

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

Meeting of January 19, 2011

The NJ Fire Safety Commission meeting was held on Wednesday, January 19, 2011, at the Middlesex County Fire Academy in Sayreville, NJ.

Commission Members Present: Assemblyman John Wisniewski, Chairman
Mr. Pasquale Intindola, Vice-Chairman
Senator Anthony Bucco
Mr. John Lightbody
Mr. Charles W. Schilling
Mr. Gerard Naylis
Mr. Armando Roman
Ms. Kathleen O’Leary
Mr. Lawrence D. Wood
Mr. Roger Potts
Mr. Steve O’Gorman
Mr. Ronald Phillips
Mr. Richard Blohm
Mr. Daniel DeTrollo
Mr. Lewis Candura
Mr. Arthur Londensky
Mr. C. Kenneth Anderson

Commission Members Excused: Mr. Paul Hartstein
Mr. Frederick Collender
Mr. Arthur Mercurio

DCA Staff Members Present: William Kramer, NJDFS
Charles Luxton, NJDFS Josh Lazarus, NJDFS
Charles Lavin, NJDFS Jerry Clark, NJDFS
Rick Farletta, NJDFS Michael Whalen, Codes and Standards

Guests: David Kurasz, NJFSAB
Nicolas Kikis, NJ Apartment Assn. Stanley Sickels, NJFPPA
Bernie Cohan, EDIFC Ronald McGowan Jr., Wildwood Crest FD
Kevin Bellen, LV 696 Chuck Aughenbaugh, NJDFCA
Lathey Wirkus, Union Co. Fire Paul Giancaterino, NJ Board of Public Utilities
David Matos Jr., NJ Fire&EMS Inst. Kelly Reilly, Asm. Rible’s Office
Brian Beam, NJ BPU Marc Kiempisty, Joshua Marcus Group
Patrick Bost, NJ Health Dept. PEOSH
Kevin J. Hayes Sr., Long Branch FM

A. Call to Order

Chairman John Wisniewski called the meeting to order at 10:06 AM and began the meeting with the “Pledge of Allegiance” and pointed out the fire exits.

B. Approval of Minutes

With no discussion requested or necessary corrections, the minutes of the regular meeting of November 17, 2010 were approved.

C. Correspondence

Chairman Wisniewski 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 Public Comment I.

D. Public Comment I

Chairman Wisniewski opened the floor to any member of the public wishing to speak.

David Matos from the New Jersey Fire & EMS Institute announced that on Saturday, February 26th from 8:30am to 1:00pm they will be – along with the State Chiefs Association and First Aid Council – hosting a summit on volunteerism in the emergency services in New Jersey. This is set to take place at Middlesex County Fire Academy. This is a very important topic and will be the lead-up to the International Association of Fire Chiefs national summit on volunteerism that will be held in Washington, DC in March. Registration will be available online at www.njfemsi.org and you can contact Mr. Matos for more information.

Chuck Aughenbaugh from the New Jersey Deputy Fire Chiefs Association suggested that the Fire Safety Commission consider sending a letter to Governor Christie and Senate President Sweeney about the position of Director of the Division of Fire Safety. He feels that the position of Director, whoever that may be, should be appointed and not left in limbo. Mr. Aughenbaugh also spoke about the Highway Traffic Safety Guidelines and complimented the Division of Fire Safety and Tim Weiss for the seminar that was recently held on these guidelines. Mr. Aughenbaugh, on this topic, spoke about the issue of fire apparatus being damaged on a highway there should be an act where the full replacement value of the apparatus is paid. Chairman Wisniewski commented that the Division of Fire Safety is not without a Director as State Fire Marshal Petrillo is serving in that position. Chief William Kramer confirmed this.

Bernie Cohan requested – once again – that Red Bank Fire Marshal Stanley Sickels be added to the New Jersey Fire Safety Commission in the slot that was vacated by David Aron several years ago. Chairman Wisniewski answered that he and Senator Bucco have both been advocating for this empty position on the Commission to be filled with Mr.

Sickels, and they are equally frustrated with the amount of time that it has taken. Mr. Cohan insisted that he would keep raising this issue until it is resolved.

