

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

Meeting of March 16, 2022

The New Jersey Fire Safety Commission meeting was held on Wednesday, March 16, 2022 at Middlesex County Fire Academy in Sayreville, NJ.

Commission Members Present: Mr. Kevin Krushinski, Chairman
Sen. Sam Thompson
Mr. Lawrence D. Wood
Ms. Kathleen O’Leary
Mr. Steve O’Gorman
Mr. Fred Collender
Mr. Arthur Hayducka
Mr. George Aleu
Mr. Nelson Wiest
Mr. John Wisniewski
Mr. Gerard Naylis
Mr. Richard Blohm
Mr. Arthur Londensky
Mr. Charles Siedenburg

Commission Members Excused: Asm. Kevin Rooney
Mr. Armando Roman
Mr. Karl Spinner
Mr. Raymond Heck
Mr. Daniel DeTrolio
Mr. Kevin Bellew

DCA Staff Members Present: Richard Mikutsky, NJ State Fire Marshal
Louis Kilmer, NJDFS
Charles Lavin, NJDFS
Tim Weiss, NJDFS
Vincent Campagna, NJDFS
Greg Kirkham, NJDFS

Guests: Ronald McGowan, Wildwood Crest FD
John Garton, NJDOL/PEOSH David Kurasz, NJFSAB
Peggy Brookes, Princeton Helge Nordtveit
Christopher Weniger, Somerset Co. Joseph Hankins, NJFSA

A. Call to Order

Chairman Kevin Krushinski called the meeting to order at 10:06 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 January 19, 2022 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. With no 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 talking about the NJDFS returning full-capacity to the office as of January 31st. Mask mandates were also lifted last week so, after long last, the Division of Fire Safety is back to moving about the office and working as normal.

Director Mikutsky spoke about a respiratory safety alert that was issued by the NJDFS recently in regards to firefighters' facial hair. Director Mikutsky commented that far too much time and energy has been spent on this issue, the bottom line being that firefighters can not have beards and use their safety equipment properly. There have been several meetings about this issue and NJDFS is working hand-in-hand with the Department of Labor on it. The safety alert was sent to all departments statewide and to all Commission members for their information.

Director Mikutsky reported that the New Jersey FIRE Bowl fire safety education program is back up and running after a couple years offline due to COVID. The program will commence for participating school districts on March 23rd and continue through the State Championship event at Kean University on May 19th. Also, the Operation-7 Save-a-Life kickoff breakfast is returning on March 22nd – this is the program's 24th year and the NJDFS is proud to be a part of it. Kidde – the program's primary sponsor – went out of their way this year to ensure that New Jersey had smoke alarms distribute ahead of the actual start of the program.

The NJ Division of Fire Safety's Homeland Security Conference is scheduled for June 2nd at Kean University's STEM Building. Registration is available currently on Kean's Fire Safety website. The Keynote Speaker will be Erik Gabliks, Superintendent of the National Fire Academy who is also from New Jersey. In addition, the Emergency Preparedness Conference is scheduled for the week of May 2nd – the NJDFS will be making several presentations there.

Director Mikutsky spoke about the ongoing (and approaching) issue of legalized marijuana and the fire service. He thanked Commissioner Richard Blohm for working along with him in collecting information from the Denver Fire Department. The Commission members discussed the issue and it was decided that the NJFSC Secretary would field questions and pass them along to the Denver FD. Commissioner Blohm provided further details, especially in regards to buildings (growing facilities, stores, etc.) associated with the marijuana industry. He also spoke about dealing with firefighters or firefighter recruits who may be under the influence of marijuana. There are issues related to the career fire service, volunteer fire service, testing, and operating equipment that all need to be ironed out as soon as possible.

Director Mikutsky spoke about the disposal of boat flares – a question that had been raised to him in Ocean County earlier in the year. He reached out to NASFM on this and most were unsure of what to do, but the State of Maine has a full plan in effect and we are now working with DEP on this here in New Jersey.

In regards to Training and Certifications, Director Mikutsky reported that 255 CEU training courses have been scheduled through Kean University. They are delivered in 2.5- and 5-hour presentation time periods. The delivery formula is: 75% are Zoom, 25% are in-classroom. The Spring 2022 Brochure is on the Kean University Fire Safety Program website and available for download. The NJDFS has also scheduled nine NFA classes for in-state (in NJ) delivery through the 2022 NFA State Weekend Program. They are being delivered in three regional county academies: March 5-6 in Morris Co., April 2-3 in Middlesex Co., and May 14-15 in Burlington Co.

