

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

Meeting of September 17, 2008

.....

The New Jersey Fire Safety Commission meeting was held on Wednesday, September 17, 2008, at the Middlesex County Fire Academy in Sayreville, NJ.

Commission Members Present: Assemblyman John Wisniewski, Chairman
Assemblyman David Rible
Mr. Pasquale Intindola, Vice-Chairman
Mr. Charles W. Schilling
Mr. C. Kenneth Anderson
Mr. Arthur Londensky
Mr. Daniel DeTrolio
Mr. Paul Hartstein
Mr. Arthur Mercurio
Mr. John Lightbody
Ms. Kathleen O'Leary
Mr. Lawrence D. Wood
Mr. Lewis Candura
Mr. Steve O'Gorman
Mr. Richard Blohm
Mr. Fredrick Collender
Mr. Gerard Naylis
Mr. Kenneth Swider

DCA Staff Members Present: William Kramer, NJDFS
Lou Kilmer, NJDFS
Chris Eckert, NJDFS
Charles Lavin, NJDFS
Charles Luxton, NJDFS
James McFadden, NJDFS
Jerry Clark, NJDFS
Sylvester Swanson, NJDFS
Michael Whalen, Codes and Standards

Guests: Chuck Aughenbaugh, NJDFCA
John Gervato – Teaneck TPW
Bernie Cohan – IAFC Eastern Div.
Thomas P. Gerity – Middlesex Co. Fire Prev.
Nicolas J. Kikis – NJ Apartment Association
Ray Lonabaugh – NFSA

David Kurasz – NJFSAB
Helge Nordtveit – Cranford Fire Dept.
Rich Silvia – FMBA Local 500
Pasquale Sarnella - HFD

A. Call to Order

Chairman John Wisniewski brought the meeting to order at 10:02 AM and pointed out the fire exits.

B. Approval of Minutes

Commissioner C. Kenneth Anderson noted something that was missing from the minutes of the July meeting. At the July meeting under “New Business”, Commissioner Anderson made a motion that the Commission endorse the recommendation for changes to the Fire Officer standard, including the requirement for the Instructor to have Incident Management Level 2 certification. Commissioner Anderson also recommended that Commissioner Doria propose these changes for adoption. The motion was seconded and passed unanimously.

With no further discussion requested or necessary corrections, the minutes of the regular meeting of July 16, 2008, were approved.

C. Correspondence

Assemblyman Wisniewski noted that all correspondence and council meeting minutes are contained within the Commission packets.

D. Public Comment

Chuck Aughenbaugh, President of the New Jersey Deputy Fire Chiefs Association, thanked Chairman Wisniewski for handing out the supplement that he had provide for the Commission at the last meeting. It included information regarding changes in fire apparatus that will be taking place in 2009. Mr. Aughenbaugh also spoke on the topic of the I-300 course offerings, and he disagrees with the position the Division of Fire Safety has taken (via a letter) on this topic.

Bernie Cohan spoke about the need to fill all the available positions on the Fire Safety Commission. They are still trying to get Stanley Sickels appointed to the Commission. Chairman Wisniewski agreed that these positions need to be filled. The opening that Mr. Cohan is referring to is a Speaker/Senate President joint-appointment. Chairman Wisniewski has continued to work on getting these appointments and urged any and all Commission members to make phone calls to the Appointment Council and request the filling of these seats and stress their importance.

Raymond Lonabaugh, from the National Fire Sprinkler Association, spoke about the press release that had recently come from Commissioner Doria's office at DCA. Mr. Lonabaugh sincerely hoped that the fire sprinkler effort is not completely dead, and Chairman Wisniewski thanked him for his concern and said there would be a discussion on this later in the meeting.

With no other members of the public wishing to speak, the meeting was moved to Division of Fire Safety Activities.

E. Division of Fire Safety Activities

With State Fire Marshal Petrillo speaking at the FMBA Convention in Atlantic City this morning, Chief William Kramer gave the Division of Fire Safety report.