With no other members of the public wishing to comment at this time, the meeting was moved to Division of Fire Safety Activities.

E. Division of Fire Safety Activities

Chief William Kramer gave the Division of Fire Safety report on behalf of State Fire Marshal Petrillo who had been called in to a meeting with DCA Commissioner Grifa and was unable to attend. Also, Chief Lou Kilmer was unable to make today's meeting due to an incident at a state facility in South Jersey that demanded his immediate attention.

Chief Kramer reported that Division of Fire Safety staff will be attending the WABC Operation Save-a-Life kick-off on January 26th in New York City. The program, which NJDFS has been a part of for the past several years, will see the state receive roughly 15,000 smoke detectors for distribution. The Division of Fire Safety has also been working with Kean University on planning its spring semester.

Chief Kramer spoke about a firefighter from Bordentown City who was killed in action in Afghanistan. His body will be transported home from Delaware this coming week and an escort will be provided throughout New Jersey. Apparatus will be stationed on all overpasses that will be crossed – mostly on I-295 – as a tribute to this fallen American hero. Chief Kramer also pointed out that an “Action Items Log” has been included in the meeting packet for the Commissioners’ review. This document was requested at the November meeting, so Chief Kramer and Charles Lavin went through all the meeting minutes for 2010 to draft the document. If any Commission members have any input on how the Action Items Log might be modified, they can e-mail the Commission Secretary at their convenience.

New Jersey has suffered a couple of serious firefighter injuries in recent weeks. One Asbury Park firefighter in particular is in extremely critical condition at St. Barnabas Burn Center. The Division of Fire Safety is involved in the investigations regarding both the firefighter injuries and the cause and origin of the fire.

The school security drill regulations that were proposed back in October have been signed off on and adopted by the Commissioner of DCA effective January 3rd. It will appear in the February edition of the *New Jersey Register* as an adoption notice. Also, the Division of Fire Safety received a request from an individual for rulemaking to increase certification requirements that are currently in place for contractors installing fire sprinkler systems and fire alarm systems. The Contractor Certification Advisory Council has respectfully declined these recommendations – and this will be published in the *New Jersey Register* in the near future. On this topic, NICET has changed the way they test for certification. In turn, the Division of Fire Safety will have to amend its regulations to comply with this change. This is an administrative change that will appear in the *New Jersey Register* as well.

Chief Kramer also spoke about the ongoing water-supply issue concerning the Board of Public Utilities and the fire service. Two representatives from BPU are in attendance at today's meeting and the topic can be covered at the appropriate time.

Chief Kramer distributed a full report on the activities of the Fire Safety Commission that will be forwarded to DCA Commissioner Grifa. Commissioner C. Kenneth Anderson asked if hard copies of the report could be distributed to the legislature and also have it posted online. Chief Kramer said, since the report was designed to be submitted for DCA Commissioner Grifa, he would have to confer with her as to where the report goes. Commissioner DeTrollo requested that Assemblyman Wisniewski and Senator Bucco distribute this report to the Assembly and Senate – possibly in conjunction with Burn Awareness Week.

Commissioner Lewis Candura asked about the changes to the regulations regarding NICET testing for contractors' certification. Chief Kramer answered that the new regulations are basically status quo and equally stringent as the old ones. Commissioner Candura asked whether there has been a sharp increase in the requests for certification in the past six months or so. The impression is, stemming from what he hears in the public, that anyone can be granted a certification as long as they have the money. Chief Kramer answered that while he does not have the numbers regarding an increase or decrease in certification requests – he can guarantee that that is absolutely not the case. Chief Kramer said he could get a report from Chris Michallis as far as the trend in certification requests – as well as a report (as requested by Commissioner Candura) on contractors who have had violations and what they have been for.

