

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 3A:70.

Full text of the adopted amendments and new rule follows:

SUBCHAPTER 1. GENERAL PROVISIONS

3A:70-1.1 Purpose

The purpose of the Displaced Homemaker Trust Fund is to provide a funding source to support programs for displaced homemakers as described in this chapter and as identified by the Division on Women, pursuant to N.J.S.A. 52:27D-43.20. This chapter governs the disbursement of grants-in-aid from the Displaced Homemaker Trust Fund to these programs.

3A:70-1.2 Scope

This chapter shall apply to each displaced homemaker program that applies for or receives a grant from the Displaced Homemaker Trust Fund.

3A:70-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Commissioner” means the Commissioner of the Department of Children and Families.

“Director” means the Director of the Division on Women, Department of Children and Families.

“Displaced homemaker” means an individual who:

1. Has not worked in the labor force for a substantial number of years;
- 2.-3. (No change.)
4. Is a person who is:
 - i. Receiving public assistance because of dependent children in the home, but is within one year of no longer being eligible for that assistance;
 - ii.-iii. (No change.)

“Displaced Homemaker Trust Fund” means a trust fund administered by the Department, which contains funds from divorce or the dissolution of civil union filing fees pursuant to N.J.S.A. 52:27D-43.19 et seq.

“Division” means the Division on Women, Department of Children and Families.

SUBCHAPTER 2. ELIGIBILITY REQUIREMENTS

3A:70-2.1 (No change in text.)

SUBCHAPTER 3. PROCEDURAL REQUIREMENTS

3A:70-3.1 Procedures for funding

(a) Notice of each request for proposals (RFP) shall be distributed to all potentially eligible program sponsors known to the Division.

(b) In order to be eligible for consideration, a program sponsor must submit its proposal within the time period indicated in the notice of the RFP.

(c) All proposals shall be reviewed by a committee that shall include representatives who reflect the racial, ethnic, regional, and economic diversity of the State’s population.

(d) Awards shall be set at the discretion of the Commissioner, upon the recommendation of the Division, and shall not, in the aggregate, exceed the amount of money collected and deposited in the Displaced Homemaker Trust Fund.

(e) The Department may award a program sponsor an amount different from the amount requested.

(f) The Division shall determine eligibility for programs to receive funding through utilization of the following criteria:

1. The program must provide services listed in N.J.A.C. 3A:70-2.1(a) above;
2. Preference will be given to programs located in a county or region where there are no displaced homemaker programs;
3. The program must have an institutional- or community-based host agency to provide support services and facilities;
4. The program must document the need for its services in the region or community in which it proposes to be located and which is reflective of the racial, ethnic, and economic diversity of the region;

5. The program must demonstrate collaborations and partnerships with workforce programs and education and higher education systems; and

6. The program must have existing employment-related services.

(g) Continuation of the level of funding shall be conditioned upon the compliance of programs with the requirements of the Displaced Homemaker Act; rules promulgated by the Division pursuant to N.J.S.A. 52:27D-43.19 et seq.; the terms and provisions of the grant agreements to be executed between the Division and the aforementioned programs; and the efficient and effective provision of services to displaced homemakers by these programs.

COMMUNITY AFFAIRS

(a)

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Elevator Safety Subcode

Elimination of Six-Month Elevator Inspections

Adopted Amendments: N.J.A.C. 5:23-12.1, 12.2, 12.3, 12.6, and 12.9

Proposed: July 5, 2016, at 48 N.J.R. 1346(a).

Adopted: April 12, 2017, by Charles A. Richman, Commissioner, Department of Community Affairs.

Filed: June 1, 2017, as R.2017 d.132, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3) **and with the proposed repeal of N.J.A.C. 5:23-12.10 not adopted.**

Authority: N.J.S.A. 52:27D-124.

Effective Date: July 3, 2017.

Expiration Date: March 25, 2022.

Summary of Public Comments and Agency Responses:

Comments were received from: Andrew Rogers; Bill Cattell, Construction Official, Cherry Hill; Robert Keith, President, Arrow Elevator Inc.; Kevin L. Brinkman, PE, Codes and Safety Director and Amy Blankenbiller, Government Affairs Director, National Elevator Industry, Inc.; Communications Workers of America Local 1039 Executive Board; Kevin J. Doherty, NJ HHS Elevator Inspector and Elevator Subcode Official; Richard Keeley, Elevator Inspector and Elevator Subcode Official; Lidia Boniche; John T. Mitchell; Edward Korejko; Joseph Delgrosso, President, Municipal Inspection Corporation; William B. Guyer; John Payton, President, Payton Elevator Co., Inc.; James W. Coaker, PE; Robert D. Shepherd, Executive director, National Association of Elevator Safety Authorities (NAESA) International; Ron Marple; John Cichon, Organizer, International Union of Elevator Constructors (IUEC) Local 5; Michael V. Farinola, President, M V Farinola, Inc.; Jack Koch, Business Agent, IUEC Local 5; Robert S. Tynan, Jr., IUEC Local 5 and Schindler Elevator Corp.; and Mitchell Malec.

The Department also received 203 copies of the same letter objecting to the proposed rulemaking. Of those, 38 letters had illegible signatures and two had fake signatures. The remaining 163 letters were from the following commenters: Ron Smith; Rich Byron; Jeff Mirigliani; Andrew Pannell; Chris Watson; John Davis; Kasey McCarthy; Walter J. Micka; Bill Magee; Dan Sims; Brain McCafferty; Danny Rauker; Art Fox; James Finch; Darren Hollingsworth; Anthony Ginesi; Dennis Bieler; Joe Connolly; R. Magruder; Pete Boyce; Jason Johnson; James Heisler; Kevin Bagnell; Ed Leone; M. Hallman; James Dattilo III; Austin Malseed; Ryan Tether; Kevin Graber; James Rodgers; Joe Meizinger; Bryan Reese, Jr.; James Sims; Dan Steeley; David Infante; Daniel Dubeck; Jeremy Taurino; James Gleason; Jeffrey Moyer; Ed Ragone; Matt Wister; Scott Meizinger; Tom Connors; Chris Johnson; Savesio Coluccio; Steve Giberson; Robert Gleason, IUEC Local #5; Adam Seltzer-Kennedy; Brain P. Reilly, IUEC Local #5; Matthew Kelly; Stan

