

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

Meeting of May 20, 2009

The New Jersey Fire Safety Commission meeting was held on Wednesday, May 20, 2009, at the Middlesex County Fire Academy in Sayreville, NJ.

Commission Members Present: Mr. Pasquale Intindola, Acting-Chairman
Mr. Charles W. Schilling
Mr. C. Kenneth Anderson
Mr. Arthur Londensky
Mr. Daniel DeTrollo
Mr. Paul Hartstein
Mr. John Lightbody
Mr. Armando Roman
Ms. Kathleen O’Leary
Mr. Lawrence D. Wood
Mr. Steve O’Gorman
Mr. Roger Potts
Mr. Gerard Naylis

Commission Members Excused: Assemblyman John Wisniewski, Chairman
Mr. Arthur Mercurio
Mr. Richard Blohm
Mr. Fredrick Collender
Mr. Lewis Candura

DCA Staff Members Present: Lawrence Petrillo, State Fire Marshal
William Kramer, NJDFS
Lou Kilmer, NJDFS
James McFadden, NJDFS
Charles Luxton, NJDFS
Charles Lavin, NJDFS
Jerry Clark, NJDFS
Heather Puskar, NJDFS
Josh Lazarus, NJDFS
Jeffrey Silver, NJDFS
Jason Spiecker, NJDFS
Michael Whalen, Codes and Standards

Guests: Charles Aughenbaugh, NJDFCA
Lewis Ostrander, Cape May County FM

Albert S. Beers, Cape May County FM
David Kurasz, NJFSAB
Ronald McGowan Jr., West Wildwood FD
Thomas P. Gerity, Old Bridge Dist. 1, 2, 4
David Locke, Plainfield FD

A. Call to Order

In the absence of Assemblyman Wisniewski, Acting-Chairman Pasquale Intindola brought the meeting to order at 10:05 AM and pointed out the fire exits.

B. Approval of Minutes

With no discussion requested or necessary corrections, the minutes of the regular meeting of March 18, 2009, were approved.

C. Correspondence

Acting Chairman Intindola noted that all correspondence for today's meeting is contained in the Fire Safety Commission packets. With no discussion requested on any of the correspondence at this time, the meeting was moved to Division of Fire Safety Activities. It was decided that Public Comment would be held until the end of the meeting.

D. Division of Fire Safety Activities

State Fire Marshal Lawrence Petrillo reported that the Code update process has been in full-swing. A few areas have been amended and/or adjusted, so the DFS and Codes and Standards have been working with that all along. The Code update courses have been taking place, including one today here at Middlesex Fire Academy. Director Petrillo feels the transition is going smoothly so far.

Although the Division of Fire Safety was not able to print their course catalog this semester, courses have been very well attended. The entire catalog has been made available on the NJDFS website. Also, updates to the NFIRS Fire in New Jersey report and the latest addition of Fire Focus are currently available on the website. Director Petrillo thanked Heather Puskar and Jerry Clark for their hard work providing this content.

The Division of Fire Safety has recently published a Bulletin on its website regarding the H1N1 Influenza Virus (Swine Flu). Director Petrillo suggested everyone pass along this information, which was distributed through the State's joint information center, as the Bulletin will be continuously updated as more information is available.

The Division of Fire Safety recently held a Peer Review for Code Officials. There were three Fire Officials who the Division recommended revocation of their licenses. It was clear these particular officials were not enforcing the Code in a satisfactory manner. Peer

Review has heard their cases and reported to the Division accordingly. We are currently in the 15-day appeal period, and the outcomes of each case will be determined once that period is complete.

The Annual Reports have been done completely electronically for the first time for the year 2008. Approximately 38 Fire Officials did not submit reports in a timely manner, including 4 that did not report at all. The Division is looking to address this through Peer Review, and hopefully the kinks will be worked out and we will have 100% on-time participation for 2009.