Director Mikutsky reported that, in late April 2022, the ProBoard Reaccreditation Visiting Team will be visiting our NJDFS/Kean staff offices to review our renewal of existing ten certification titles. Eight new certification titles will be reviewed for ProBoard Accreditation as well. We are hopeful that full approvals from ProBoard will be given around July/August 2022. The NJDFS has also purchased and received 2,750 Firefighter 1 textbooks/workbooks and e-learning licenses to support BOTH Firefighter 1 and Firefighter 2 classes. This also includes HazMat training programs.

The National Fire Academy announced that, as of May 2023, REAL-ID will be required to attend any on-campus programs. Fire service personnel should be encouraged to obtain New Jersey's REAL-ID driver's licenses, as this will impact future iterations of New Jersey Weekend.

On March 1st, the NJDFS released the new Fire Official Certification Program and final written exam, which will replace the previous Fire Official certification program. The new program is 55 hours in length with the final State exam required to be passed in the course delivery. The Fire Official SME group approved the new training program, skill sheets, and exam questions. Train-the-Trainers were delivered with 70 instructors in attendance.

Director Mikutsky reported that the Fiscal Year 2023 Kean Contract has been submitted to the DCA Commissioner's Office for approval. This contract is traditionally approved by DCA in August each year. Director Mikutsky also reported that the summary statement on the Junior Firefighter legislation is being worked on and will be forwarded to the Attorney General's Office and DCA Commissioner's Office before publishing and adoption.

The NJDFS's Office of Fire Department Preparedness now has a vacancy in the Delaware River region and they are currently working on a replacement. In addition, they are working on backfilling support staff positions and additional personnel. They have also upgraded the portable radios for NJDFS personnel and looking into the possibility of upgrading its dispatching system.

The NJDFS has been meeting with representatives from Pennsylvania on mutual aid agreements. This would have to be done on a county-to-county basis because of rules with being able to enter into agreements with other states, and Pennsylvania's status as a commonwealth. Director Mikutsky also spoke about new software for county coordinators (currently being used in Mercer) that allows them to see where resources are and enables them to be moved and allocated easily. The NJDFS is looking to provide all 21 counties with this, hopefully within the year.

Director Mikutsky reported that the Arson Investigations Unit has conducted 66 investigations to date in 2022, which is ahead of pace from 2021 (which was a record-setting year). There have also been arson arrests recently in Ocean and Burlington Counties. The Arson Unit is also involved in investigating a training injury in Cherry Hill. Also, after some minor delays, it is anticipated that a new fire investigator will be hired in the near future.

Bureau Chief Louis Kilmer began his report by talking about Annual Reports and was pleased to announce that all were filed as of mid-February. He thanked the Local Assistance Unit specifically on all their hard work in getting this done. The Code Enforcement Unit also continues to get inquiries about rule relaxations. Currently, there are no rule relaxations in effect and the code will be enforced as normal. This, of course, applies to temporary structures (i.e. tents) as well. They are able to stay up and be used as long as they meet all requirements.

The NJDFS has been involved in a number of meetings regarding sober living facilities that are typically in one- or two-family homes for those recovering from addiction. They have been speaking with the Department of Community Affairs about how these facilities

are to be classified, as the legislation that was signed back during the Christie administration did not clearly outline this. Ultimately it was determined that the Fire Code does apply to these facilities and (hopefully) this issue has been put to rest.

Chief Kilmer reported that the NJDFS continues to work on updates to the Fire Safety Statute – which had not been significantly looked at in a number of years. Also, legislation was recently signed requiring for covers on radiators. This legislation moved very quickly and does not offer specifics regarding the types of covers, temperature, piping to the radiator, etc. Chief Kilmer has done some research on this and there is not much regulation of this throughout the United States. However, there is more specific information available in the United Kingdom in regard to types of covers, the temperatures they can handle, etc.

Chief Kilmer reported that, now that COVID restrictions have largely been lifted, the NJDFS is beginning to see the return of events/shows/etc. that have not been around the past couple years. This will create a bit more work for the NJDFS and local enforcing agencies. The NJDFS did complete all inspections in 2021.