Bachmura; Curt Hook; Timothy Dilanzo; Gerard Kerr; Nicholas A. Meoli; Shawn White; Paul Andrews; Rich Hughes; Christopher Shepp; W.P. Connolly; Phillip Pimpinello; Mark Worrell; Michael Good; Thomas Rodgers, IUEC Local #5; Stephen A. Arra; Hank Grabert, Jr.; Brian Leighton; Joseph Connolly IV; David Hollinsworth; Robert Mroz; Barbara D'Estada; Michael Hoffman; Rob Micka; Brian McAleese; Richard T. Bailey; Joe Rittenhouse; Michael A. Heck; John Sykes; Chris Hoffman; T. Walsh; Edward Tucker; Daniel Robbins; Joe O'Connor; Nancy O'Connor; Matt Cook; Gesaro Kerr; Jason Rogers; Adam Korpusik; Anthony Vanella; Luke Gray; Christopher Rivera; T. Lorensen; Patrick Murphy; Gene Keehfuss; Steffin Alvanitakis; Michael Hoffman; Gerardo Vazquez; Gerald Mazur; Keith R. Cross; Chris Barnes; Robert Giberson; Tom Lawson; Harry Sloan, President Local #5; Roger A. Pyffer, Sr.; Edwin Ruzand; Charles J. Laveratt; Thomas S. Hudson; Steven Whelan; Adam Korpusik; Michael D. Andersch; William E. Tillett; Matthew J. Redder; Anthony Vanella; Brian McAleese; Todd Rulon; B. Reese; Anthony J. Masciocchi, Jr.; C. Dever; Sean Dougherty; Rich Hughes; David Larson 3rd.; Thomas Rodgers; Matt Grabert; Michael Eaton; Michael Bonomo; Glenn Perroth; Len Cannon; Curt Hook; Edward C. Yeager; Michael Bastian; Joe William; Fred Smith; Richard Ball; Scott Horvath; Dennis T. Murphy; Edward G. Frank; Richard Good; Rich Ciotti; J. Ihnacik; Joseph C. Zimmerman, Local #5; Paul Skyta; James Ihnacik; Judy Ihnacik; W. Krier; P. McCaffry; Anthony Vanella; I. Kroeck; Anthony Gaspari; William Wregto; Roger A. Pyffer, Sr.; Wm. Rulon III; Ryan Cormel; Steve Sentran; m. Miller; Brian Rodgman; Daniel Wehl; Theodore Wojtosk; P. McDonnell; Michael F. Flord IV; Jim Scache; Erika Noell; A. Ward; Tom Gutterman.

All of the commenters were opposed. The specific points raised in opposition to the proposed amendments and the Department's responses follow.

1. COMMENT: A number of commenters expressed concern that any reduction in the number of inspections would reduce safety. Commenters enumerated parts of elevator devices subject to failure and posited that reducing the frequency of inspections would allow problems to go undetected for longer periods of time. Additionally, because inspections now are often delayed past the required inspection period, the result will be elevators that are not inspected for more than a year. The six-month inspection is important in that this is the opportunity to force the issue of failure to test the elevator due to the lack of a maintenance company, cancellations, "no shows," etc., all of which are common. And a record review would be "circumspect" at best.

RESPONSE: Under the revised rules, the items enumerated in ASME A17.1 for visual inspection would still be checked by the building owner's elevator maintenance company and a record of this inspection would be required. Any review of these records would be accompanied by, and done as part of, an inspection or investigation. An inspection is always a snapshot and it is not possible for inspectors to constantly monitor the condition and maintenance of elevator devices. Ultimately, the responsibility for maintenance of elevators rests with the building owner.

2. COMMENT: One commenter stated that the six-month inspections are substantially similar to the annual ones. (See ASME A17.1, Appendix, N-1.) Another commenter stated that the six-month and annual inspections serve different and necessary purposes.

RESPONSE: As per Table N-1 of ASME A17.1, the annual inspection includes all of the elements of the periodic (six-month) inspection plus testing. As discussed in the notice of proposal Summary, the six-month inspection is a visual inspection while the annual inspection includes testing, is more involved, and requires the presence of the elevator maintenance company.

3. COMMENT: The elimination of the six-month inspections would increase liability exposure and future liability insurance costs for elevator companies and elevator mechanics.

RESPONSE: Elevator maintenance companies are representing themselves as competent to service elevator devices, including identifying and addressing problems, potential problems, and areas of noncompliance. Building owners must be able to rely upon the competence of these companies. It is not the responsibility of government to indemnify these companies. Inspections are not

performed to limit the exposure of companies profiting from performing these services.

4. COMMENT: "The owner/agent will not be able to afford the expensive contracts and will lack the experience, knowledge and time to oversee its own elevator(s). The proposed change creates a financial burden for every building owner." In order to maintain the same level of safety, elevator company personnel will have to invest in elevator inspecting education and raise their fees.

RESPONSE: As stated in the response to prior comments, the ultimate responsibility for maintaining a building in safe condition, including the maintenance of any elevator devices, rests with the building owner. While it may be true that some elevator companies will incur costs in training their staff, it is difficult to see how an elevator maintenance company can sell itself as able to provide the service if there are no staff members with knowledge of the applicable standards and the ability to identify problems or potential problems that need to be addressed.

5. COMMENT: It was suggested that New Jersey consider using Qualified Elevator Inspector (QEI) certification offered through the National Association of Elevator Safety Authorities (NAESA International) or some other qualification and doing away with its own training and testing qualifications. Another commenter stated that, "New Jersey is nationally-recognized for the administration of elevator safety inspections. This is due to the rigorous requirements to obtain a State elevator inspector's license."

RESPONSE: The Department does not agree that using the QEI certification in lieu of the New Jersey elevator subcode license will increase the pool of available inspectors. The primary requirements for both the New Jersey subcode license and the QEI certification are experience in the elevator industry and passing a national inspector's test. Candidates who can obtain the QEI certification should have little difficulty obtaining a New Jersey license. A New Jersey license is necessary, so that the State can regulate the conduct and performance of inspectors.

6. COMMENT: A number of comments addressed the management of the State elevator inspection program. Commenters stated that the practice of relying on a temporary agency for inspections is ineffective, the compensation is inadequate, and that "a better method would be the provisional method, and if necessary, the rehiring of retirees, including retirees from the trades. (Reference was made to Division of Pensions and Benefits Fact Sheet #86)" (Local 1 Elevator Constructors Union) Another commenter posited that third-party elevator inspection agencies and local code officials work well and that the problem is with the management of the State program.

7. COMMENT: A union representing State employees, the CWA, stated that "if the issue is workload, the Department should hire more inspectors, not eliminate the six-month inspection."