Chief Kramer gave an updating regarding the International Fire Code. The Division is currently working with the ICC on the publishing of the Code. It looks like the Code will be published sometime in November. Once the books are available, the Division will schedule code updates for working officials and inspectors and will hold between 10 and 15 of them. From that point on it will be included in the regular course offerings. Commissioner Gerard Naylis asked when the code would be effective and if there would be enough classes to get everyone up to date. Chief Kramer answered that the date would be February 1, 2009, and there will be about 10-15 courses held before then.

Chief Kramer reported that next Wednesday in Port Reading there would be a full-scale Neptune exercise. All Commission members will be invited to see the exercise and will be able to observe this homeland security equipment in action. The Neptune system will be fully operational including equipment and personnel from the seven UASI counties. There will also be law enforcement evolutions involved with the exercise. The report time for anyone wishing to come is 10 AM.

Also on the topic of Homeland Security, the Division has received a grant to obtain a foam tender to supplement its Neptune South system. Previously there had only been one foam tender, this grant will secure a second that will be housed in Gloucester County. The Division is also working with the Ports of New York and Philadelphia on several Homeland Security projects.

Commissioner Charles Schilling asked if inspectors would have to pay for their own books on the new Sub-Chapter 3. Chief Kramer said that it is his understanding it will be a stand-alone document and the cost of the subscription service attached to that. The Division will providing each LEA with one or two books. Anyone else wanting the book will have to purchase it.

Chief Kilmer spoke on the topic of high-rise buildings that did not have the required standpipes that are currently required under the retro-fit code. The Division has done quite a bit of research on this. Originally, 101 buildings in 25 municipalities were listed on the high-rise report as not having the standpipes. The Division reached out to the fire

officials in all these municipalities and heard back from 21 of the 25. Out of the fire officials that were heard back from, 65 of the buildings are in compliance, one building had been demolished, and there are seven buildings that are possibly not in compliance. Between now and the next meeting, the Division will look further into the remaining 28 buildings in the other four municipalities. Commissioner Lawrence Wood asked if any of the buildings had gotten variances. Chief Kilmer answered that as far as he knows these buildings are completely in compliance, and does not see what variances would be appropriate for this kind of issue. Commissioner Wood asked that the Commission be provided with a copy of this report and Chairman Wisniewski agreed.

Commissioner Lewis Candura asked when the Division could be expecting to hear from the rest of the municipalities. Chief Kilmer answered that most of the buildings were in two municipalities and the information on them should be received shortly. The other buildings the Division could go out and check themselves if needs be. Commissioner Daniel DeTrollo asked if these buildings were public or private-owned and Chief Kilmer answered that it had been a mix. Commissioner Candura asked what was being done to get the buildings compliant as soon as possible for the people that are currently at risk. Chief Kilmer answered that most of the buildings are currently vacant (which has its own set of issues), and they are working with the local fire officials on the other ones to get them compliant.

Chief Kilmer reported on the issue of collecting outstanding registration fees. The Division has used the City of Paterson as a model to try out an improved system of collecting these fees. The system has had some success and it is hoped that it can be rolled out in other parts of the state. Commissioner Naylis asked Chief Kilmer for an estimate of how much money is out there in uncollected life hazard use fees. Chief Kilmer said that, due to the outdated computer system, it is nearly impossible to give any kind of estimate on this number. The Division is hoping that a new system, which is expected sometime (possibly) in the next two years, will help rectify this problem.

Commissioner Naylis suggested that some Division staff be put together to help resolve the problem of outstanding life hazard use fees. There is a significant amount of money out there that the Division could be putting to good use. Chairman Wisniewski said it would be impossible for Commissioner Doria to add staff at this time, and hopefully the new computer system will actually be implemented in a timely manner. Chief Kilmer said that the Division is using existing staff as much as possible for this task. Commissioner John Lightbody suggested the most effective way to do this would be the local enforcing agencies taking on the task of recouping these monies. Chief Kramer agreed, but the problem lies with the Division getting each file to be accurate and be able to tell precisely who owes what.

Chairman Wisniewski suggested the Division selling the outstanding life hazard use fees to a debt-collector. Chief Kilmer answered that the problem with that would be having the right information as to who owes what to collect the revenue. Chairman Wisniewski said the Division could still sell off the debt and let the collector work with the ones owing the outstanding fees to figure it out. Commissioner Blohm asked what could be

done to prevent the problem from growing before the new computer system is put in place. Chief Kilmer said the Division is doing its best to work with the local LEAs on minimizing the problem, but it is an on-going and labor-intensive process.