State Fire Marshal Petrillo also spoke briefly on the State's financial issues and its effects on the Division. The Division is continuing to perform its duties to the best of the staff's ability. Also, the Department of Community Affairs (including the Division) will be closed on May 26th and June 19th due to the employee furloughs. Commissioner DeTrotio asked about how the new budget would affect the Division or if there would be any cuts. Director Petrillo said that the Division was asked to identify a certain percentage of its personnel to potentially be laid off if it comes to that. The percentage has changed over the past couple months, so it would be difficult for Director Petrillo to say what is going to happen at this time.

Commissioner Gerard Naylis asked what would happen if arson investigations or other essential fire personnel from the Division were needed on the days DCA is furloughed. Director Petrillo answered that it was his impression that, if needs be, he could go through the necessary chain of command to active those employees when needed. Commissioner Naylis also asked about two appendices of the new Code that were not adopted (C and D), and what the reasons were for those omissions. Chief William Kramer and Michael Whalen answered that it was part of the original proposal to delete those portions of the Code. Director Petrillo added that Division staff will look into this further, as issues like this have cropped up during the transition period.

Chief William Kramer reported that Division of Fire Safety staff has been working with New Jersey's two port areas (New York Bay, Delaware Bay) and their local municipalities and fire departments to apply for Port Security Grants. The 2009 applications for the Grants allow for a "soft-match", which should make it a bit easier for municipalities and departments to obtain these monies. Also, there will be stimulus money added to both ports for security and that dollar amount will be in the millions. These grants are not strictly for training, but will be available to fill any identified gaps in the port security system that need to be filled. Director Petrillo also spoke about a portion of the stimulus money that is allocated for the building/renovating of firehouses. The exact process of how to apply and obtain that money has yet to be determined, but as soon as that information is available it will be posted on the NJDFS website.

Chief Kramer spoke about the Firefighter I textbook acquisition process. An award has been given for the contract to provide the books, but Chief Kramer was not able to comment because the losing bidders still have an opportunity to appeal. Hopefully there will be no challenges and the contract will be awarded. After that, the last step would be

to actually fund purchase the books. The Division is confident that this will happen; as DCA Commissioner Doria has made a commitment to the Division of Fire Safety that he supports this program.

Chief Kramer reported that the Homeland Security Conference is now scheduled for June 12th at Kean University. It was originally scheduled for June 19th, until the DCA's employees were scheduled to be furloughed that day. The program starts at 8:30 AM. Director Petrillo added that the program has been tweaked a lot at the last minute, so the notices for this event will be sent out very shortly. The keystone speaker is a gentleman who published a thesis for the U.S. Naval Academy about the fire service's response to pandemics. While his thesis uses Bird Flu as an example, this subject matter has certainly turned out to be very timely and relevant.

Chief Lou Kilmer reported that the transition into enforcing the new Code is going very well. The Division has worked closely with Codes and Standards throughout this process. Chief Kilmer also spoke about the issue of vehicles being stored indoors, where the car batteries will not need to be disconnected.

E. Advisory Council Reports:

1. Codes Advisory Council

Commissioner Charles Schilling stated that the Codes Advisory Council met on April 15th at the Middlesex County Fire Academy and the minutes are contained in the Commission packets.

Also in the packets is a Memorandum from the Commissioner Schilling on behalf of the Codes Advisory Council. This Memo was in regards to amendments to the Uniform Fire Code on the subject of storing and displaying vehicles inside showrooms, malls, casinos, etc. Basically, the code change would consist of not requiring batteries to be disconnected... as the disconnecting and reconnecting of the batteries creates more of a hazard. Commissioner DeTrolgio made a motion that the Commission approves these proposed amendments. The motion was seconded by Commissioner Naylis and passed unanimously.