RESPONSE TO COMMENTS 6 AND 7: Most of the current inspection staff of the Department are retired elevator technicians from the trades. The Department has made a concerted effort to hire elevator inspectors as full-time State employees over the past several years, but has not been able to hire in sufficient numbers to match the workload.

8. COMMENT: More than one commenter stated that the bidding process under which third-party agencies are regulated has made it difficult for municipalities to hire third-party inspection agencies. Commenters posited that third-party agencies ceased operations in New Jersey as a result of this. The commenters suggested that the State place enforcement of the elevator subcode under the Professional Services category in N.J.S.A. 40A:11-1.

RESPONSE: The bidding of services is not required because it is the most efficient procurement process; it is required to promote competition and to ensure that the goods or services purchased are acquired at the best possible price. For this reason, the Department does not agree that eliminating bidding is advisable. However, the Department would entertain any suggestions as to how to improve this process or to address any difficulties third-party agencies or municipalities may encounter in bidding elevator inspection services.

9. COMMENT: With regard to the notice of proposal Economic Impact statement, more than one commenter indicated that there would also be an economic impact in lost business for third-party elevator

inspection agencies. Another commenter indicated that municipally employed elevator inspectors would also be adversely impacted.

RESPONSE: There should be no economic impact on municipalities as elevator inspections should be revenue neutral. The fees should be set to cover the cost of the enforcement effort. It is possible that third-party agencies may be hired in additional towns, particularly in those municipalities with lower numbers of elevator devices and perhaps only one elevator inspector where the reduction in the number of inspections required causes the town to review the decision to hire an elevator subcode official or inspector directly as opposed to using a third-party agency or the State. However, the Department believes that municipalities and third-party inspection agencies are having similar problems attracting qualified personnel. While the amendments may result in some shifting of personnel between municipalities, third-party agencies, and the State, the overall economic impact will be low.

10. COMMENT: One commenter stated that “if the issue is paying inspectors’ salaries, the State should increase the licensing fees and charge for reinspections to cover the costs.” Another commenter suggested that the elevator inspectors generate profit for the State and that, if the State were to hire more inspectors, it will clear the backlog of inspections and generate more money for the State. Other commenters asserted that the proposed rulemaking was intended as a cost saving measure, placing budgetary concerns above public safety.

RESPONSE: The issue giving rise to the proposed amendments is not the ability to pay inspectors’ salaries or cost concerns generally. The proposed amendments, including the reinspection fees, are intended to cover the costs of enforcement. As established under the Uniform Construction Code Act, fees have been established to cover the cost of enforcement from the first adoption of the Uniform Construction Code. The Uniform Construction Code enforcement programs, including the elevator safety program, do not “generate profit.”

11. COMMENT: “The American Society of Mechanical Engineers Elevator and Escalator Safety Standards (ASME) A17.1/CSA B44, the national model code for elevator safety, should be adopted without amendment.” Section 8.11 provides requirements for periodic inspection and testing of elevators and escalators.

RESPONSE: Recognizing the specifics relevant to frequency of elevator inspections, ASME A17.1 moved the frequency of inspections into a Non-mandatory Appendix N. In Table N-1, the Recommended Inspection and Test Intervals are listed. Taking into consideration the dramatic increase in workload, as well as the small pool of qualified elevator inspectors, the Department believes that it can eliminate the six-month inspection of elevators with no adverse effect on public safety, given that the maintenance inspections will rest with the owners. Table N-1 is headed “Recommended Inspection and Test Intervals.” It is left to the authority having jurisdiction to establish inspection and test intervals. The note to the table suggests factors the authority having jurisdiction may take into account in establishing a schedule for testing and inspections.

12. COMMENT: One commenter stated that “there is a practical consideration associated with sending an inspector for a scheduled elevator test only to find that the elevator maintenance company employee is a ‘no show.’ If there is no six-month inspection, then that inspector’s time has been wasted. There should be a fee for cancellation/no show by the elevator maintenance company.”

RESPONSE: The proposed amendments do not address this scenario; the Department has not contemplated imposing a fee for cancellation/no show by the elevator maintenance company.

13. COMMENT: One commenter pointed out that “public safety for elevator equipment also applies to service technicians and inspectors. A preponderance of the serious elevator accidents involve veteran trade personnel.” Another commenter noted that “vast numbers of mechanics working on elevators have no formal training from their companies. Non-union shops across the State conduct ‘safety meetings,’ but this is not a training class and they do not address new technologies.”

RESPONSE: The Department acknowledges the importance of proper training and safety for the mechanics maintaining elevators and for inspectors. However, employee safety falls under the Occupational Safety and Health Act (OSHA). The adoption and enforcement of requirements for employee safety is outside the scope of the Uniform

Construction Code and the instant amendments do not affect this in any way.

14. COMMENT: More than one commenter observed that the proposed rulemaking does not impact escalator inspection frequency and wonders whether elevator safety is considered less important.

RESPONSE: Elevators and escalators are very different devices and there are valid safety reasons to continue to inspect escalators at six-month intervals. Most notably, in the case of an escalator, passengers come into contact with moving parts. Statistics indicate that more passenger injuries occur on escalators.

15. COMMENT: Owners are not qualified to inspect elevators. And third-party companies will be incapable of thorough inspections. “Typically, owners delegate responsibility to trained elevator technicians (maintenance) and QEI or N.J.A.C. licensed inspectors (code inspections) because they don’t have the experience or qualifications to insure code compliance or rider safety.”

RESPONSE: As stated in response to prior comments, the building owner is ultimately responsible for the maintenance of the elevator(s). To ensure safety, the owner may have to rely on professional services. This is no different than other building systems, such as fire alarms, fire sprinklers, and mechanical and electrical equipment.

16. COMMENT: A number of commenters posited that “there is a conflict of interest inherent in having an elevator company perform the semi-annual inspection.” The comments received point to the financial interests of the owner, which would sacrifice safety to cost savings and the financial incentives for the elevator maintenance company to manipulate the work needed in its own interest.

RESPONSE: There is a conflict apparent when the interests of the building owner and the interests of the elevator maintenance company are measured only in cost. However, the building owner has an incentive, measured in terms of liability, to maintain elevators in safe operating condition. It is the building owner’s obligation to provide for the safety of the occupants of the building. Similarly, the elevator maintenance company must weigh the liability incurred in underperforming on a maintenance contract and the risk of losing that contract if it is discovered that the maintenance company is recommending unwarranted work. Inspections will be performed annually. This provides a check to ensure that violations are addressed.

17. COMMENT: The change in policy does not resolve the lack of success in taking care of issues previously found. “What plan is in place to ensure that the defects found in the annual periodic inspection are cured or abated? Even now, violations found on the annual are often ignored for one reason or another and found again at the six-month inspection.”