Commissioner Gerard Naylis asked for an update on the impact of the Fire-Safe Cigarette legislation. Chief Kramer answered that cigarette manufacturers submit applications and test data, and then the Division of Fire Safety either approves or disapproves and sends that information to the Attorney General's Office. From an enforcement standpoint, the Department of Treasury addresses all issues regarding labeling, tax stamp issues, contraband issues, etc. They are aware what the requirements are and do check for the necessary labeling of cases, cartons, and packs. At this point, the Division of Fire Safety does not have any staff working on the enforcement. Commissioner Naylis asked if the Division of Fire Safety could request some information from the Attorney General's Office as to whether they are finding counterfeit cigarettes, etc. Chief Kramer agreed to look into this issue and see if there is more information with the Attorney General's Office.

F. Advisory Council Reports:

1. Codes Advisory Council

Commissioner Charles Schilling began his report by distributing a document outlining a proposed change to the New Jersey Uniform Fire Code. The change is regarding warehouses, storehouses, self-service storage facilities with interior access to storage

units and freight depots used for the storage and handling of ordinary combustible materials not otherwise classified. This would be for buildings over 12,000 square feet, but less than 24,000 square feet in gross floor area. The revision would add self-service storage facilities with interior access to the storage units to the categories of uses considered to be Life Hazards. Self-service storage facilities are similar in nature to the types of uses already included in this category and present the same hazards.

Commissioner Schilling made a motion that the Fire Safety Commission approve this proposed code change. Chairman Wisniewski opened up a discussion on this issue. Commissioner Naylis voiced some concern as to whether this would greatly increase the workload on an inspector who is inspecting one of the facilities in question. Josh Lazarus from the Division of Fire Safety answered that this would not require an inspector to examine every single unit – it is a change in the language covering large warehouses and the open common areas in these storage facilities. This proposed change is in response to an adverse ruling the Division of Fire Safety received from an Administrative Law Judge – which the Division believes was based on incorrect data. Chief Kramer added that this proposed change is not necessarily new; it is being made to allow the Division to continue doing what they have done with respect to these facilities. Commissioner Schilling’s motion was seconded by Commissioner Daniel DeTrolgio and passed unanimously.

Commissioner Schilling reported on the ongoing issue with the GAMIN’RIDE mobile enclosed arcades. He thanked Codes and Standards for their review of this issue and a few questions still remain on these structures. In particular, the Codes Council has concerns about the interior finishes, emergency lighting, and the location and interconnection of the smoke alarms.

The Codes Council also discussed School Inspections. It was recommended that fire officials do one of their inspections at a given school at the beginning of the year – as often it happens that problems are created during routine maintenance during the summer months. Ultimately, the Codes Council decided that one inspection of a given school should be done in the spring (prior to June 1) and in the fall (prior to October 1).

Commissioner Schilling spoke about the sale of portable, unvented heaters. Josh Lazarus pointed out that the language requiring signs to be displayed at stores selling unvented heaters was inadvertently omitted when the new code was adopted. It was decided that this language be restored.

2. Training and Education Advisory Council

Commissioner C. Kenneth Anderson submitted the following report for the Training and Education Advisory Council:

The Training and Education Advisory Council met on December 21st at the Dempster Training Center at 10:00 am.

Kent Neiswender reported on several projects including:

- * With Grace Forrester's retirement, live burn registrations for EOs and New Jersey Weekend arrangements are being realigned.
- * NICET is revising 19 work elements in its fire equipment standards. The New Jersey regulations will need revision.
- * Anticipate about 120 CEU courses in the Spring Semester.
- * Pro Board/IFSAC accreditation are moving forward..
 - Commissioner signed off on some aspects
 - Computer changes will be needed
 - Sole sources question is still to be resolved
- * For new chiefs, I-100, I-700, and I-800 on-line are acceptable.

The Driver/Operator Committee will be making a report at the February meeting on the driver aspects of the training.

After the input from the pilot offerings of the Fire Officer courses, review of that information with the Eligible Organizations, and meetings with the stakeholders, revisions to the standards were recommended by T&E. On March 17, 2010, the Fire Safety Commission endorsed the recommendations for changes to the Fire Officer Certification Standards and recommended them to the DCA Commissioner for publication in the *New Jersey Register* as a Proposal. The proposal has not been published. The Council recommends that the Commissioner be asked to review this Proposal and have it published in the *Register*.

