

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

Meeting of May 18, 2022

The New Jersey Fire Safety Commission meeting was held on Wednesday, May 18, 2022 at the New Jersey State Firemen's Association in Wall Twp., NJ.

Commission Members Present: Mr. Kevin Krushinski, Chairman
Asm. Kevin Rooney
Asm. Joseph Danielsen
Mr. Lawrence D. Wood
Mr. Paul McGrath
Mr. Steve O'Gorman
Mr. Fred Collender
Mr. Arthur Hayducka
Mr. George Aleu
Mr. Nelson Wiest
Mr. John Wisniewski
Mr. Gerard Naylis
Mr. Richard Blohm
Mr. Charles Siedenburg
Mr. Karl Spinner
Mr. Raymond Heck
Mr. Daniel DeTrolio
Mr. Kevin Bellew
Mr. Charles Maria

Commission Members Excused: Mr. Armando Roman
Mr. Arthur Londensky
Ms. Kathleen O'Leary

DCA Staff Members Present: Richard Mikutsky, NJ State Fire Marshal
Louis Kilmer, NJDFS
Charles Lavin, NJDFS
Tim Weiss, NJDFS
Lenny Inzerillo, NJDFS
Kent Neiswender, NJDFS
Jason Spiecker, NJDFS

Guests: Ronald McGowan, Wildwood Crest FD
John Garton, NJDOL/PEOSH David Kurasz, NJFSAB
Joseph Hankins, NJSFA Robert Ordway, NJSFA
William Hollingsworth, OCFM Thomas Pelau, NJSFA

Joe Frain, Union FD
Ted Van Allen, Brookview Vol., East Brunswick

Ryan Dullea, Borough of Belmar

A. Call to Order

Chairman Kevin Krushinski called the meeting to order at 10:02 AM. He led the meeting with the Pledge of Allegiance and a moment of silence for those recently lost in the line of duty and the men and women serving our nation overseas.

B. Approval of Minutes

With no discussion requested or additional corrections, the minutes of the regular meeting of March 16, 2022, were approved as submitted.

C. Correspondence

Chairman Krushinski noted that any and all correspondence for today's meeting was contained in the Commission packets.

D. Public Comment I

Chairman Krushinski opened up the meeting to any members of the public present wishing to address the Commission. With no members of the public wishing to address the Commission at this time, the meeting was moved to Division of Fire Safety Activities.

E. Division of Fire Safety Activities

Director Richard Mikutsky began his report by talking about the NJDFS's ongoing efforts to fill vacancies, which has the full support of the DCA Administration. They continue to work with Administration on getting staffing levels up.

Director Mikutsky spoke about a number of upcoming noteworthy events at the NJDFS. On May 25th, the New Jersey FIRE Bowl program's State Championship is set to be held at Kean University. The competition will feature Washington Community School and Nicholas Oresko School (both from the City of Bayonne) who will battle to be New Jersey's top team. Director Mikutsky also spoke about the 2022 Homeland Security Conference, which is set to be held at Kean University on June 2nd. Registration is currently closed for this event, as it has reached full capacity.

Director Mikutsky reported on New Jersey Weekend 2023 – which will take place April 29th and 30th. Class and registration information should be available sometime in late 2022. Also, FireStat updates continue to be held weekly (Wednesdays at 9:15am) on the Homeland Security Information Network. Director Mikutsky urged all to log into these, as there is good information provided for the fire service statewide each week.

The NJ Division of Fire Safety has been working with The Mollies Fund, which is a program that identifies certain professions that are at a particular risk for skin cancer. They have identified the fire service as one of these professions and are working to provide awareness and prevention – including sunscreen dispensers for fire ground training. Cancer is a major issue for the fire service for a number of reasons, and this partnership will certainly help going forward in terms of education and awareness.

Director Mikutsky addressed a recent press conference in Hackensack regarding grant money from the American Rescue Plan for fire departments in New Jersey. He outlined the details of the grants, which come from a pool of \$10 million and be dispersed by the Department of Community Affairs' Local Government Services. They will be prioritized for departments that have been particularly impacted by the pandemics and go towards protective equipment, sanitization, cleaning equipment, etc. The applications for the grants have not been published just yet, but Local Government Services is working on it at this time. The NJDFS will distribute information on applying once it is available. Assemblyman Rooney asked what the criteria will be, since demand/application for the grants will surely exceed the supply. Director Mikutsky said he does not have an answer at this time but would follow up with the administration on this.