RESPONSE: The Department recognizes that the abatement of violations cited at the annual inspection was sometimes verified at the six-month inspection. The amended rules provide for reinspections for this purpose.

18. COMMENT: A number of comments were made about the validity of comparisons made in the notice of proposal statements accompanying the proposed rulemaking. Commenters questioned comparing elevator safety to the testing of backflow preventers or the maintenance of fire alarm systems.

RESPONSE: The statements accompanying the proposed rulemaking did not seek to equate elevator devices to backflow preventers or to fire alarm systems. The statements only sought to cite other examples of instances where the owner is responsible for maintaining building systems that affect the safety of building occupants.

19. COMMENT: One commenter suggests that a checklist be required and a record be kept onsite.

RESPONSE: N.J.A.C. 5:23-12.2(b) requires that the building owner keep a maintenance checklist and that the checklist be made available upon request.

20. COMMENT: The rulemaking references too little data in support of the position that annual inspections will maintain the deserved level of safety for the public. Very few jurisdictions share this type of information and, therefore, such an assumption would be erroneous.

21. COMMENT: Referencing other jurisdictions in favor of annual inspections ignores the significant issues these jurisdictions experience. One commenter suggests that “one need look only as far as New York

City to see the host of problems which have resulted from discontinuance of semiannual elevator inspections.” Another commenter states that “both New York and Pennsylvania have experienced elevator disasters due to faulty inspections.”

RESPONSE TO COMMENTS 20 AND 21: The Department researched the requirements of other jurisdictions with respect to frequency of inspections. Injuries and fatalities involving elevator devices generally are well publicized. Inspections are done annually in other jurisdictions without any discernable difference in safety. It has not been established that the frequency of accidents in New York or in Pennsylvania is any greater than the frequency in New Jersey. “Faulty” inspections, as mentioned by the commenter, would be a problem regardless of the frequency of inspections.

22. COMMENT: While the rulemaking makes reference to ASME A17.3, the State does not establish retrofit requirements to compensate for differences, which other states that use ASME A17.3 require. The change will result in economic hardships. “The possible adoption of A17.3 would devastate building owners financially. To start a practice such as this in New Jersey is just not practical, yet for its purpose, the proposal makes reference to states that do this.”

RESPONSE: ASME A17.3 is not referenced in the proposed amendments.

23. COMMENT: Owners should not be responsible for performing the inspections. “Anticipating that the proposed amendments, which establish requirements to have maintenance inspections performed by building owners, will require those owners to obtain the services of an elevator maintenance company, if they do not already have one, this is not a path to safer elevator[s] or a way to maintain the level of rider safety at this time.” “The [ASME] A17.1 Code requires that only elevator personnel (as defined by code) perform inspections. Building owners are not elevator personnel.”

RESPONSE: As stated in the responses to prior comments, the building owner ultimately is responsible for the safety of any elevator devices in the building. And in order to meet this responsibility, the owner must engage the services of a qualified elevator maintenance company. The front line in ensuring that an elevator is safe is the mechanic performing work on or maintaining the device. The Department is not suggesting that these services may be performed directly by the building owner.

24. COMMENT: “N.J.A.C. 5:23-12.3(a) should be modified to require the six-month inspections for the following occupancies: All A occupancies, all H occupancies, all I occupancies, all Group R-1 and R-2 occupancies, all S-2 parking garages, all high-rise buildings and all buildings with occupant evacuation elevators.”

RESPONSE: The Department does not agree that the requirement should be differentiated based on the group designation of the building in which the elevator is found. The Department is not aware of any greater hazard for the listed occupancies.

25. COMMENT: “The proposed charging of reinspection fees has a great deal of potential for abuse. Who will monitor these reinspections, or for that matter, any portion of this proposal? What oversight protections will be in place?”

RESPONSE: There are existing mechanisms in place to address any failure to enforce the Uniform Construction Code properly. These include contacting the Department’s Office of Regulatory Affairs or filing an appeal. Appeals of actions by local construction code enforcement agencies go to the Construction Board of Appeals. Appeals of enforcement actions by the Department are heard in the Office of Administrative Law. And the Department will continue to monitor the actions of its staff in enforcing the elevator safety requirements.

The remaining comments below were sent by a retired employee of the Department of Community Affairs, Mitchell Malec.

26. COMMENT: For numerous reasons, the Department should not adopt the proposed amendments and repeal. The Department’s problem of not being able to perform the required elevator device inspections and tests per the UCC regulations is stated to be a staffing issue. However, the Department has not provided the numbers used in coming to that conclusion or what other options the Department has considered or implemented to resolve the problem. The commenter then followed with a series of specific questions. The commenter posited that the

Department is proposing a short-term solution that worsens the situation in the long run, but is financially beneficial to the Department due to the added re-inspection fee.

RESPONSE: The explanation and information supporting the elimination of the six-month inspection is contained in the notice of proposal Summary. With regard to the proposed amendments being “financially beneficial,” as stated in the response to prior comments, code enforcement is intended to be revenue neutral. Fees are set to cover the cost of enforcement. And also as stated in the responses to prior comments, because the six-month inspection is being eliminated, a certain number of reinspections will be necessary to confirm compliance where violations have been cited. The reinspection fees are set to cover the anticipated cost of this effort.

27. COMMENT: In 2013, the Department attempted to address the staffing problem through the adoption of a rule amendment to allow amusement ride inspectors to perform six-month inspections of elevator devices and to allow elevator inspectors to perform operational inspections of amusement rides. It appears that the fix failed.

RESPONSE: The provisions to allow amusement ride and elevator inspectors to be cross-trained remain in place. And the Department’s amusement ride inspectors have received elevator training. However, the elevator inspection workload has increased significantly in the intervening time and there are too few ride safety inspectors to perform the required inspections. Additionally, these inspectors would need to work under the supervision of experienced elevator inspectors.

28. COMMENT: As I have previously recommended to the Department, it may be time for changing N.J.A.C. 5:23-12A from “optional” to “mandatory.” In other words, shift the burden by requiring privately owned elevator device owners to contract with qualified elevator inspection firms. The Department appears to have forgotten about N.J.A.C. 5:23-12A. The commenter suggests a series of changes to N.J.A.C. 5:23-12A and recommends that the Department update N.J.A.C. 5:23-12A and make it mandatory.

RESPONSE: N.J.A.C. 5:23-12A, providing for an optional elevator inspection program, was first adopted in 1998. The Department does not agree that it is advisable to attempt to bring about by government edict what the private sector has declined to undertake over a period of almost 20 years.

