made a motion that Robert McDonnell and Anthony Massaro be appointed to the Master Planning and Research Advisory Council. Their resumes were distributed to all Commission members electronically. The motion was seconded by Commissioner DeTrollo and passed unanimously.

#### **5. Public Education Advisory Council**

Commission Daniel DeTrollo reported that no meeting had been held since the previous Fire Safety Commission, but called upon Charles Lavin to report about ongoing Public Education programs at the NJDFS. Mr. Lavin echoed Director Mikutsky's report on the upcoming kickoff to the Operation Save-a-Life smoke alarm program and said that most likely the alarms would not arrive in New Jersey until April/May 2019. They would then be distributed by department from there.

Mr. Lavin also reported that the NJDFS has partnered with public education representatives in New York, Delaware, Maryland, Washington DC, and Pennsylvania – as well as NFPA – to put on the Mid-Atlantic Regional Fire Safety Summit. The event, which was held on November 28<sup>th</sup> at Raritan Center – saw 212 attendees from 14 different states experience several presentations in the area of public education during a full-day program. Mr. Lavin said he was working with NFPA on putting together a summary of the event and would share this with the Fire Safety Commission at the next meeting.

The next meeting of the Public Education Advisory Council will be scheduled for March 2019 at a later date.

#### **6. Firefighter Safety and Health Advisory Council**

Commissioner Richard Blohm reported on one of their Committee's work on the "Pink Book" and they will be reporting on their findings at today's meeting. They are working on areas such as treating burns, recovery from injuries, and various other health-related matters that are fire service specific. There was also further discussion on facial hair and a firefighters ability to wear an SCBA properly with it. Having facial hair can, in many cases, prevent the mask from sealing properly. Commissioner Blohm has spoken with the Department of Labor's representatives on this situation.



Commissioner Blohm, as well as Commissioner Naylis, strongly advocated for the Capt. Buscio program that provides firefighters and their families screenings as far as cardiological health. Both Commissioners spoke about this program's life-saving benefits and urged everyone to take advantage of it if at all possible.

The next meeting of the Firefighter Safety and Health Advisory Council will be held today following the Fire Safety Commission meeting, here at the Middlesex County Fire Academy.

## **7. Youth Firesetter Prevention Advisory Council**

Commissioner Kathleen O'Leary reported that the Youth Firesetter Prevention Advisory Council did not have an official meeting on January 10<sup>th</sup> since no Commission member was present, so there are no minutes in the meeting packets. Commissioner O'Leary asked Charles Lavin to give an update on Youth Firesetter Intervention Programs.

Charles Lavin reported that the 16<sup>th</sup> Annual New Jersey Youth Firesetter Intervention Conference took place on November 29-30 at Middlesex County Fire Academy. There were over 120 attendees who took in 10 different courses from instructors who came from around the country. Of particular note was Keynote Speaker David D'Amico who gave a great presentation on "Bias, Prejudice, and Stereotypes" in the amphitheater on the first morning of the Conference. Next year's Conference – the 17<sup>th</sup> Annual – is already scheduled for December 5-6, 2019. Mr. Lavin also reported that they are in the process of planning a Youth Firesetter Intervention Specialist course for Cumberland County this coming April.

Commissioner Naylis added that the New Jersey IAAI chapter is currently accepting applications for scholarships and grants for local units working on youth firesetter intervention. Applications are due on February 1<sup>st</sup>.

The next meeting of the Youth Firesetter Prevention Advisory Council is scheduled for March 14<sup>th</sup> in Mercer County.

## **G. Committee Reports**

### **1. Residential Sprinkler Committee**

Commissioner Gerard Naylis spoke about the difficulties that the Residential Sprinkler mission continues to encounter – not only with the homebuilders, but now with water purveyors as well. Commissioner Naylis spoke about the need for studies in the area of water supply/water pressure, and have real data on what it takes for residential sprinklers knock down fires. Otherwise, the battle continues with getting residential sprinkler legislation in Trenton.

## **H. Old Business**

Chairman Krushinski asked if anyone had any Old Business to bring before the Commission. Commissioner Wood followed up on the cladding issue that was discussed at the previous meeting. Since then, he has spoke with Codes and Standards and it appears that cladding is not an issue in New Jersey as it is currently regulated.

## **I. New Business**

Commissioner Arthur Londensky took the opportunity to express his gratitude and appreciation to City Fire, led by Paul McGrath, for their efforts in providing educational opportunities for New Jersey's fire service officials – hosting seminars at their own express. Commissioner Londensky added that, if more seats were added to the Fire Safety Commission via the proposed legislation, Mr. McGrath would be an ideal person to fill one of those seats. The Commission as a whole expressed their appreciation to City Fire. Chairman Kevin Krushinski also thanked Mr. McGrath and City Fire for their generosity in providing coffee and refreshments for today's meeting.

## **J. Public Comment II**

NJ Fire Prevention & Protection Association President Rich Silvia address Commissioner Wood in commenting about training fire and EMS first responders in active shooter-like incidents. They are doing this type of training at Bergen County Fire Academy for those who are generally on the scene first, and it is based on lessons learned from incidents at Sandy Hook and Orlando, FL. Mr. Silvia stressed that fire and EMS responders do not enter hot zones, but focus on warm zones and attending immediately to the victims.

David Kurasz from the NJ Fire Sprinkler Advisory Board thanked the Fire Safety Commission for tabling the issue concerning contractors submitting reports within five days, as his organization would like the chance to review the new rules in writing beforehand.

Gerard Duffy from the NJ Electronic Security Association spoke about the new smoke alarm regulations and expressed concern that there was some confusion about what is required. He requested that some definitive information be distributed – namely to his association's members. Chief Louis Kilmer answered that a guidance document is being worked on a should be out in the near future.

## **K. Adjournment**

With no further Chairman Krushinski called for a motion to adjourn. Commissioner Heck made a motion, which was seconded by Commissioner DeTrollo and passed unanimously. The meeting adjourned at 11:55 am.

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**\* The next meeting of the Fire Safety Commission will be on Wednesday, March 20, 2019 at 10am. It will be held at the Middlesex County Fire Academy in Sayreville, New Jersey\***