Director Mikutsky reported that the Arson Investigations Unit is already well ahead of pace for 2022 in terms of investigations conducted. They are in the process of adding personnel, hopefully in the very near future. The Arson Unit has been involved in a few investigations recently that have resulted in arrested (in Ocean and Burlington Counties). The investigation is still ongoing for the recent 5-alarm fire in Elizabeth that resulted in the death of a worker at the site. NJDFS is involved with ATF on this incident. Also, the Arson Investigations Unit was given the DCA Team Excellence Award last week.

The NJDFS Training and Certifications Unit recently received full approval for accreditation from ProBoard. Congratulations to Kent Neiswender and his staff at the NJDFS and Kean University for getting accreditation for all those certification – which are now good through 2027. The NJDFS training programs now have 18 accreditations, which is a tremendous achievement. They will now be seeking IFSAC accreditations as well. Junior firefighter regulations are still in the works – DFS staff is awaiting legal interpretations from the Deputy Attorney General's Office on these.

The NJDFS has formally added Resiliency Training to their adopted Firefighter 1 and Firefighter 2 credentialing programs. Last month they completed two train-the-trainer classes, which trained 77 instructors. Another train-the-trainer class will be held, and they are hoping to push it down to the fire academies this fall. The program will also be able to be delivered separately from the firefighter credentialing program by eligible organizations to meet the resiliency training needs of the fire service. The program was developed by Dr. David Griffin who was the operator of the first engine to respond to the disastrous 2007 Sofa Superstore fire that claimed the lives of nine of his fellow firefighters in Charleston, SC. Commissioner Blohm asked for specifics of what would be implemented in Firefighter 1 and Firefighter 2 and expressed concerns about

redundancy. Kent Neiswender offered specifics and explained that the core goal in to implement this resiliency training into the culture of firefighter training.

On May 12th & 13th, NJDFS staff coordinated and facilitated a full Youth Firesetter Intervention Specialist course at Monmouth County Fire Academy in Freehold. The class saw 28 students complete the 2-day training. The NJDFS's CRR Unit is also working to supply smoke alarms and CO alarms to fire departments in need ahead of the onset of the full Operation-7 Save-a-Life distribution process this summer.

The NJDFS's Office of Fire Department Preparedness is still awaiting the FEMA/OHS&P grant decision for the Fire Codes Project. This is an \$108K grant that would go towards communications equipment for the county coordinators across the state. The Office of Fire Department Preparedness is also working with OIT and the State Police on getting 20 new updated portables for the NJDFS – which would be purchased through the CARES act. They are also continuing discussions with Union County Communications on switching their dispatch (which is currently done by Mercer County).

NJDFS staff participated in the Emergency Preparedness Conference during the first week of May. There was a Deployment Act class, Special Resources class, and the NJDFS booth was on display throughout. Director Mikutsky thanked the whole Fire Department Preparedness staff for their work on this.

Director Mikutsky reported that the NJDFS is corresponding with the Department of Environmental Protection regarding wastewater from firefighter gear-washing extractors. It is Director Mikutsky's understanding that it is fine if the water is discarded into the municipal sewer system since it is filtered. If the water is going into a septic system, then it would need to be filtered and cleaned first.

Director Mikutsky spoke about an ongoing issue in Frelinghuysen Twp., Sussex County. Currently, Frelinghuysen relies on four different municipalities to provide fire protection to its residents – one of which is Green Twp. Green Twp. Fire Department has informed the NJDFS that they cannot provide that coverage as of June 1st. The two townships are at a stalemate over the cost, and this has been ongoing for about a year. The NJDFS and Local Government Services have been involved with mediating the situation and working on a shared service agreement. Assemblyman Rooney offered to intervene with the legislators from that area because the cost to resolve this is negligible and should not be preventing residents from having fire protection.

The NJDFS will be involved in a joint training exercise at the State Emergency Operations Center on June 20-21 focusing on multiple coordinated terroristic attack scenarios. The NJDFS is also enhancing their working relationship with New Jersey Natural Gas and is looking to offer additional training at NJNG's facility in Howell Twp. The Office of Fire Department Preparedness is rolling out a "See Something, Say Something" campaign as well, featuring the OHS&P and NJDFS logos.

The NJDFS is working on a bulletin regarding lithium-ion batteries and the recent uptick in fires involving them. Commissioner Naylis suggested focusing on the proper disposal of these batteries and provided examples of how these batteries are becoming a problem. The Office of Fire Department Preparedness is also going to be involved in a joint exercise next month with the FBI, State Police Bomb Group, and OHS&P regarding weapons of mass destruction.