29. COMMENT: The commenter points out discrepancies or perceived discrepancies between the notice of proposal Summary and the proposed rule itself in the use of the terms “elevator,” “elevator device,” and “escalator.” The commenter then goes on to question the data used to support moving to annual inspections for all but escalators. The commenter posits that “this information (data analysis and substantial change regarding manlifts) should have been part of the summary.” The commenter notes that “national data, to my understanding, indicates less than ten percent of reported escalator device accidents were caused by escalator device mechanical malfunction or code violations.” The commenter then asks, “with 12,000 stairway accident deaths a year, how would the Department rank the following in order of safer to use ... a stairway, an elevator, an escalator, a moving walk and a belt manlift?”

RESPONSE: As stated in the Response to Comment 14, for purposes of safe use, there are meaningful differences between escalators and other types of elevator devices. The commenter’s issues with the use of terminology seem to be rooted in the Department’s use of the commonly understood meaning of these terms in the notice of proposal Summary as opposed to the technical definitions of these terms as found in the rules and as the terms would be used by those in the industry or in code enforcement. Clearly, escalators have been singled out for purposes of inspection frequency and the Department stands by the conclusion it has drawn with regard to these devices.

30. COMMENT: “The Department should also consider whether the elevator device is under a full maintenance contract, or a parts, oil, and grease contract, or an oil and grease or examination and lubrication contract or a survey and report contract as a factor in eliminating the six-month routine inspection for those elevator devices. Also, the Department needs to consider in what type of building are the elevator device(s) located. Such as elevator devices in hospitals, low and moderate income housing, schools, and other facilities where elevator

device reliability is critical. From a liability standpoint of view I would expect most, if not all elevator device owners, have some type of maintenance contract in place currently.”

RESPONSE: The Department agrees with the commenter’s final statement. As reflected in the responses to prior comments, the building owner bears ultimate responsibility for building maintenance, including the safe operation of elevator devices. The Department does not agree that the requirements should be differentiated on the basis of the type of maintenance contract that the building owner may have had or the type of building in which the elevator is installed. Regardless of the type of maintenance contract, the owner must arrange for the performance of a six-month inspection.

31. COMMENT: The commenter questions the correlation between the Department not being able to perform elevator inspections and the impending changes to the qualifications of elevator contractors. I assume the Department is referring to the [im]pending regulations of licensure of elevator, escalator, and moving walkway mechanics that have yet to be proposed and once proposed will include a one-year grandfathering clause. Please explain how this impacts the Department’s inspection capabilities. If the Department, in the future, is going to rely on elevator, escalator, and moving walk mechanics licensure as a reason to forgo inspections, is it going to be applicable for all licensed trades or professions (electrical, plumbing, architect, professional engineer, others)?

RESPONSE: P.L. 2012, c. 71, calls for the regulation of those performing work on elevators, escalators, and moving walkways by the Division of Consumer Affairs in the Department of Law and Public Safety. While the Department is hopeful that the implementation of this law will improve public safety, it is not the primary reason for the rulemaking. There is no plan at this time to use the fact that employees who are performing construction work are licensed as a substitute for inspections.

32. COMMENT: It appears that the Department has contracted to provide a service (elevator device inspection/witnessing of tests), and is unable to provide the service (and knows at this time it cannot provide the service), elevator device owners have paid for Department services that will not be received resulting in a loss (financial and other), and no phase-in time frame (operational dates) is contained within the proposed amendments. The Department’s innocent misrepresentation needs to be addressed. How are entities that have paid their Department annual inspection fees going to be reimbursed or credited for routine inspections (and any other) that have not been performed in a timely fashion by the Department?

RESPONSE: The Department’s obligation to enforce the Uniform Construction Code is statutory; it is not a fee for service contractual obligation as the commenter suggests. And the fees collected support the overall elevator safety program, which the Department continues to provide.

33. COMMENT: The commenter questions the imposition of a reinspection fee and the calculations that might have been used to support such a fee. The commenter further states that such a fee is subject to potential abuse by both the Department and municipal enforcing agencies as the proposed amendments do not state what types of violation(s) trigger the need for reinspection. The commenter posits that “the Department needs to provide precise standards so that the unacceptable dangers of arbitrary and discriminatory enforcement do not happen.” The commenter offers a series of questions and statements regarding the amount of the reinspection fee as compared to other fees and the logic behind the proposed reinspection fee.

RESPONSE: As stated in the Response to Comments 10 and 26, the fees (for both inspections and reinspections) are set to cover the cost of code enforcement. The Response to Comment 25 addresses the opportunities for appeal available when any individual or entity is aggrieved by or wishes to question any enforcement action. The Department will monitor the performance of reinspections, and the accompanying collection of the reinspection fee. Proposed amendments to define when a reinspection should be performed go beyond the scope of the instant rulemaking. However, should an additional definition in the rules appear to be helpful or necessary, the Department will propose

amendments to clarify the circumstances under which a reinspection is warranted.

34. COMMENT: The Department does not need to, and should not, repeal N.J.A.C. 5:23-12.10. This section never included the six-month routine inspection as clearly stated in N.J.A.C. 5:23-12.10(b). If the Department’s response is that it is shifting all routine inspection (elimination of the six-month and deletion of routine from annual/three-year/five-year) to the elevator device owner by these proposed amendments and repeal, it just doesn’t seem to ‘fit’ for seasonal facility devices. The Department’s proposed amendments also result in allowing elevator devices in seasonal facilities to be operated year round with no benefit for shutting down operation. The proposed repeal of N.J.A.C. 5:23-12.10 should be brought to the attention of seasonal facility elevator device owners.

RESPONSE: The Department agrees with the commenter and has decided to retain the provisions of N.J.A.C. 5:23-12.10. This will keep the status quo in place with regard to the requirements applicable to seasonal facilities. As the commenter has correctly stated, these requirements continue to be appropriate for seasonal facilities.

35. COMMENT: It is somewhat ironic that the Department is proposing to add the phrase “and in accordance with the established inspection cycle for the building” to N.J.A.C. 5:23-12.1(d) at this time. The Department’s confidence that it will be able to perform as required is commendable but questionable.

RESPONSE: The Department intends the language of this rule to clarify the requirements in light of the amendments being made. And it is always the Department’s goal to perform as required to provide for public safety.