Commissioner Schilling spoke about the status of the Subchapter 3 and Subchapter 4 proposals. The Department felt it would be best to separate the Subchapter 3 and 4 proposals so there would not be a future delay in getting the Subchapter 3 changes approved. The proposals must be approved by the DCA Commissioner's Office, then the Governor's Office, before it goes into the *New Jersey Register* for public comment.

Commissioner Schilling also mentioned the National Fire Sprinkler Association Standard forms. The Codes Council currently has a sub-committee that is continuing to work on this issue. Commissioner Schilling reported on the issue of Life Hazard Use inspections, and who would be required to perform the inspections. The Codes Council has debated this issue at length and has designated a sub-committee to look into this further. It is a

controversial issue, and hopefully once this committee has had more time to review it the Codes Council can draw some definitive conclusions. Commissioner Naylis stressed that the inspections should only be performed by certified personnel who are trained to identify code deficiencies. Commissioner Schilling and Intindola agree, but the further issue is increasing life hazard uses and who will handle that additional work-load.

The Codes Council looked into the problem Hoboken had with overcrowding from the St. Patrick's Day Parade. The Council determined this to be more of a law enforcement issue than a fire service issue for several reasons. Most prominently is that fire department personnel are not trained to deal with large-scale crowd control.

The next meeting of the Codes Advisory Council is scheduled for June 17th at the Middlesex County Fire Academy at 9:30 am.

Acting-Chairman Intindola also made note of a letter submitted to the Commission by Commissioner Lewis Candura, and asked that the Codes Council take a closer look at some of the points made in that letter.

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 April 14th at the Dempster Training Center at 10:00 am. The minutes of the meeting are in the Commission packets.

As of our meeting, Treasury had not made a decision on the award of a contract for the Firefighter I texts.

The Office of Training and Certification is representing the Division for consultation with the Commissioner of Health and Senior Services and the Commissioner of Human Services to develop a training curriculum to inform emergency responders of the risks associated with autism or an intellectual or other developmental disability.

The Tier I Eligible Organizations met on April 17th. I reported at our last meeting that I hope to use them as a Committee of T&E for feedback and as a resource to the Council meeting its objectives. The main topic of discussion at the meeting was Fire Officer Certification. They made several recommendations for prerequisites to certification. That list was shared with T&E and the Council approved it. When the suggestions were converted to Administrative wording, it became obvious that some tweaking would be required. Suggestions have been circulated to the Tier I Eos and T&E.

The Proposal for amendments to the Instructor Certification standards have still not been printed in the *Register*.

The Committee to study Driver/Operator Safety Training reported that there are essentially four parts to be included: NFPA 1451, CDL requirements, Driving the apparatus, and how a certification system would be implemented. An outline for the Driver/Operator Training Course was discussed at the meeting.

The RIT Committee met April 7th. There is a new standard, NFPA 1407, being considered for adoption by NFPA. It appears that the work the Committee has done is in agreement with the proposed standard. The Committee is studying that in preparation for the next meeting.

The next Training and Education Advisory Council meeting will be June 16th at the Dempster Training Center at 10:00 am.

3. Statistics and Information Advisory Council

Commissioner Gerard Naylis reported that the latest Fire In New Jersey report has been posted on the Division of Fire Safety website and he suggested that the Commission members take a look at the data. Commissioner Naylis commended Heather Puskar for all her tremendous work on this report.

Commissioner Naylis also spoke about AFG grants, and how fire departments that are planning to apply for this federal program are required to be participating in the NFIRS reporting program. If they are not compliant with the NFIRS program, as determined by an NFIRS Supervisor, they will not be eligible to receive these funds. Director Petrillo added that the Division has been in direct contact with FEMA about these grant awards and have provided names of departments in regards to their status. Grant money has been withheld from departments who have failed to participate.

4. Master Planning and Research Advisory Council

Commissioner John Lightbody reported that the majority of the Master Planning and Research Advisory Council's time, as evidenced by the recent minutes, has been spent on the residential fire sprinkler issue. The Council has come up with a Proclamation for citizens, as well as fire departments and officials, to sign to garner support in the campaign for getting sprinklers into one- and two-family homes. The goal is to have fire sprinklers mandated by 2012. Commissioner Lightbody feels it is key to campaign for the sprinkler and keep momentum going.