Director Mikutsky offered the following statistics for 2022 to date:

Civilian Burn Reports – 158

Total Fatal Fire Reports – 29

Residential Fatal Fires – 21

School Fire Reports – 32

Director Mikutsky gave an update on legalized marijuana in New Jersey and thanked Commissioner Richard Blohm for helping get a list of questions to the Denver Fire Department in Colorado. Sales of legal adult-use marijuana began in New Jersey on April 21st and much discussion took place on how this relates to the state's fire service. Topics centers around firefighting personnel and their ability to be tested/held accountable should they be under the influence of cannabis. Much of the law enforcement community has adopted a zero-tolerance policy. Director Mikutsky spoke about how this relates to the fire service as far as testing, an upcoming bill on prohibiting first responders, and the ability to hold both career and volunteer firefighters to the same standards. Commissioner Blohm spoke about firefighters being under the influence – as opposed to simply having it in their system – as a safety issue, and anyone found to be under the influence should be terminated.

Assemblyman Rooney spoke about the need to establish a position on legalized marijuana as a Commission. Assemblyman Joseph Danielsen urged the Fire Safety Commission to examine the issue thoroughly before endorsing that the fire service follow suit with law enforcement on a zero-tolerance type policy. He asked for an opportunity to make a presentation to educate the Fire Safety Commission on the full-scope of legalized marijuana, especially when it comes to being an alternative for pain management. Chairman Krushinski offered him the opportunity to present at an upcoming meeting. Director Mikutsky also suggested forming a committee to examine the legalized marijuana issue in all facets. Chairman Krushinski agreed that this would be entertained under New Business.

Chairman Krushinski asked for an update on the Fire/EMS Crisis Hotline. Director Mikutsky answered that it is being staffed 24/7 at this point and, if for some reason the line is tied up, calls will bounce to another call center to ensure that all calls are answered as they come in.

Bureau Chief Louis Kilmer began his report by talking about the NJDFS's involvement in getting the new code approved – moving from the 2015 version to the 2018 version. This has been a lengthy process but staff continues to work on review and changes to the code. One of the significant issues being address is regarding mulch. Tragically the

proximity of mulch to a building has been a problem area in the past several years and lives have been lost because of it. Chief Kilmer said there have been many administrative corrections as well and the new code should be appearing in the New Jersey Register once the DCA Commissioner and Governor's Office have finished all the necessary reviews. Chief Kilmer asked for the NJ Fire Safety Commission's support on adoption of the new code. The plan is to begin work on the 2021 version of the code once the current process wraps up. He thanked his staff for all their hard work on this. A discussion followed in regards to the mulch issue and how to best get buy-in from those in the landscape industry/how to deal with existing landscaping issues/etc.

Chief Kilmer spoke about Sober Living Facilities and how they should be classified/regulated, which has been debated recently. After numerous meetings it was determined that, yes, the fire code does apply to these buildings. They need to be registered and the NJDFS is working on putting out some guidance on these. Chief Kilmer also gave an update on the Annual Reports (which are now due on February 1st) and the process this year went exceedingly well with very few issues. There was one municipality that was problematic and they are currently awaiting a ruling on their appeal of the NJDFS taking over inspections there. Assemblyman Rooney inquired as to whether there should be stronger penalties to get the attention of the local enforcing agency to do their job properly for their residents. Chief Kilmer answered that it most likely would not have helped in this particular case because it was mainly due to staffing issues/inability to get the inspections done – not necessarily an unwillingness to do so.

Chief Kilmer spoke about staffing issues within the Code Enforcement Unit and asked that anyone interested to apply for the position. The NJDFS is currently awaiting a list so that they can backfill positions. Chief Kilmer thanked the currently administration for their support in continually getting these personnel processes moving quickly. Chief Kilmer also spoke about the Inspections Unit heading into their busiest season, as there are many events throughout the summer and the return from COVID seems to be in full force. Chief Kilmer also have details on the new computer system that is being developed, which will be more interactive and user-friendly than anything they have ever had. There have been some early demos of the system and it has looked very promising.

Chief Kilmer gave an update on the Peer Review Board, which the NJDFS is currently in the process of restaffing. As the Fire Code requires, the names of those chosen will be submitted for approval and they will then be able to get to work from there. Chief Kilmer also has the Local Assistance Unit working on two key problem areas of late – smoke alarm certifications/inspections not being done, and the 5-year cycle of inspections of housing units that local officials have not being doing themselves. The Compliance Unit also continues to collect large amounts of outstanding fees.