36. COMMENT: The Department should review and adjust the ‘terms’ within N.J.A.C. 5:23-12.1(f). As examples: “Routine inspections should occur at a minimum of six month intervals or at not more than six months intervals (same with yearly, etc). Text should be consistent, ... ‘periodic inspections and tests’ versus ‘periodic tests and inspections’ ... ‘cyclical inspections’ or ‘cyclical testing’ versus ‘cyclical tests’ ... 12.3(a)1 advises that cyclical inspections shall not be required more frequently than once a year but by definition includes routine inspections.”

RESPONSE: The Department agrees that the terms in the rules are sometimes incongruent. To clarify, the Department is making the following editorial changes: At N.J.A.C. 5:23-12.2, the term “cyclical tests and inspections” is changed to “cyclical inspections and tests” and at N.J.A.C. 5:23-12.6, the term “periodic tests and inspections” is changed to “periodic inspections and testing.”

37. COMMENT: The proposed amendments to N.J.A.C. 5:23-12.2(a) with the addition of paragraph (a)1 to the referenced standards section seem a bit awkward. It appears the addition of paragraph (a)1 is unnecessary since ‘if applicable’ is currently contained in subsection (a). Or change “if applicable” to “as applicable.”

RESPONSE: The Department agrees that “as applicable” is preferable, but the “if applicable” in subsection (a) is existing language and was not proposed for change and, therefore, no change will be made upon adoption.

38. COMMENT: The proposed amendments to N.J.A.C. 5:23-12.2(b), which delete ‘or ASME A17.1 (1996-1998), Section 1206 (except 1206.1h)’ were not contained within the notice of proposal Summary. Are the impacts of this substantial change recognized by the Department? It is recommended that the Department look at the New Jersey Register of May 4, 2009 (Proposal Number PRN 2009-126), that was adopted to fully understand this comment. Compliance with new provisions could be very costly to building owners.

RESPONSE: The Department intentionally froze the edition of the ANSI A17.1 standard in the May 4, 2009 proposal referenced by the commenter to prevent owners from having to comply with provisions in the later editions of the rules that would have caused expensive retrofits. Specifically, the Department was concerned about the requirements for additional safety for hydraulic elevators and step indexing for escalators. In a subsequent revision, the Department eliminated these provisions from the ANSI standard when it was adopted and made modifications to N.J.A.C. 5:23-12.2(c) to eliminate the need for existing elevators and escalators to comply with those requirements. Therefore, compliance

with later editions of the standards can be accomplished by owners without having to comply with the provisions that were the subject of the 2009 rulemaking referenced by the commenter. As it pertains to the notice of proposal Summary discussion of the change, no discussion was necessary for the deletion of the specific section of A17.1, as a reference is added in its place to all of A17.1.

39. COMMENT: The Department's proposed requirement for a checklist or checklists of maintenance performed in N.J.A.C. 5:23-12.2(b) is vague and extremely open to interpretation. The commenter posed a series of questions with regard to the requirements and asked that "the Department be more specific and state that the owner of an elevator or escalator must establish a maintenance control program that conforms to sections 8.6 and 8.11 of ASME A17.1 or something of that nature." The questions posed also went to the content, format, and retention schedule for checklists and the applicability of these requirements to lifts and to manlifts. The commenter further suggested that the Department's checklists be available and included as part of the regulations and recommended that electronic copies be required to be submitted to the Department within an established time period.

RESPONSE: The Department believes that the inspection criteria is well laid out in A17.1, and does not believe that a specific format for the checklist is necessary. The Department will monitor compliance as this new requirement is implemented and will propose amendments with regard to the checklist if such amendments appear to be necessary. (With regard to manlifts, see the Response to Comment 40)

40. COMMENT: Since the substantial change of deleting the six-month inspection of manlifts was not mentioned in the notice of proposal Summary (ASME A90.1 interval for inspections is not more than 30 days), but a basic annual fee was being collected implying that the inspections were being performed, did the Department not perform the six-month manlift inspections as required by the regulations? The Department's proposed amendment in N.J.A.C. 5:23-12.3(a) deleting the six-month inspection of manlifts needs explanation and justification, along with the Department's reference to the Appendix, Table N-1 of ASME A17.1 for elevators used for construction.

RESPONSE: The proposed amendments eliminate the six-month inspection for all elevator devices with the exception of escalators. The Department will review whether it is necessary to continue to regulate manlifts or elevators used for construction at all and will make these the subject of future proposed amendments if it is decided that such devices will no longer be subject to inspection under the Uniform Construction Code.

41. COMMENT: The current requirement of N.J.A.C. 5:23-12.9(b) that a temporary certificate of compliance may be issued for no longer than 180 days, even if the device is inspected on an annual basis should not be amended. To amend the section to the inspection cycle (read N.J.A.C. 5:23-12.3(a)4) is asking for trouble. Under what circumstance would an elevator subcode official grant a temporary certificate of compliance for a period of one year to an elevator device with violations? What harm is there if a temporary certificate of compliance is issued for 30 days and then extended, based on the continuation of no hazard to the public? Or for 180 days and then extended? Can the elevator device owner provide 'paperwork' that the violation is corrected and request inspection be performed during the next cyclical inspection?

RESPONSE: The blank in the temporary certificate of compliance is to be filled in by the construction official and is tied, through existing rule language, to a finding by the elevator subcode official that "no hazard to the public is thereby created." The timeframe is established based on the nature of the items to be corrected.

42. COMMENT: The current requirement of N.J.A.C. 5:23-12.9(e) that an elevator device be registered by its first routine inspection or the proposed amendment to by its first cyclical inspection just doesn't make sense. Why are elevator devices not registered within 30 days or definitely registered within 180 days? How are inspections and registration related?

RESPONSE: This comment addresses an existing rule and is not part of the current rulemaking. There are cases where elevator devices are installed and used without being registered. This happens in some cases because a temporary certificate of occupancy was issued or in other cases because the town erroneously issued a certificate of approval or

occupancy without a registration. This section of the existing rule clarifies that, in those cases, a certificate of compliance or temporary certificate of compliance cannot be issued until the registration is made.

43. COMMENT: Although the Department had no amendments to N.J.A.C. 5:23-12.12, it is suggested the Department review this section to determine if modifications are necessary or improvements can be made. It may be appropriate to provide the text of the referenced historical documents within the regulations.

RESPONSE: The Department will review this section, as suggested, to determine whether future amendments would be helpful or necessary, but as the section is not part of this rulemaking, it is beyond the scope of this rulemaking.