Chief Kilmer spoke about shared services, which is a hot topic lately, and the NJDFS is certainly in favor of. However Chief Kilmer stressed the need to make sure shared services are done properly. It should be done not solely for financial gain, but also with an eye toward having the resources and ability to provide the services properly across the board. Chief Kilmer has taken steps with the Local Assistance Unit to make sure this is the case and all involved perform all necessary duties of the fire official. Chief Kilmer also spoke about the NJDFS reestablishing the Peer Review Board and all that entails.

Chief Kilmer reported that the 2018 Fire Code was submitted to the DCA Commissioners Office just yesterday after an extensive review, particularly concerning Subchapter 4. Chief Kilmer made specific mention of newly added Chapter 39 that has language regarding marijuana extraction facilities. He commended all the NJDFS staff that worked hard on this review, and added that there will certainly be elements of it that get some pushback. The NJDFS will alert the Fire Safety Commission when this is published.

Chief Kilmer reported that work on the new computer system is ongoing and thanked all who continue to diligently help develop it. It will be more user friendly for all those who need to access the information, as they will be able to have detailed information from their vehicles, etc. Reports will populate directly to a building's file as well. RIMS, in the meantime, continues to operate and remain stable. Rebates should be going out on time as expected as well.

Chief Kilmer reported on personnel and commented on the ability for the NJDFS to promote and backfill positions, yet struggle to find new, full-time staff. While this is a problem seen across all professions at all levels today, the NJDFS continues to work with Civil Service on filling positions and urged the Commissioners to let anyone who may be interested know.

The NJDFS is currently involved in a lengthy court case regarding surgical centers, a suit that was filed by the NJ Dental Association. They are waiting for a summary decision on this, which is expected shortly, and it may alter how these types of buildings can be dealt with. Chief Kilmer also reported that the School Survey is underway. It is being conducted online to streamline the process, and this will be tested with a handful of school districts before it is sent out to all.

Chairman Kevin Krushinski asked about amendments to the year end reports and whether that could include more information in regard to youth firesetter intervention programs. Chief Kilmer said that he would check on this and that it certainly could be covered under the annual reports to get more information on these programs. Chairman Krushinski also asked about the new bill on radiator covers; this was forwarded to all Commissioners for their review during the meeting. Chairman Krushinski also asked about a bill exempting certain firefighters from having to do certain tasks – a bill that was extremely vague in nature. Director Mikutsky answered that he was not aware of the bill but would look into it.

Commissioner Richard Blohm inquired about a letter that was sent out regarding I-200 as a core competency, and also raised the question about Junior Firefighter and their ability to have their tests read to them (given an Individualized Education Program is in place). Commissioner Blohm noted that ProBoard allows Individualized Education Programs and this will have to be resolved.

Commissioner Gerard Naylis asked if there were penalties that were going to be assessed against fire officials that do not perform the full extent of their job. Chief Kilmer answered yes, and that typically the Peer Review Board recommends even harsher penalties than the NJDFS itself does. The reviews and penalties are done on a case-by-case basis. When fire officials do not enforce the fire code, falsify documents/reports, etc., this is not taken lightly and Chief Kilmer feels very strongly that we can not turn a blind eye to these types of offenses. Commissioner George Aleu suggested that if there was a list of outstanding inspections shared, local enforcing agencies could review and offer help to the NJDFS to get things up to speed and get the inspections done. Chairman Krushinski asked if there was a minimum level of staffing that local agencies should and maintain in order to get their inspections done. Chief Kilmer answered that it depends on a lot of factors, including amount of buildings, building size, etc. It is difficult to put an exact number on it.

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 there was nothing on the agenda for March, so the previous meeting was cancelled. Therefore, there is no report to be given at this time.

2. Training and Education Advisory Council

Commissioner Lawrence Wood reported that the Training and Education Advisory Council met on February 15, 2022, and the minutes of that meeting are contained in the Fire Safety Commission meeting packets. Commissioner Wood spoke about the NFPA's adoption of NFPA 470 for Hazardous Materials – which consolidated standards 472, 473, and 1072. This will impact the HazMat courses and the HazMat SME group will have to convene to work on this change.

Commissioner Wood also reported that there were a few items the Training and Education Advisory Council asked he bring up at the Fire Safety Commission meeting, which he will do under New Business.

Commissioner Richard Blohm asked about an item in the minutes that calls for additional qualifications for fire instructors and if that is what the Training and Education Advisory Council is recommending. Commissioner Wood answered that this is something they were talking about to distinguish from junior firefighters and is not being posed in the form of a motion at this time.