The current standards adopt the second edition of the Delmar *Company Officer – New Jersey Edition* as the text for the Fire Officer I and II curriculum. Delmar is now publishing the third edition. The second edition is no longer printed. The Officer Committee will be considering if the new edition should be adopted, should another text be selected, or should no text be specified.

The law requires that an awareness course for Autism and Developmental Disabilities be added to the Firefighter I curriculum and that it also be completed by all existing firefighters by April 1, 2012. The Division is to adopt a training course based on the curriculum developed by the Departments of Health and Senior Services and Human Services. The Commissioner of DCA is required to adopt rules to effectuate the purposes of the law.

T&E made recommendations to the Commission which were adopted at the May 19, 2010 meeting. The Eligible Organizations and most firefighters are following these recommendations, but they have not yet been officially adopted. The Council recommends that the Commissioner be asked to review this Proposal and have it published in the *Register*.

We understand that the law requires the specific training requirements to be established in the appropriate Departments for police, fire, and EMS. Fire service members cannot

access NJ Learn until they have been certified. Completion of the Awareness course is a prerequisite to Firefighter I certification. The course is offered at the Eligible Organizations using a disk with the course that is on-line.

The Council understands that Autism and Developmental Disability Awareness training for EMTs must be taken on-line on NJ Learn. The inference is that a firefighter recruit who takes the course at an Eligible Organization and later studies to become an EMT would have to take the on-line course to satisfy the Health Department regulation.

We T&E considered the requirements for firefighters, it was decided that the course should be the course developed by the Health Department without any changes. That would simplify compliance across disciplines. Some police officers are also volunteer firefighters and EMTs. They shouldn't have to take three separate courses.

The T&E Council agreed to continue its meetings on the third Tuesday of even numbered months at the Dempster Training Center at 10:00 am. The next meeting will be Feb. 15th.

Chief Kramer gave an update on the issue of the Autism/Developmental Disabilities training. By the statute, the Division of Fire Safety is required to adopt the course that is developed by the Department of Health. As of now, they have not done that yet. Although there is a course up on NJLearn, the Department of Health has not adopted the course. Therefore, the Division of Fire Safety can not promulgate rules on something that technically does not exist under the Department of Health's requirements. However, the Division of Fire Safety has done all it can do to get this training in the hands of the fire service by putting the course on CD and pushing it down to all the academies that teach Firefighter I. Because of this, Firefighter I recruits are receiving this training. Any other certified firefighter can obtain the training via NJLearn. The Division of Fire Safety has done all it can to get this training into the hands of the fire service; anything beyond that is outside their control. Regardless of the regulations, Chief Kramer feels that the Division of Fire Safety has met the intent of making the course available to recruits. Chief Kramer added that NJDFS could send something out alerting firefighters to the existence of this training. Chairman Wisniewski added that he would send a letter to the Department of Health to see what the hold up was and requested further information on the issue from Chief Kramer.

Commissioner Richard Blohm spoke on the issue of the Hazmat courses and which one is required for certification as a technician. Commissioner Blohm asserted that the New Jersey State Police does not have the authority to determine who has an appropriate Hazmat course or not. By law, OSHA requires certain competencies and that is certified by the employer. The New Jersey State Police does not have the market cornered on the Hazmat Technician course, and there are other courses out there where the training can be provided and it has nothing to do with State Police. Commissioner Blohm said the State Police's program is not necessarily bad, but people need to understand that it is not the only program out there.

3. Statistics and Information Advisory Council

Commissioner Gerard Naylis reported the Statistics and Information Advisory Council met on November 30th at the Monmouth County Fire Academy. The current participation rate in the statewide use of the NFIRS systems for 2010 is 89%. However, it is still very early in the process of collecting this data – so the number is expected to climb higher and higher as 2011 moves along. Also, of the 89% that have submitted their data, the NFIRS unit is still awaiting their data for the month of December. It is expected that all fire departments will have their complete 2010 data in by January 31st.

Commissioner Naylis spoke about a recent request he received in regards to the total amount of volunteer firefighters throughout the state. This exact information is available via the resource lists that the County Coordinators have developed. Chief Kramer added that under the “publications” heading on the Division of Fire Safety website there is a document that contains this data regarding the number of firefighters in the State of New Jersey.