Commissioner Lightbody also spoke about a side-by-side demonstration of fire sprinklers that recently took place at Toms River Fire Academy. The demonstration was extremely eye-opening for a lot of people, because it is clear to see the benefit of fire sprinklers when you see them in action. The demonstration was well-attended, as the Public Education Advisory Council and Juvenile Firesetters Prevention Council planned their meeting to coincide with it. The demonstration also got a lot of press from local television and radio stations, which helps to illuminate the issue.

5. Public Education Advisory Council

Commissioner Daniel DeTrolio reported that the Public Education Advisory Council met on June 12th at the Toms River Fire Academy. It was a joint-meeting with Juvenile Firesetters Council, which is always enlightening and beneficial to both Councils – as they have many similar goals.

The judging of the State Fire Safety Poster Contest took place last week at Springfield Fire Department Headquarters in Union County. The winners were:

Division 1 – Grace Young	Martin Luther King School (Jersey City)
Division 2 – Russell Sales	Transfiguration Academy (Bergenfield)
Division 3 – Ashley Guerrero	Dr. Horton School (Newark)
Division 4 – Colleen Cooney	Morris Knolls H.S. (Rockaway)
Division 5 – Kate Donnelly	Cape May Tech (Cape May Court House)
Division 6 – Diana Tenecela	Branch Brook School (Newark)
Division 7 – Jennifer Moss	Union County Vo-Tech (Scotch Plains)

Also, the 4th Annual New Jersey FIRE Bowl program was held on May 19th at Kean University. Public School #14 were the Champions, defeating Belleville Middle School by a score of 405-345. It was a very closely contested competition, and very informative for the audience. Commissioner DeTrolio commented on the tremendous facility (Wilkins Theater) and the talent of the event's host – Harry Martin from Fox/MY-9 News.

6. Firefighter Safety and Health Advisory Council

In the absence of Commissioner Richard Blohm, no report was given.

7. Juvenile Firesetter Prevention Council

Commissioner Paul Hartstein reported that the Juvenile Firesetter Prevention Council met, along with Public Education, on June 12th at the Toms River Fire Academy. The main topic of discussion was about the issue of banning the sale of novelty lighters.

After much discussion, the Juvenile Firesetter Prevention Council came to the conclusion to support the Bills as they are currently written. While not exactly perfect, the Bills do have most of what the Council was originally looking for and will go a long way towards preventing the possibility of these novelty lighters getting into the hands of young kids. It was even suggested at the Council meeting that a Bill Signing be scheduled to coincide with the Firefighter's Convention in Wildwood in September. The Commission then held a discussion about the difficulty of being able to enforce the novelty lighter legislation as it stands now. It was decided that the Commission should work with Assemblyman Wisniewski on potentially amending the legislation to correct this.

Commissioner Gerard Naylis made a motion that the Commission supports the Juvenile Firesetter Council in getting enforceable legislation banning novelty lighters. The motion was seconded by Commissioner Anderson and passed unanimously.

The 6th Juvenile Firesetter Conference is scheduled to take place around late-November/early-December, and there should be about \$10,000 allocated in the next budget for the execution of this event. An idea that the Council is working on is holding a Legislators Evening at the Conference. It is hoped that the Conference does not become a casualty of the trimmed-down budget. Stay tuned.

The Juvenile Firesetter Prevention Council is partnering with the NJ Chapter of IAAI to run a Specialist I program at the Somerset County Fire Academy on May 28th and 29th. There will also be courses taking place...

The next meeting of the Juvenile Firesetter Prevention Council will be on July 8th at the Camden County Fire Academy at 11 AM. This will be the annual barbecue lunch meeting, and all Commission members are invited to attend.