Director Mikutsky asked for clarification regarding the Training and Education Advisory Council's recommendation that there be a liaison to Kean University. Commissioner Wood stated that the Council would like to be able to have input and knowledge of what is going on with the Kean Fire Safety Program. Director Mikutsky explained that the liaison between the Advisory Council and Kean would be NJDFS's Greg Kirkham, in addition to the numerous Council members that serve on SME groups. He explained that the NJDFS staff that serves on the Council is the liaison to Kean and the NJDCA just like Commissioner Wood is the liaison between the Council and the Fire Safety Commission. The positions that the Advisory Council are asking for are already in place, and therefore not needed.

Commissioner Gerard Naylis expressed concern that the Training and Education Advisory Council continues to pursue and discuss acquired live burn structures. Commissioner Naylis urged the Fire Safety Commission to take a stand and let this Council know that it is not their intent to allow this to take place. Director Mikutsky stated that this will absolutely not be permitted and does not know how to make it any clearer. He will issue another bulletin from the NJDFS if necessary, as both the NJDFS and Fire Safety Commission have stated this position clearly in the past. Chairman Kevin Krushinski spoke about acquired live burn structures being a recipe for disaster.

Commissioner Wood insisted that the Training and Education Advisory Council has a right to make proposals and discuss ideas, which is what is being done here, whether they are ultimately accepted or not. Commissioner Blohm suggested the Training and Education Advisory Council Chairman report back that the proposal has been rejected by both the NJ Fire Safety Commission and NJ Division of Fire Safety, and the point is now moot.

3. Statistics and Information Advisory Council

Commissioner Gerard Naylis reported that he has spoken with Vincent Campagna from the NJDFS NJFIRS Unit, and he is looking into data relative to fire deaths and areas that participate in the Operation-7 Save-a-Life smoke alarm program. Commissioner Naylis cited the prior NFIRS data report from the New Jersey Division of Fire Safety and stressed the importance of regularly submitted accurate data.

4. Master Planning and Research Advisory Council

In the absence of Commissioner Raymond Heck, no report was given.

5. Public Education Advisory Council

In the absence of Commissioner Daniel DeTrollo, no report was given.

6. Firefighter Safety and Health Advisory Council

Commissioner Richard Blohm reported that the Firefighter Safety and Health Advisory Council meeting was held, but he was unable to attend and called on Commissioner Nelson Wiest to provide the report.

Commissioner Wiest reported that the Firefighter Safety and Health Advisory Council met on Zoom in January and in person in March and discussed several topics relative to the Department of Labor, Department of Health, and the NJ Forest Fire Service. Commissioner Wiest thanked the NJDFS for issuing their safety alert relative to facial hair.

The Department of Labor spoke about the problem of either overzealous NFIRS reporting, or a lack of NFIRS reporting, resulting in the unnecessary opening of cases at the DOL. Vincent Campagna was in attendance to explain the process in detail. Mr. Campagna also spoke about incident commanders being named in lawsuits and Commissioner Wiest said that he will be urging all his members at the NJ Career Chiefs Association to make sure they have adequate coverage or some sort of umbrella policy and are covered.

The NJ Forest Fire Service asked that the Council remind the NJ Fire Safety Commission that their grant program is still active for whoever would like to apply, and urged anyone interested to get their applications in. Commissioner Wisniewski called attention to the

Forest Fire statistics, and asked how they compared to the past two years. Commissioner Blohm answered that he did not know off-hand, but would find out via the Forest Fire Service's representative on the Council.

7. Youth Firesetter Prevention Advisory Council

Commissioner Kathleen O'Leary reported that the Youth Firesetter Prevention Advisory Council met on March 9th at the Monmouth County Fire Academy in Freehold. The minutes of that meeting are contained in the Commission packets.

Commissioner O'Leary reported that both Youth Firesetter Intervention Specialist and Youth Firesetter Program Manager were held with full classes back in February. Demand remains high for these trainings and another Youth Firesetter Intervention Specialist was planned for May 12-13 at Monmouth County Fire Academy. Registration is currently open on the Kean Fire Safety website.

Commissioner O'Leary reported that the 2022 New Jersey Youth Firesetter Intervention Conference is set for December 1-2 at Middlesex County Fire Academy. The planning committee for that event will start meeting around May/June, but work has already begun at the Division level on this.

The Youth Firesetter Prevention Advisory Council continues to work towards getting all New Jersey counties participating and, to that end, having the NJDFS work with the Attorney General's Office on how to do this. Director Mikutsky added that he is trying to coordinate with the Attorney General's Office on this. Chairman Krushinski asked about the feasibility of creating a database for New Jersey, and Director Mikutsky said they would look into this – hopefully in conjunction with the Attorney General's Office as well.