With no additional questions raised regarding Division of Fire Safety Activities at this time, the meeting was moved to Advisory Council reports.

F. Advisory Council Reports:

1. Codes Advisory Council

In the absence of Commissioner Arthur Londensky, Commissioner George Aleu reported that the previous meeting had been postponed due to the lack of an agenda. The next meeting is scheduled to take place on June 15th.

2. Training and Education Advisory Council

Commissioner Lawrence Wood reported that the Training and Education Advisory Council met on April 19th at the Burlington County Emergency Services Training Center. The minutes of that meeting were provided in the meeting packets for the Commission to review.

Commissioner Wood noted that Firefighter 2 textbooks will now be provided for all students, which he found to be an important step in providing comprehensive training. Otherwise, Commissioner Wood noted that all topics were covered in the minutes and he would entertain questions on any of the issues if necessary.

Commissioner Richard Blohm asked a question about the NJDFS's inspecting of propane-driven fire simulators for training. Kent Neiswender answered that the NJDFS's approach is to inspect an live-burn training facility that could potentially result in firefighter injury or death – so they would be working with Commissioner Blohm on this. Mr. Neiswender and/or Greg Kirkham from the NJDFS would be following up on this issue.

3. Statistics and Information Advisory Council

Commissioner Gerard Naylis reported that, unfortunately, as Director Mikutsky reported earlier fires and fire deaths seem to be on the rise. Commissioner Naylis made a point to mention that if a fire department does experience a fire death in their municipality, they should reach out directly to Vincent Campagna at the NJDFS. Commissioner Naylis also suggested that, in relation to the upcoming fire department grants, NFIRS reporting be a prerequisite for a department's eligibility. Director Mikutsky answered that the NJDFS has been in touch with Local Government Services on a number of issues related to these grants and NFIRS reporting is certainly one of them.

4. Master Planning and Research Advisory Council

In the absence of Commissioner Raymond Heck, Chairman Kevin Krushinski gave the following report as passed on to him by Commissioner Heck:

“We are finalizing the strategic plan/five-year forecast. We will forward it to the Chairman and Board for review and comments. The goals here were:

*Clearly understand the Commission's value and vision.

*Capitalizing with focused areas through objectives such as Training, Safety, Code enhancements, Legislation.

*Achievements with projects through short- and long-term realizations, while using SMART concepts (Specific-Measurable-Attainable-Relevant-Time bound)

There were concerns with increased forest fires nationwide as well as on the East Coast. We were looking to explore the possibility of more training with: Forest Fire Response and Tactic for the Structural Firefighter.

With the ever-changing climate both overseas and within the nation, the firefighter is getting close to hostile/active environments. We would like to explore more training in:

*Hostile environment/riot response supported with NFPA 3000.

*Encouraging greater cross-training with police and EMS for these encounters.

*We applaud the efforts of Greg and Kent with going through the ProBoard process. It is not an easy task and new certifications were added.

With the Attorney General's announcing licensing for police, is there going to be a push for fire as well?

5. Public Education Advisory Council

Commissioner Daniel DeTrollo reported that he is working with Charles Lavin from the NJDFS to get a hold of former liaison Jerry Clark's roster of the Public Education Advisory Council. Once received, Commissioner DeTrollo and Commissioner Paul McGrath will review it and set up a meeting with the remaining Council members accordingly.

6. Firefighter Safety and Health Advisory Council

Commissioner Richard Blohm reported that the Firefighter Safety and Health Advisory Council met on April 12th at Middlesex County Fire Academy. The minutes of that meeting were provided in the meeting packets for the Commission to review.

The NJ Department of Health reported that they are undergoing their annual audit by OSHA and when finalized it will be posted for the public. The Department of Health was in Northern NJ regarding a complaint about firefighter beards using their SCBAs. They went in and conducted an inspection, not just for the facial hair complaint but to review all health-related programs. They are being issued a citation regarding the facial hair issue based on a photo showing firefighters with beards. They are also receiving a citation for lack of appropriate medical evaluations as outlined in 1910.134 – the Medical Respiratory Fit Standard. Apparently firefighters had been sent to their personal physicians.

The Department of Labor advised the Council to be watching their webpage (nj.gov/labor) for updated alerts in their new format and that all fire instructors/academies are reminded to closely follow all NJDFS regulations found at NJAC 5:73.