Commissioner Arthur Mercurio asked for an update on the World War II ammunition that had been uncovered in South Jersey along the Delaware River. Chief Kramer answered that the area is completely under control and in the process of being cleared by a private company. It is currently about 80% cleared, and the local fire chief is aware of the situation and prepared for any potential incidents in the area. Commissioner Mercurio also asked about a problem that they had mixing the foam in the Neptune South system. Chief Kramer answered that the specific issue had been eliminated and the Division is working on planning an exercise with the Neptune South system early next year.

Commissioner Naylis asked for an update on the implementation of the Fire-Safe Cigarette program in New Jersey. Chief Kramer answered that roughly 25 different manufacturers have registered, paid the fees, and submitted the appropriate testing data to be compliant. The Division has not had the resources (nor has Treasury) to go out and search warehouses to see if any non-compliant cigarettes are being distributed. Every state that borders New Jersey now has the Fire-Safe Cigarette legislation and they are working together to help enforce it. Commissioner Schilling asked what would happen with non-compliant cigarettes when they are found. Chief Kramer answered that this is currently being discussed in the Attorney General's Office and has become a question whether it would be seizure or forfeiture. The bottom line is, Treasury has the ability to obtain non-compliant cigarettes and they must be offered back to the manufacturer.

Commissioner Anderson asked whether the local enforcing agencies were asked to track fire incidents as related to cigarettes. Chief Kramer answered that the NFIRS reporting system already covers this.

Commissioner Wood asked if there had been any change to the issue of the Division providing Firefighter I books. Chief Kramer answered that this program is on track and progressing. Commissioner Wood asked about Commissioners Anderson and Mercurio getting reimbursed for attending the Mid-Atlantic Conference. Chief Kramer answered that, unfortunately, DCA could not provide them with the funds but they would still be attending the conferences and covering their own expenses. Commissioner Mercurio expressed that this was a shame because they are trying to help New Jersey by bringing back information – and that could save the state money down the road.

Commissioner Wood asked about the issue of in-house sprinkler repair work. Chief Kramer answered that this has been an issue for some time. As far as he knows, the only places that are permitted to use their own people are nuclear power plants. This would be the only exception to having certified people doing the work that needs to be done. Commissioner Paul Hartstein asked about a Camden County employee who had gotten a certification, but does not have a business permit. Chief Kramer said that the individual

needs a permit to do work, and he will look further into this issue with Director Petrillo and Gary Licknack at the Division.

F. Advisory Council Reports:

1. Codes Advisory Council

Commissioner Charles Schilling reported that many of the Codes Council issues for today had been covered during the Division of Fire Safety's report. On the issue of calculating maximum permitted occupant loads, Amy Frank and her committee had met and made progress on this issue and would be meeting again soon.

Commissioner Schilling spoke about the NFPA 72 maintenance requirements for smoke alarms. The Codes Council held a lengthy discussion on this topic, and concluded that you could not go into a private home and require 10-year replacement of smoke detectors. A better solution could be to require that smoke detectors be less than 10 years old during resales. Commissioner Schilling made a motion that the Fire Safety Commission support this change to NFPA 72. The motion was seconded by Commissioner Intindola and passed unanimously. Commissioner Schilling also made a motion that a bulletin be prepared to clearly explain this change. This motion was seconded by Commissioner Lightbody and passed unanimously. Chief Kramer added that this only has to do with battery-operated smoke detectors, and only during the change of ownership or change of occupancy.

Commissioner Schilling spoke briefly about the issue of novelty lighters. He provided the Commission with visual examples of these types of lighters and cited incidents where people had been seriously injured by them. The Codes Council is looking into how these novelty could be banned by drafting rules with language that mirrors the text banning the sale of fireworks.

Commissioner Schilling also spoke briefly about vinyl tents and portable gas cans for cars. The Codes Council is looking into the vinyl tent issue and it was determined that these gas cans do not meet the requirements of the current New Jersey Uniform Fire Code and NFPA 30.

The next meeting of the Codes Council will be October 15, 2008.