The next meeting of the Youth Firesetter Prevention Advisory Council is scheduled for May 4, 2022, at Monmouth County Fire Academy.

G. Committee Reports

1. Residential Sprinkler Committee

Commissioner Gerard Naylis said he looks forward to coordinating with the Ad-Hoc Committee on Legislation to work towards getting support for a new Residential Sprinkler Bill.

2. Ad-Hoc Committee on Legislation

In the absence of Commissioner Kevin Bellew, no formal report was available at this time. However, Chairman Krushinski reported that there was a meeting at Assemblyman Rooney's Office a few weeks ago where several bills were addressed. He said that

Assemblyman Rooney and/or Commissioner Bellew would be able to give an update on this at the next meeting.

3. NJ Utility Safety Team

Commissioner Steve O’Gorman reported that they are seeing increased interest in trainings with the utility companies and would be forwarding a contact list for all utility companies that the Commission members and their organizations should have handy. He would coordinate with the Commission Secretary on distributing this list.

H. Old Business

Chairman Krushinski asked if anyone had any Old Business to bring before the Commission.

Being that Middlesex County Fire Academy had been double-booked for the date of the next Fire Safety Commission, a discussion was held on where to move the meeting for May 18th. The NJ State Firemen’s Association graciously offered their facility to hold the meeting – so it was moved to their building in Wall Twp., 10AM on May 18th.

Chairman Krushinski made a special presentation honoring Commissioner John Wisniewski for his long tenure serving at Chairman of the New Jersey Fire Safety Commission. Commissioner Wisniewski thanked Chairman Krushinski and the rest of the Commission for their kind gesture and said he looks forward on continuing with the mission in the future.

Chairman Krushinski thanked Commissioner Wiest for coordinating the refreshments for today’s meeting.

I. New Business

Chairman Krushinski asked if anyone had any New Business to bring before the Commission.

Commissioner Nelson Wiest noted that he had invited National Fire Academy Superintendent Eriks Gabliks to the September meeting of the NJ Fire Safety Commission in Wildwood, and he is planning to attend. Commissioner Wiest feels it would be a great benefit to have him at the meeting to provide information on what is going on at the National Fire Academy. Chairman Krushinski agreed and thanked Commissioner Wiest for extending the invite on the Commission’s behalf.

Commissioner Lawrence Wood made a motion that a liaison be designated between the Training and Education Advisory Council and Kean University. Commissioner Gerard Naylis echoed Director Mikutsky’s thoughts from earlier, that this would be redundant and unnecessary. Chairman Krushinski, Commissioner Wisniewski, and Commissioner

Blohm expressed their agreement that the current liaisons in place were sufficient. The motion was not seconded and, therefore, failed. No vote was held.

Commissioner Wood made a motion that the NJDFS credential those who do training for mental health and wellness. Director Mikutsky commented that this has been a focused at the NJDFS, to the point where Dr. Griffin is being brought in to train the trainers and they are working with the Natale Group as well – who will be running the resiliency classes. Director Mikutsky did not want to see this process hampered with additional needs for certifications, etc., and asked that the Training and Education Advisory Council better define what they are asking for. The motion on the floor was seconded by Commissioner Charles Siedenberg. The motion failed by a vote of 7-1.

Bureau Chief Lou Kilmer recommended that, if Advisory Councils are going to be bringing motions to the meeting, they be presented in writing for the review of the NJDFS staff and Commission members. This way they can be informed on the proposal and information, as well as have necessary staff at the meeting and/or review the topic at hand.

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. Chris Weniger from Somerset County/Hunterdon County Fire Marshal’s Association commented on the School Sprinkler System and recommended that the local enforcing agencies be involved so that the most accurate data can be obtained. Chief Kilmer commented that the surveys will be sent to both school districts and fire officials in a given municipality. Mr. Weniger also spoke about the Peer Review Board and commended the NJDFS for their diligence on this. He suggested that the determinations of the Peer Review Board be published – this way the people doing the job around the state can see that there are repercussions for not doing the job properly.

K. Adjournment

With no further discussion requested, Chairman Kevin Krushinski called for a motion to adjourn. Commissioner Gerard Naylis made the motion, which was seconded by Commissioner John Wisniewski and passed unanimously. The meeting adjourned at 12:21 PM.

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