The NJ Forest Fire Service reported having 269 fires with 354 acres burned from January 1 thru April 11 of 2022. They also had 17,000 acres of controlled burns. They have rented two planes for a 30-day period in the event they are needed to fight fires. The rental of these planes is \$54 per minute when in use.

The Firefighter Safety and Health Advisory Council is scheduled to meet on June 30th at Middlesex County Fire Academy in Sayreville at 10am.

7. Youth Firesetter Prevention Advisory Council

In the absence of Commissioner Kathleen O’Leary, Chairman Kevin Krushinski reported that the Youth Firesetter Prevention Advisory Council met on May 4th at the Monmouth County Fire Academy in Freehold. The minutes of that meeting are contained in the Commission packets.

As Director Mikutsky reported earlier, a full class of Youth Firesetter Intervention Specialist was held at Monmouth County Fire Academy last month. Also, NJDFS staff continues to work with ABC on Kidde regarding the Operation-7 Save-a-Life smoke alarm program, which is anticipated to be distributing full force by mid-summer. Otherwise, all matters discussed are contained in the meeting minutes for the Commissioners to review.

The next meeting of the Youth Firesetter Prevention Advisory Council is scheduled for July 13, 2022, virtually on Zoom.

G. Committee Reports

1. Residential Sprinkler Committee

Commissioner Gerard Naylis reported that there was no update in regard to Residential Sprinkler legislation at this time.

2. Ad-Hoc Committee on Legislation

Commissioner Kevin Bellew reported that there were no updates to provide at this time, but the Committee would be meeting prior to the July Fire Safety Commission. A full report will be give at that meeting.

3. NJ Utility Safety Team

Commissioner Steve O’Gorman reported that the NJ Utility Safety Team did a presentation at the New Jersey Emergency Preparedness Conference and was well received and well attended. They have also been coordinating with the NJDFS on providing trainings at New Jersey Natural Gas’s facility in Howell Twp. A full report on the NJ Utility Safety Team is contained in the NJ Fire Safety Commission meeting

packets for all to review. They continue to work with fire academies and statewide publications to get the word out about the Utility Safety Team.

H. Old Business

Chairman Krushinski asked if anyone had any Old Business to bring before the Commission. With no Old Business to be discussed at this time, the meeting was moved to New Business.

I. New Business

Chairman Krushinski asked if anyone had any New Business to bring before the Commission. Chairman Krushinski took this opportunity to welcome Charles A. Maria to the New Jersey Fire Safety Commission, as this was his first meeting since being appointed.

As discussed earlier in the meeting, a motion was made by Commissioner John Wisniewski that a Cannabis Committee be formed within the Fire Safety Commission. The motion was seconded by Commissioner Naylis and passed unanimously. Several members of the Commission were appointed to this Committee by Chairman Krushinski, including Assemblyman Rooney, Assemblyman Danielsen, Commissioner Wisniewski, Commissioner Blohm, and Commissioner DeTrollo. Director Mikutsky asked to participate in the Committees work as well on behalf of the NJDFS.

Commissioner Naylis made a note that the Senate Labor Committee voted to increase workman's compensation to encompass the 24 hours following a fire emergency incident (S-651 / A-161). Commissioner Naylis noted that this would replace the existing rule that workman's compensation ends as soon as an incident is over and the responder returns home.

Commissioner George Aleu expressed concern over a growing safety issue, citing that food trucks are often overlooked, and it has tragic consequences. He gave several examples, noting that they should be treated as commercial buildings once parked. Commissioner Aleu recommended establishing a Food Truck Committee to focus on this issue. Chief Kilmer expressed his agreement and even suggested expanding this to focus on uniformity across jurisdictions since food trucks move from place to place. Chief Kilmer added that this is something that should be handled in conjunction with the Codes Advisory Council first before a new committee is established. Chairman Krushinski agreed and directed the matter to the Codes Advisory Council for the time being.

Chairman Krushinski thanked the New Jersey State Firemen's Association for their hospitality for today's meeting in providing the room and refreshments for the morning.

There being no further New Business to conduct at this time, the meeting was moved to Public Comment II.

J. Public Comment II

Chairman Krushinski asked if anyone from the public wished to comment at this time. There being none, the meeting was moved to Adjournment.

K. Adjournment

With no further discussion requested, Chairman Kevin Krushinski called for a motion to adjourn. Commissioner John Wisniewski made the motion, which was seconded by Commissioner George Aleu and passed unanimously. The meeting adjourned at 11:51 AM.

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