2. Training and Education Advisory Council

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

The Training and Education Advisory Council met on August 19th at the Dempster Training Center at 10:00 am. The meeting minutes are contained in the Commission folders.

The Division will seek competitive bids/quotes from both the ProBoard and IFSAC for accreditation of training programs. The Division is looking at 13 certifications for accreditation.

A Firefighter-I text RFP is being worked on by Treasury. The NJ Addendum was copyrighted by Delmar which adds a complication. Various alternatives are included in the RFP.

Marine Firefighting courses being developed by OHSP with help from the Division of Fire Safety using Homeland Security funding from the Port Security Act. Marine Firefighting Awareness training has the possibility of being taken on-line at NJ Learn. An Advanced Marine Firefighting class is being developed.

The contract for development of Fire Inspector training was to be awarded in mid-August. The Division has asked for a November delivery date. The program should be ready and in place by Jan. 1. The examination procedure is still under discussion.

The procedure for certification as Fire Officer I by the challenge test was discussed. Seven tests will be offered this fall. Registration for the test can be accomplished on-line. Individuals will have one chance to pass the challenge exam and no oral examinations will be held. The application for certification and all documentation must be submitted after passing the test. One document is a "Hazardous Material: Operations" certification issued by the NJDFS. Many firefighters have taken the NJSP Ops course but have not yet applied for the DFS certification.

The Firefighter II challenge exams can be scheduled by the EO's. Prerequisites are to have previously taken a Firefighter-II course of 5 years as a certified firefighter. Individuals will have three chances to pass the challenge exam.

The Fire Instructor Drill Ground Instructor program is being tweaked to address points suggested by the full Council. It is anticipated that approval will be given at the October meeting. Since the draft Proposal to amend the Instructor certification requirements includes the words, "Successfully complete the eight-hour drill ground instructor course promulgated by the Office of Training and Certification. The approved course materials are incorporated by reference..." T&E requests that the Commissioner be asked to proceed with publishing the proposal in the Register. The times to complete the administrative process and to complete preparing the training course can run concurrently. The updated standard can become operative sooner.

The Fire Officer program is being taught as recommended by the Committee following the critique of the pilot offerings. I reported at the May Commission meeting that T&E endorsed amendments to the standard to officially add the modules on Building Construction and Strategy and Tactics and reported in July that an Instructor requirement for Level II had been added. I thought approval was given by the Commission with a recommendation to Commissioner Doria that the changes be promulgated but I don't see that in the minutes. Therefore, I ask such approval today.

The RIC Committee reviewed its Awareness and Operations Modules for RIC Training and the module for RIC team training including RIC Instructor requirements. The Council accepted this report. The Committee is working to finalize these modules, prepare the information on RICs for the Fire Officer Course, and a RIC Officer Module.

The Committee to study Driver/Operator Safety Training is looking at safe driving, positioning of apparatus, aspects of the CDL licensing requirements, etc. It appears that federal and State rules on CDL training may soon be revised. The Committee is looking at these possibilities and NFPA 1002: Standard for Apparatus Driver/Operator Professional Qualifications.

The annual report on the work of the Council was prepared and sent to the Chairman and the Commissioner as required by the Commission by-laws.

The next meeting of the Training and Education Council will be October 21st at 10 AM at the Dempster Training Center.

Commissioner Richard Blohm spoke about the issue of New Jersey State Police becoming the only entity that could issue Haz-Mat tech certifications - which seems to conflict with the NJ Division of Fire Safety. Commissioner Anderson answered that he had not heard specifically like this, but didn't see why there couldn't be some inter-agency cooperation on this matter. Commissioner Naylis suggested that State Fire Marshal Petrillo use his relationship with State Police to try and work on an accord on this issue. Chief Kramer said he would take that back to the Director.

3. Statistics and Information Advisory Council

Commissioner Gerard Naylis reported that the Stats and Info Council met on September 2nd at the Division of Fire Safety office. Inside the Commission packets are a sample PowerPoint presentation on the NFIRS reporting system. This presentation can also be downloaded from the Division's website and is a great teaching tool on the specifics of how to utilize the NFIRS reporting system.

Commissioner Naylis reported that one of the Division's staff in the NFIRS Unit. On behalf of the Statistics and Information Council, Commissioner Naylis expressed concern about the NFIRS Unit being shorthanded – saying that this will make it more difficult for the unit to continue to make the tremendous strides it has in recent years.