44. COMMENT: The Department has briefly touched on the impacts on the staffing of local enforcing agencies and third-party inspection agencies (anticipated that fewer (elevator safety) inspectors will be needed in the public sector due to the elimination of the six-month inspection) that these proposed amendments and repeal have. A municipality that has no escalators, only elevators, or the majority being elevators, results in less 'work' for the municipal elevator subcode officials that have been able to perform the required inspections unlike the Department staff. Which implies a reduction in staff or pay decrease would be a reasonable result. And if a reinspection fee is added, that just increases the municipal code enforcing agency's or agent's budget, even if it does not increase in occurrence.

RESPONSE: The anticipated impact on local code enforcement agencies or third-party agencies is addressed in the Response to Comment 9.

45. COMMENT: "Another approach would be the elimination of allowing municipalities from electing (or have elected) the Department to perform the administration and enforcement of the elevator safety code and this approach would immediately resolve the Department's staffing problem."

RESPONSE: The Department's obligation to enforce the Uniform Construction Code where the municipality declines to do so is statutory.

Federal Standards Statement

No Federal standards analysis is required because the amendments are not being adopted under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or any State statute that incorporates or refers to a Federal law, standards, or requirements.

Full text of the adopted amendments follows (additions to the proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 12. ELEVATOR SAFETY SUBCODE

5:23-12.1 Title; scope; intent; definitions

(a)-(c) (No change.)

(d) It is the purpose of this subchapter to enhance the public safety, health, and welfare by ensuring that elevator devices as defined in this subchapter are inspected, tested, and maintained in accordance with nationally recognized, referenced standards and in accordance with the established inspection cycle for the building.

(e) (No change.)

(f) The following terms, when used in this subchapter, shall have the following meanings:

1. "Routine inspections" shall mean the examination of elevator devices at six-month intervals where visual inspections are performed to check for compliance with the applicable requirements. The scope and performance of such inspections shall be as required by this subchapter.

2. "Periodic inspections and tests" shall mean the periodic inspections and tests of elevator devices at yearly intervals where inspections are performed by an elevator inspector and tests are witnessed by an elevator inspector to check for compliance with the applicable requirements. The category of such tests and scope of these inspections and tests shall be as required by this subchapter.

3. "Cyclical inspections" or "cyclical testing" shall mean the inspections or tests performed on each elevator device on a schedule established by the enforcing agency in accordance with this subchapter,

including, but not limited to, routine inspections and periodic inspections and tests.

5:23-12.2 Referenced standards

(a) Periodic and acceptance tests and inspections, if applicable, shall be required on all new, altered, and existing elevators, dumbwaiters, moving walks, wheelchair lifts, manlifts, and stairway chairlifts. The required cyclical *[tests and]* inspections ***and tests*** shall be performed in accordance with the most recent edition of ASME A17.1, ASME A18.1, or ASME A90.1 referenced in the building subcode. This subsection shall not apply to elevator devices in structures of Group R-3, R-4, or R-5, or to any elevator device located wholly within dwelling unit in a structure of Group R-2 if the device is not accessible to the general public.

1. Periodic, routine, and acceptance tests and inspections, as applicable, shall be required on all new, altered, and existing escalators.

(b) All operating and electrical parts and accessory equipment for elevator devices shall be maintained in safe operating condition. The elevator devices shall be maintained to conform to the applicable safety standard in effect at the time of the installation and/or alteration. The maintenance of elevator devices shall conform to the most recent edition of ASME A18.1 or ASME A90.1, or ASME A17.1 referenced in the building subcode. Additionally, maintenance of ASME A17.1 elevator devices shall be in accordance with (c) below. Checklists of maintenance performed according to the applicable six-month inspection section of ASME A17.1 shall be maintained by the building owner and the owner shall make such records available to the authority having jurisdiction.

(c)-(f) (No change.)

5:23-12.3 Inspection and test schedule

(a) Periodic and acceptance inspections and test of elevators shall be conducted as follows:

1. Periodic inspections shall be made at intervals of not more than six months for all escalators. Inspection intervals for ASME A17.1 elevator devices other than escalators shall not exceed those set forth in Appendix N-1 of ASME A17.1 referenced in the most recent edition of the building subcode, provided that cyclical inspections shall not be required more frequently than once a year. Stairway chairlifts and wheelchair lifts shall be inspected at intervals not exceeding one year.

2. Periodic tests shall be witnessed at intervals not exceeding those set forth in Appendix N-1 of the most recent edition of ASME A17.1 referenced in the building subcode, provided that cyclical tests shall not be required more frequently than once a year. Cyclical testing of manlifts, stairway chairlifts, and wheelchair lifts shall be at intervals not exceeding one year.

3. Periodic inspections, including any applicable acceptance inspections, shall be made by the elevator subcode official or elevator inspector. Periodic tests, including any applicable acceptance tests, shall be witnessed by the elevator subcode official or elevator inspector.

4. Each building containing devices covered by this subchapter shall have an inspection cycle established by the enforcing agency. This cycle shall be consistent with the routine and periodic inspection and test intervals required in this section. Once this cycle is established, all such devices in the building shall be subject to inspections and tests, except as exempted by this section or by N.J.A.C. 5:23-12.9.

i. When a need to modify an existing inspection cycle exists, upon request of a construction official, where such needs are outlined, and approved by the Department, the existing inspection cycle can be changed. Such change shall not increase the intervals between cyclical inspections/tests required by this section, and any additional inspection that may be required as a result of the adjustment shall not be subject to a fee.

ii. Elevator devices that have been temporarily taken out of operation for alteration work to be performed shall be exempt from required cyclical routine and periodic inspections and tests, as long as the elevator device is not accessible to the public or placed back in operation. Those devices that are still in operation, even though they are still included in the alteration permit, shall be subject to the required cyclical routine and periodic inspections and tests within the cycle of inspections in the building.

iii. Elevator devices that have been removed from service as per ASME A17.1, A18.1, or A90.1 as applicable, are exempt from the required cyclical routine and periodic inspections and tests until the device is placed back in service as per the applicable safety code, which is referenced in the building subcode. Taking a device in or out of service by Code shall be considered minor work within the meaning of N.J.A.C. 5:23-2.17A.

iv. (No change.)

5. (No change.)

5:23-12.6 Test and inspection fees

(a) (No change.)

(b) The Departmental fee for required routine and periodic *[tests and]* inspections ***and tests*** for elevator devices in structures not of Group R-3, R-4, or R-5, or otherwise exempt devices in structures of Group R-2, shall be as follows:

1. The fee for the six-month routine inspection of escalators shall be \$211.00.

2. The fee for the one-year periodic inspection and witnessing of tests of elevator devices shall be as follows:

i.-iii. (No change.)

iv. Moving walks \$484.00;

v. (No change.)

vi. Manlifts, stairway chairlifts, inclined and vertical wheelchair lifts \$183.00;

vii. Escalators \$484.00.