Commissioner Naylis also spoke about the need for information on cigarette-related fires. The Statistics and Information Advisory Council will be looking into ways to collect this sort of data and examine the impact the Fire-Safe Cigarette legislation has had in New Jersey.

4. Master Planning and Research Advisory Council

Commissioner John Lightbody reported the Master Planning and Research Advisory Council met on January 10, 2011 at the Middlesex County Fire Academy. At the meeting, Maria Figueroa from NFPA gave a PowerPoint presentation on the advocacy for home fire sprinklers. Highlights of Ms. Figueroa’s presentation included statistics that show 86 percent of civilian fire deaths occur in one and two family occupancies. 78 percent of firefighter deaths occur in one and two family occupancies. Ms. Figueroa gave two websites that deal with home fire sprinkler advocacy: www.homefiresprinkler.org and www.firesprinklerinitiative.org

Ms. Figueroa had a question and answer period after her presentation and a major question that was raised was the data available to track fires in old construction vs. new construction. Ms. Figueroa stated that data regarding the age of homes are not captured in NFIRS. It was also announced that NFPA has chosen to spend \$50,000 in the state of New Jersey for the advertising, advocacy, and promotion of fire sprinkler legislation. Commissioner Lightbody will be putting a meeting together in the near future to discuss the most effective way to use these funds.

David Kurasz from the NJ Fire Sprinkler Association gave a report on the upcoming legislation regarding residential fire sprinklers. He stated that both Houses may be taking action on January 20th. Mr. Kurasz also stated that he is in the process of meeting with various water companies to gauge their positions on residential sprinklers. Also, Commissioner Lightbody stated the Division of Fire Safety has yet to appoint a member

to the Master Planning and Research Advisory Council to replace Gary Licknack, who recently retired. Commissioner John Lightbody reported working with Commissioner Daniel DeTrollo and the Public Education Advisory Council on the issue of Recruitment & Retention of volunteer firefighters.

The next meeting of the Master Planning and Research Advisory Council will be on February 14, 2011 at 10 am.

5. Public Education Advisory Council

Commissioner Daniel DeTrollo reported the Public Education Advisory Council met on January 13th at the Middlesex County Fire Academy. Commissioner DeTrollo said that, as of now, the 2011 New Jersey FIRE Bowl would be featuring five school districts. All five that competed last year will be returning. This was a small victory given all that school districts are dealing with this year as far as funding – and also that any district that has participated recently has made the program a priority. The program officially kicks off on February 15th when the source materials are distributed state-wide. Commissioner DeTrollo also announced some key dates for this year’s FIRE Bowl. The trip to Middlesex County Fire Academy will be held on March 31st and the final event will be at Kean University on May 18th. All Commission members are welcome and encouraged to attend both events. This year’s FIRE Bowl sponsors are Hartz Mountain Industries (trip luncheon), the NJ State FMBA (trip luncheon), and IMTT-Bayonne (t-shirts). Event hosts are Kean University and Middlesex County Fire Academy. Sponsorship for the medals and trophies is still being sorted out.

The NJ Fire Safety Poster Contest theme for 2010-2011 is “Smoke Alarms: A sound you can live with.” Hard copies of the applications were sent out in August and they are also available online at <http://www.state.nj.us/dca/dfs/> on the right-hand side in orange. The American Fire Sprinkler Association, NJ Chapter and New Jersey Association of Fire Equipment Distributors have generously committed to sponsor the grand prizes (laptop computers) for the next five years.

Commissioner DeTrollo added that the Division of Fire Safety website is currently going through a complete overhaul. Because of this, the poster contest application .pdf available for download may be temporarily down. Anyone needing immediate assistance regarding the poster contest or additional printed applications can contact Charles Lavin at the Division. Commissioner DeTrollo also referred the Commission to a memo contained in the Commission packet regarding the ongoing “Fire Is” program.