The next meeting of the Statistics and Information Council will be October 21st.

4. Master Planning and Research Advisory Council

Commissioner John Lightbody reported that the Master Planning and Research Council met on July 11th at the Middlesex County Fire Academy. Much of the discussion at this meeting centered about residential sprinklers in one- and two-family homes. The

consensus of the Council was to support seeking legislation on this issue, rather than going the route of a regulation change.

Commissioner Lightbody cited reports from out-of-state (Prince George County) on their experience with having residential sprinklers over a 10-year period. Also, statistics show that insurance companies will generally lower costs for people will sprinkler systems in their homes. A brochure was developed to promote residential sprinklers and out-lining their advantages, and they were distributed at the recent Wildwood Convention. Commissioner Lightbody urged the Fire Safety Commission to support drafting legislation requiring residential sprinklers in one- and two-family dwellings.

Assemblyman Rible asked if the Council had any specific numbers regarding the costs of a residential sprinkler system, and how the cost would compare to subsequent insurance costs. Commissioner Lightbody said they are working on getting specific numbers on this. Commissioner Naylis said that, generally speaking, the cost of a residential sprinkler system runs from \$1.25 to \$2.00 per square foot. There was also a lengthy discussion about what areas of the home the sprinkler system actually serves to protect. Since every home's situation is different, it is difficult to determine an accurate estimate of the costs.

Commissioner Ken Swider also brought up the issue of sprinklers in schools. Sprinkler systems are currently not required to be present in schools, and this could be something for the Commission to look into in the future.

The next meeting of the Master Planning and Research Council will be September 26, 2008, at the Middlesex County Fire Academy.

5. Public Education Advisory Council

Commissioner Daniel DeTrollo reported that, due to scheduling conflicts, no official meeting of the Public Education Advisory Council was held since the last Commission meeting.

The next meeting of the Public Education Advisory Council will be November 3rd at 10 AM at the Middlesex County Fire Academy.

6. Firefighter Safety and Health Advisory Council

In the interest of saving time and moving the meeting forward, Commissioner Richard Blohm reported "progress" for the Firefighter Safety and Health Advisory Council. A meeting of the Council was to following the Commission meeting.

7. Juvenile Firesetter Prevention Council

Commissioner Paul Hartstein reported that the Juvenile Firesetter Prevention Council met on September 15th at the Middlesex County Fire Academy. The Curriculum Sub-Committee is in the process of putting a “best-practices” document together electronically. It is hoped the Committee will have something ready for either the next meeting or the 6th Annual Conference.

Commissioner Hartstein said the Juvenile Firesetters Council had worked with the Codes Council on getting legislation to prohibit the sale of novelty lighters. Chief Kramer put a draft together and is ready to be forwarded to the Office of Legislative Services. Assemblyman Wisniewski asked that Chief Kramer forward this draft to him. Assemblyman Wisniewski will work together with Assemblywoman Quigley on this legislation.

Commissioner Hartstein gave an update on the 6th Annual Juvenile Firesetter Conference, and that is currently scheduled for December 4th and 5th. Also, Charlie Luxton held a Juvenile Firesetter Intervention Specialist II program in Wildwood at the recent convention. The class was extremely successful as well as full, containing over 30 students.

The next meeting of the Juvenile Firesetter Prevention Council will be November 5, 2008, at 10 AM. It will take place at the Burlington County Fire Academy.

G. Committee Reports

1. Residential Sprinkler Committee

Commissioner Gerard Naylis reported that the International Codes Council is having their meeting this coming week in Minneapolis, MN. At this meeting, a vote will take place on residential sprinklers being adopted and put into the 2009 edition of the International Building Code in 2009. Commissioner Naylis is hoping the results of the vote will be positive. If not, the Committee will look forward into possible legislation on this matter.

2. Signal Booster Codes and Ordinances Committee

Commissioner Lawrence Wood reported that, with the retro-fit of the high-rise sprinklers out, there is not much hope for making strides in getting signal boosters in high-rise buildings as well. However, at the ICC Convention they are proposing a retro-fit of radio communication systems in high-rise buildings. If this passes on the ICC level, it will part of the code - then it will be up to New Jersey to adopt this. Commissioner Naylis added that some buildings, as they update their fire alarm systems, are improving their communication technology within their buildings. There are alternatives being looked at.