F. Committee Reports

1. Residential Sprinkler Committee

Commissioner Gerard Naylis felt that most of the discussion on Residential Sprinklers had been covered under Master Planning and Research – and he commended that Council on doing a tremendous job on this issue. Commissioner Naylis echoed Commissioner Candura's sentiment that aggressive action needs to be taken to ensure that sprinklers in 1- and 2-family homes is adopted by January 1, 2012. Also, Commissioner Naylis commented that the public needs to be educated on this issue, as well as the fire service.

2. Furniture Flammability Committee

Commissioner Naylis reported that the forthcoming International Building Code has changes included that address the issue of furniture stores and the potential hazards that they present. Commissioners Naylis and Londensky feel that these code changes will go a long way towards rectifying the situation, and suggested adjourning the Committee. The Furniture Flammability Committee report will be removed from the agenda for subsequent meetings.

G. Old Business

Acting Chairman Intindola spoke about the issue of the 25th Anniversary Celebration that was being planned for the Fire Safety Commission. Commissioner Intindola has spoken to Assemblyman Wisniewski and it is the feeling at this point in time, due to the economy and lack of interest, it would be best to put the event on the back burner.

Commissioner Anderson added that he had not received any additional contributions since the last Commission meeting, and asked if it was time to pull the plug and have the money returned to all sponsors. Commissioner Armando Roman mentioned that he had collected about \$2,000 in donations for the event, and asked if those monies should be returned as well. It was decided that an ultimate decision on the event would be made in July when Assemblyman Wisniewski is present.

Commissioner Anderson also spoke added the Commission Retreat and the report that resulted from it. He suggested at least having that report published and/or posted on the Division of Fire Safety website. Commissioner DeTrollo suggested possibly having the report presented prior to a meeting of the legislature to at least shed some light on it.

H. New Business

Commissioner Steve O’Gorman spoke about the potential implementation of “back-up cameras” for fire apparatus to reduce the likelihood of repeating the tragic incident in Elizabeth earlier this year. Commissioner O’Gorman explained how the camera is the only device that a firefighter will actually know at all times whether it is functional. The prices for these cameras vary greatly, but compared to the extreme cost of a whole fire truck or engine – the cost is relatively miniscule. State Fire Marshal Petrillo said that the Division would look into these cameras, and possibly deal with UASI to secure funds to purchase them.

I. Public Comment

Cape May Fire Marshal Albert Beers spoke about the need for the Commission to fight for the Division of Fire Safety and the fire service in New Jersey as a whole. He feels there has been no progress in recent years and the Division of Fire Safety is not staffed and equipped as it should be. Chief Beers also mentioned the fact that State Fire Marshal Petrillo has not be reappointed for nearly four years, and the Commission should be fighting and lobbying to get this done. He also talked about possibility of having a Fire Safety Commission meeting down in the Wildwood area for this year’s September meeting. It is the feeling that the meetings are generally held with northern and central New Jersey in mind, and this would be a great opportunity to coincide the meeting with the Firefighter’s Convention. It was decided that this possibility would be discussed in July when the Commission Chairman is present.

North Wildwood Fire Official Lewis Ostrander spoke at length about the shortcomings of the Fire Safety Commission. It is his feeling that the Commission is not taking the appropriate steps to represent and protect the State’s fire service. He urged the Commission to stand up for New Jersey’s fire service and the Division of Fire Safety in particular. He spoke specifically about the upcoming furloughs and how they will affect the fire service. Mr. Ostrander feels it is ridiculous that the Division of Fire Safety, and in particular the Forest Fire Service, are not designated as essential personnel. The Forest Fire Service will be shut down on May 22nd and this is extremely dangerous. The fire service has become an insignificant force in this state, and the Fire Safety Commission is

the body that should be standing up for it. Mr. Ostrander talked about the lack of response by the Fire Safety Commission to the issue of these furloughs over the past month. Mr. Ostrander feels that this furlough situation would never happen to the police, because they have representation. The fire service does not get the same respect.