As reported earlier by Chief Kramer, the WABC Operation Save-a-Life Kickoff Breakfast would be taking place the morning of January 26th at the Pierre Hotel in New York City. It is anticipated that, with the continuation of the program, New Jersey will receive about as many detectors as in years past. This number is generally around 15,000. Charlie Luxton is the point man on this program and will be in charge of distributing the smoke detectors throughout the state.

The DFS's Public Education Unit has started its own YouTube channel. This will make the distribution and transfer of fire safety videos much easier to disseminate to the public. The Division has had issues with sending video files (due to their size) and having a centralized location on YouTube will give fire safety educators on the state and local level the ability to spread these videos very easily using hyperlinks.

The Public Education Advisory Council is also exploring ideas on how to educate the public about new – and potentially hazardous – technologies. Particularly electric cars and solar panels. Solar panels could specifically pose a threat to firefighters responding to emergencies where the panels on a building's roof are disguised for aesthetic purposes. Chief Kramer added that the Division of Fire Safety has been in contact with local fire departments about the solar panel issue and has advised them to work with their local construction officials on identifying buildings equipped with these panels. New Jersey is now second in the nation, only behind California, as far as usage of solar energy.

The next meeting of the Public Education Advisory Council will take place on Thursday, March 10, 2011, at the Middlesex County Fire Academy at 10 am.

6. Firefighter Safety and Health Advisory Council

Commissioner Richard Blohm spoke about the Statewide Incident Rehabilitation Guidelines for Emergency Medical Services. This document was endorsed by the Fire Safety Commission at the November meeting and has been in the hands of the Division of Fire Safety for tweaking and polishing ever since. For example, there was an issue with the number of ambulances that should respond that has been cleaned up.

Commissioner Blohm requested that Chief Kramer and his staff take one last look at the Statewide Incident Rehabilitation Guidelines document and then have it posted as a guideline on the NJDFS website.

The next meeting of the Firefighter Safety and Health Advisory Council will be on January 26th at the Middlesex County Fire Academy at 10 am.

7. Juvenile Firesetter Prevention Council

In place of Commissioner Paul Hartstein, who was unable to attend the meeting, Charlie Luxton gave a report on the Juvenile Firesetter Prevention Council. Due to inclement weather, the January 12th meeting of the Juvenile Firesetter Prevention Council was cancelled.

Charlie Luxton pointed out a memo in the Fire Safety Commission packets regarding Dr. Frank Field's "Fire Is" fire safety education program. It outlines the mission of the program and promotes a class that will give a comprehensive overview of the "Fire Is" program. It has all been done through the NJ FMBA Foundation, supported by a grant from the Department of Homeland Security.

Since the Juvenile Firesetter Prevention Council was unable to hold its annual conference, a class called “Behavior Change... It’s Not In A Video” was held at the Middlesex County Fire Academy on December 2nd and 3rd. Don Porth from Portland, OR, and Niki Pereira from Anchorage, AK were the presenters. It was very well received and there were people in attendance from several states including Pennsylvania, Delaware, Maryland, Connecticut, Massachusetts, Michigan, and five people from the FDNY Fire Marshal’s Office. The Division of Fire Safety was able to partner with Kean University and IAAI to provide the class.

Michael MacCormack, Marketing Director for Stevens Treatment Programs in Massachusetts, contacted Charlie Luxton in December to inform him that Stevens was recently approved as an out-of-state residential-education placement for NJ students with disabilities. This approval is significant since New Jersey does not have an equivalent program in state. Michael was scheduled to speak at the January meeting, but unfortunately it was cancelled. He is planning to attend the March meeting.

Michael McLeier, National Fire Academy Adjunct Instructor and Sgt. Paul Zipper of Massachusetts State Police Fire & Explosion Investigation Section have notified Mr. Luxton of openings in a JFIS I & II class scheduled for January 31 thru February 3 at the Massachusetts Firefighting Academy in Stow, MA. Registration is through FEMA form 75-5A and can be faxed directly to Stow at (978) 567-3229.

The National Fire Academy is offering two pilot classes for the revised Juvenile Firesetter Intervention Specialist I & II programs. These courses have been updated with new information and will be held first in February, then sometime after June.