3. Furniture Flammability Committee

Commissioner Gerard Naylis spoke about expanding the multiple risks that are presented by stores and warehouses – not just pigeon-holing into the area of furniture. The Committee is in the process of gathering data on this matter, and will report its findings at the next

H. Old Business

Chairman Wisniewski spoke about the recent statement that was issued by DCA Commissioner Joseph Doria regarding the proposed high-rise sprinkler requirements. Commissioner Doria has decided not to go forward with the high-rise sprinkler requirements, mainly because of the costs attached to implementing the process. While Commissioner Doria is committed to fire safety and prevention, he feels it is not the right time to require people to spend this amount of money on high-rise sprinklers.

A lengthy discussion took place on the high-rise sprinkler topic. Chairman Wisniewski spoke about the possibility of legislation to change this requirement, but he did not feel it would garner much support and get passed at this time. He suggested doing further research into the costs of high-rise sprinklers, and how they can be implemented in a more affordable way. Commissioner Naylis agreed, adding that the Commission has a lot of homework to do on this topic – to analyze the risk, cost factors, and potentially phase-in the high-rise sprinkler requirements.

Commissioner Richard Blohm urged the Commission to be pro-active in regards to the high-rise sprinkler issue. Back when the Seton Hall fire occurred, cost was not as big of an issue because a tragedy had just occurred. Commissioner Blohm hoped that the Commission and fire service industry can be pro-active, and not wait until a tragedy takes place to make this necessary change. Commissioner Wood added that, without high-rise sprinklers, these buildings and people are at a severe risk of fire and building collapse. The consequences of not getting sprinklers into the high-rise buildings can be catastrophic, and will happen sooner or later.

Chairman Wisniewski spoke on the issue of cost-factors for the high-rise sprinklers. Ultimately, it is the tenants of these high-rise buildings who will bear the cost – which, judging by the amount of comments and opposition; they are not prepared to do at this time in this economy. Chairman Wisniewski stressed that there are options to implement this, it just need to be researched further and more thoroughly in regards to cost. Commissioner Lewis Candura added that DCA Commissioner is not against high-rise sprinklers, he is just very concerned about the exorbitant costs and the proposal needs to be presented differently in the future.

Commissioner Daniel DeTrollo suggested the possibility of adding high-rise sprinklers when a given building changes hands or is upgrading in another area (alarm system, etc.). This is how his company has phased sprinklers in in the past and it has worked well.

Chairman Wisniewski also spoke about the Fire Safety Commission, as a whole, needing to pick its battles. While both high-rise sprinklers and residential sprinklers are extremely important, we have to realize it's not going to all get done at once and set our priorities. The political reality is, if the Commission approaches this sprinkler issue one at a time it is more likely to get done. If the Commission asks for everything all at once, it will be more easily dismissed.

Commissioner Wood asked about the report that State Fire Marshal Petrillo had prepared for the Governor based on the old Governor's Task Force Report under McGreevy. Commissioner Naylis answered that while Director Petrillo could not provide the actual report to the Commission, most of the essential components were covered at last month's Retreat.

I. New Business

Commissioner Arthur Londensky reported that the next Commission meeting will be held at EXHIBIT HALL A of the Atlantic City Convention Center. **You do not have to pay the League of Municipalities to gain access to this meeting.** It is on the main floor, the same room as last year.

Commissioner Naylis made a motion that the Fire Safety Commission's 25th Anniversary Celebration be moved from October 2008 back to February 2009. The motion was seconded by Commissioner Londensky and passed unanimously. Commissioner Naylis also asked those Council Chairmen that had not submitted goals and accomplishments for the 25th Anniversary report to please do so.

J. Adjournment

Chairman Wisniewski asked if anyone had any additional business they would like to bring before the Commission. There being none, the meeting was adjourned at 12:35 PM.

*** The next meeting of the Fire Safety Commission will be on November 19, 2008 at 10am. It will be held at the Atlantic City Convention Center (Exhibit Hall A) in Atlantic City, NJ. ***