Mr. Ostrander also talked about the funds collected by local municipalities that should be going to fund the Division of Fire Safety. He feels that it is absurd that these monies should be allocated to other areas of the Department of Community Affairs, such as Codes and Standards, while the Division of Fire Safety suffers. The Division of Fire Safety is not getting the recognition and support it deserves from the Fire Safety Commission. Mr. Ostrander feels that the Fire Safety Commission needs to be the voice of the fire service, and they are not doing that.

In response to Mr. Ostrander, Commission Hartstein made a motion that the Commission go to the Department of Community Affairs and urge Commissioner Doria to designate Director Petrillo and essential staff of the Division of Fire Safety to be exempted from any future furloughs. The motion was seconded by Commissioner John Lightbody and passed unanimously.

Commissioner Arthur Londensky made a motion that the Fire Safety Commission reach out the Department of Environmental Protection and the Governor's Office immediately and urge them that the Forest Fire Service be exempt from any future furloughs. The motion was seconded by Commissioner Hartstein and passed unanimously.

Mr. Ostrander spoke on the topic of vehicles being stored inside gaming facilities. Many of these vehicles are store up on ramps, and when the batteries are disconnected it is a labor-intensive task to get these vehicles moved in an emergency situation. Michael Whalen from Codes and Standards said that they have recommended the batteries not be disconnected, because the working with the batteries creates more of a hazard than was posed in the first place. Mr. Ostrander feels that vehicles should not be allowed to be stored inside these types of gaming or amusement facilities, and requested that the State revisit certain Life Hazard Uses and why they would need to have cars in these buildings.

Mr. Ostrander also spoke on the issue of novelty lighters. At the boardwalk in Wildwood, Mr. Ostrander has seen numerous stores selling these toy-like lighters. He said that the merchants, while urged to not sell these items, are aware that they are currently legal to sell. Mr. Ostrander talked about the need to ban these lighters, and suggested the Commission reach out to as many legislators as possible and explain the dangers they present.

Mr. Ostrander said that it is in the by-laws of the Fire Safety Commission that Public Comment be at the end of the meeting, and asked why it was not being done this way. Commissioner Gerard Naylis answered that this was in response to the request of members of the public who attend these meetings. People did not want to wait two hours to say their piece, so it was requested that the Public Comment be moved to the beginning. Acting-Chairman Intindola suggested having comment periods at both ends

of the meeting, and it was determined that this be added to the agenda for the July meeting.

Mr. Ostrander closed by speaking about the need to unite New Jersey's fire service. The urged all organizations throughout the state to come together and strengthen the position and voice of New Jersey's fire service because right now there is a disconnect. He urged the Fire Safety Commission to be the focus point for uniting the fire service.

Chuck Aughenbaugh spoke that he was one of the people who had originally requested that Public Comment be moved to the front of the meeting, but agreed that it is a good idea to have it at both the beginning and end in the future. Mr. Aughenbaugh talked about the economic situation of the State and the fire service's role within the State's community needs to be emphasized. Mr. Aughenbaugh also suggested Constitutional changes that who allow for monies collected by the Division of Fire Safety be used primarily to fund the Division of Fire Safety.

Commissioner John Lightbody asked the Commission in general as to whether they had heard about the furlough of the Forest Fire Service. The general consensus was "no". Commissioner Lightbody again stressed the need to improve communication and overall awareness by the Fire Safety Commission and New Jersey's fire service as a whole.

J. Adjournment

Acting Chairman Intindola asked if anyone had any additional business they would like to bring before the Commission. There being none, the meeting adjourned at 12:06 PM.

*** The next meeting of the Fire Safety Commission will be on July 15, 2009 at 10am. It will be held at the Toms River Fire Academy in Toms River, NJ. ***