The next meeting of the Juvenile Firesetter Prevention Council will be held on Wednesday, March 9th at the Burlington County Emergency Services Training Center.

G. Committee Reports

1. Residential Sprinkler Committee

Commissioner Gerard Naylis reported that the Residential Sprinkler Committee is beginning to look at contractor regulations dealing with multi-purpose type systems. Commissioner Naylis feels they should examine whether or not there should be a different certification for those types of systems as opposed to stand-alone residential fire sprinkler systems. This is something they can collaborate on with the Codes Advisory Council.

Chairman Wisniewski distributed a collection of news clippings regarding a fire that took place in Perth Amboy on December 19, 2010. The four-alarm fire, which took place in an apartment complex called Harbortown, left 100 people homeless (including 38 children) just days before Christmas.

Chairman Wisniewski pointed out that the Harbortown Apartments were equipped with fire sprinkler systems, yet it experienced a fire that is causing it to be torn down as we speak. As a Fire Safety Commission, Chairman Wisniewski felt this is something we must address since we are pushing for legislation for residential sprinklers. The layman is going to say, “If this building was equipped with fire sprinklers, why did this happen?” After further discussion, it was determined that the building did not have fire suppression in the attics, breezeways, garages, common areas, etc. Incidentally, the fire in question started in a garage.

Commissioner Naylis pointed out that the most important statistic involved in the Harbortown fire is that the number of lives lost was zero. These particular fire sprinkler systems are designed first and foremost to buy the resident enough time to evacuate the building safely before they are hurt or killed. Chairman Wisniewski agreed that in essence the sprinkler system did do its job. But the Fire Safety Commission has to be mindful of what they are advocating for – as the layman will see an incident like this and think that the sprinkler systems are not effective. Commissioner Richard Blohm added that the fire sprinkler system’s job is not necessarily to extinguish a fire – it is to keep a fire in check until fire suppression forces arrive on the scene to extinguish it.

Commissioner Lewis Candura spoke about limited-area sprinkler systems and the fact that – although they are not preferred by contractors or fully suppress a building – they are unfortunately still allowed. In addition, Commissioner Candura talked about how these limited-area systems give the fire an advantage by allowing it to go to the unsuppressed area. Senator Bucco and Assemblyman Wisniewski spoke about the importance of alerting the legislature and the public to the realities of fire sprinkler systems. Commissioner Wood added that the advocacy and message of the New Jersey Fire Safety Commission on this issue, and all issues really, needs to be clear and accurate and united.

H. Old Business

A lengthy discussion on the issue of water supply took place between the Fire Safety Commission and the representatives present from the Board of Public Utilities - Paul Giancaterino and Brian Beam. This issue originally stemmed from a situation in Bergen County that was brought to the Commission’s attention by Commissioner Ronald Phillips. The main issue was that water supply was being cut off to certain areas and emergency services were not being alerted so they could arrange for an alternate water supply. The issue came up in the City of Trenton as well, and these multiple issues resulted in BPU sending representatives to today’s meeting.

The central focus of the BPU/water supply issue is how to mandate water companies to alert emergency services of outages and how to set up a chain of communication where fire departments can make arrangements in the event of an outage. Mr. Paul Giancaterino explained to the Fire Safety Commission that the Board of Public Utilities regulates a significant chunk of the water companies that operate in New Jersey, but not all of them. There are several different types of water companies, different types of entities (i.e. towns

owning their own, etc.) and BPU does not have jurisdiction over all of them. They only have jurisdiction over investor-owned water companies. Mr. Giancaterino explained this to make clear that their rules regarding rates, reporting, etc. do not apply to all water companies throughout the state.

Commissioner Ronald Phillips spoke about the specifics of the water supply issue – concerning United Water – that occurred earlier in the year in Bergen County. He spoke about several incidents where there has been a lack of communication, and a lack of getting water pressure back up in a reasonably timely fashion. In addition, the water company could not give any indication as to when the service would return. This caused fire suppression forces in Bergen County to scramble and look outside the county to get water for a potential emergency. The lack of information created havoc in trying to make sure Bergen County was prepared for an emergency. Commissioner Phillips asked why the water company has not only not upgraded their ability to service their customer, but why they can not provide timely communication to emergency services. Commissioner Blohm suggested the possibility that water companies could be criminally negligent if something tragic were to happen while water was not being provided as it should be. Chairman Wisniewski answered that the water companies being liable for deaths, injuries, etc. would really depend on the specifics of the case.