3.-4. (No change.)

(c) When the Department is the enforcing agency, the fees set forth in (b) above shall be paid annually in accordance with the following schedule, which is based on the average of the fees to be collected over a five-year period:

1. Basic annual fee as follows:

i. Traction and winding drum elevators:

(1) One to 10 floors \$339.00;

(2) Over 10 floors \$409.00;

ii. Hydraulic elevators \$258.00;

iii. Roped hydraulic elevators \$232.00;

iv. Moving walks \$484.00;

v. (No change.)

vi. Stairway chairlifts, inclined and vertical wheelchair lifts, manlifts \$182.00;

vii. Escalators \$695.00.

2. (No change.)

(d) The fee for any reinspection of an elevator device shall be set at \$203.00 and shall be billed separately from the above fees upon the issuance of a Notice of Violation necessitating a reinspection.

5:23-12.9 Certificate of compliance requirements

(a) (No change.)

(b) A temporary certificate of compliance may be issued by the construction official for a device in order to keep the device in operation on which work, as a result of violations, is being diligently performed, if the elevator subcode official finds that no hazard to the public is thereby created. A temporary certificate of compliance may be issued for no longer than the inspection cycle.

(c)-(d) (No change.)

(e) No certificate of compliance or temporary certificate of compliance shall be issued for any elevator device, as required by this section, which has been approved to operate during the initial period, after a permit, in accordance with (f) below if the device has not been registered pursuant to this subchapter by its first cyclical inspection, even if a certificate of occupancy, temporary certificate of occupancy, or certificate of approval has been issued.

(f) Except as otherwise provided in (e) above, a new device or an existing device which has had work done under a permit shall be issued a certificate of compliance upon the first cyclical inspection based on the following:

1. (No change.)

2. A device has been approved following the inspection process, as required for minor work by N.J.A.C. 5:23-2.17A(d)2 and 12.2, by the application of an Inspection Sticker of Approval for Elevator and a

recommendation by the elevator subcode official on an Elevator Subcode Technical Section form for a certificate of approval.

i. The device may operate under the approval given under the permit until the next cyclical inspection, as determined by the inspection cycle of the building, and then shall be subject to the applicable routine or periodic inspection the same as all other elevator devices in the building.

EDUCATION

(a)

STATE BOARD OF EDUCATION

Fiscal Accountability, Efficiency, and Budgeting Procedures

Tuition for Private Schools for Students with Disabilities

Adopted Amendments: N.J.A.C. 6A:23A-18

Adopted New Rules: N.J.A.C. 6A:23A-18.1, 18.12, and 18.19 through 18.23

Proposed: March 6, 2017, at 49 N.J.R. 365(a).

Adopted: June 7, 2017, by the New Jersey State Board of Education, Kimberley Harrington, Acting Commissioner, Department of Education, Secretary, State Board of Education.

Filed: June 7, 2017, as R.2017 d.134, **with non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.5).

Authority: N.J.S.A. 18A:46-21.

Effective Date: July 3, 2017.

Expiration Date: April 6, 2024.

Summary of Public Comments and Agency Responses:

The following is a summary of the comments received from members of the public and the Department's responses. Each commenter is identified at the end of the comment by a number that corresponds to the following list:

1. A.J. Ferrer
2. Aaron Stiefel
3. Abbey M. Horwitz
4. Abby Tanzer
5. Abel Mejia U
6. Adam S. Gentile
7. Adonis and Gondelina Tibay
8. Adriana Fernandez
9. Adrienne Suydam
10. Al and Stephanie Fritsch
11. Alan Laird
12. Alan Staniforth and Neng Wang
13. Alane Gruber
14. Alden H. Wolfe
15. Aleksandra Brodka
16. Alex and Phatavone Cayley
17. Alexander J. Wurst
18. Alexandra Rusiecki
19. Alfonso Fera
20. Alicia Barker
21. Alicia Ciaravino
22. Alicia Silvestri
23. Alison Niederauer
24. Alledu, Paraprofessional at New Beginnings
25. Allison Bisbey
26. Allison Tegano
27. Alonso Rivera
28. Amanda Lukof
29. Amanda Mitola
30. Amy Stoller
31. Amy Williams

32. Andrea Benzinger
33. Andrea L. and Luis A. Ortiz
34. Andreas and Tamara Oranje
35. Andrew Hall
36. Andrew Isaac
37. Angela Randion
38. Angela Territola
39. Angie Tener
40. Anita Hawkins
41. Ann Marie and Todd Conforti
42. Anna Forestiero
43. Anne Wargo
44. Annette Bourhill
45. Annette Brodka
46. Annette Codispoti
47. Annette Evangelista
48. Annette Ristoro
49. Annmarie Scorzo, Business Manager, Windsor and Shepard Schools
50. Anthony and Carla Lomangino
51. Anthony Eldridge and Tishun Myers
52. Anthony Mastandino
53. Anthony Pusateri Jr.
54. Anthony Troncone
55. Antonette DiMiceli
56. April and Karl Weber
57. April Rofe
58. Archana Sharma
59. Arisleyda Riehl
60. Arlene Gildersleeve
61. Artea Lombardi
62. Athena and Deron Siddons
63. Atonia and Will Worley
64. Babette and Steve Zschiegner
65. Barbara A. Stack
66. Barbara K. Schoor
67. Barbara Levine
68. Barbara Meyers
69. Barbara Nowling
70. Barbara P. O'Connell
71. Barbara Russell
72. Barry P. Goldberg
73. Beenu and Ritesh Chaturbedi
74. Bernard A. Polatschek
75. Beth and Tony Elkis
76. Beth Gardella
77. Bill and Tracey Hammill
78. Bill Tanzer
79. Blair Harrell
80. Brady Fox
81. Brandon T. Schurter
82. Brian Hartung
83. Brian James
84. Brian King
85. Brian Steinberg
86. Brittany McCormick
87. Brooke Sanford
88. Bruce and Richele Chituck
89. Bruce Ettinger, Executive Director/Superintendent, Spectrum 360
90. Caitlin Celebre
91. Cara Zoppina
92. Carmel Birney
93. Carol Anne Chupak
94. Carol Barron
95. Caroline Johnson
96. Caroline Kane
97. Carrie Graifer
98. Carrie Nugent
99. Carrie-Ann Feakes, School Psychologist, Westbridge Academy
100. Casey L. Nottingham