Chief Kramer spoke about the pressing need for utilities to alert emergency services when there is an outage. He cited a specific example from the City of Trenton when Trenton Water's system was shut-down and hadn't alerted anyone and no alternate arrangements for fire protection had been made. Chief Kramer feels this is the biggest issue – and what can BPU do to help the fire service force the utilities to communicate when systems are down? They should be required to communicate a) that the system is down, and b) the time-frame for when the problem will be fixed. Commissioner Phillips speculated that these water companies do not even have the technology, and have not spent money for the technology, to recognize these problems themselves.

Paul Giancaterino addressed several of the issues that were brought up. There are currently no regulation as to how advanced the water company's technology must be – other than safe, adequate, and proper service. Mr. Giancaterino also spoke about water outages by making an analogy to electric companies. For electric companies, out is out. For water companies, often there are varying degrees of outages (loss of service, loss of pressure, etc) depending on the piece of equipment that is down or malfunctioning. Many factors contribute to this status at any given time, and the information is not always timely and accurate. Commissioner Phillips said that whenever there is a problem of any kind, the fire department and fire chief should be alerted. Chairman Wisniewski asked if there is any requirement that the water company send out a notification to the fire department. Mr. Giancaterino answered that there is not. Chairman Wisniewski asked how a requirement of notification could be put into place and Mr. Giancaterino said that BPU would be in favor of these regulations. He suggested they take a good look at adding these regulations, but this would be one more regulation in a heavily-regulated state. Mr. Giancaterino said that this regulation sounds easy to do, but with all the contributing factors (including the Governor's request that new regulations be limited) is

it not. Chairman Wisniewski said that ideally there should be a rule that the water company simply notify the fire departments in areas that could possibly be affected. He would like to work towards a law that requires some sort of notice, and this could be a great first step. Chief Kramer said that the Division of Fire Safety would continue to work with BPU on this issue to try and get some sort of notification system in place. Chairman Wisniewski added that the Codes Advisory Council be involved as well to look into regulations.

Commissioner Lightbody spoke about an issue that took place with the water company in Toms River. Stemming from an incident many years ago, Toms River had developed a plan with the water company where they notify the Chief's office, fire department dispatch, the township, and all the data is logged. Commissioner Lightbody said that this set-up could serve as a model showing that it is possible. Commission Wood added that the water company is more concerned with water quality because of regulations from DEP, and should make the providing of water/water pressure a high priority as well.

Commissioner Gerard Naylis noted that Assembly Bill 2032, the junior firefighter bill, will be heard tomorrow in the State Senate Committee. This is a bill the Fire Safety Commission has already officially come out and endorsed, and Commissioner Naylis asked if it would be prudent to testify at the hearing on behalf of the Commission. With no objections, Chairman Wisniewski approved Commissioner Naylis to do so.

Commissioner Lewis Candura made a motion that the Fire Safety Commission officially endorses the Resolution supporting legislation for residential fire sprinklers. The motion was seconded by Commissioner C. Kenneth Anderson and passed unanimously. Commissioner Anderson also spoke about the fact that even if the residential sprinkler legislation is passed, the Governor will likely veto it. Assemblyman Wisniewski said that getting the bill onto the Governor's desk will give him the opportunity to make his point if necessary. Commissioner Wood spoke about the requests for more statistics - about new construction vs. old, etc. – but the point is that sprinkler systems save lives and buildings that have them are safer places to live.

I. New Business

In regards to the Fire Safety Commission's report to DCA Commissioner Grifa, Vice-Chairman Pat Intindola suggested that all the names of the New Jersey Fire Safety Commissioners be added to the cover. Chief Kramer said that should not be a problem and would be done.

J. Public Comment II

NJFPPA President Stanley Sickels spoke about the issue with water companies and gave an example of how Red Bank needed to get several upgrades years back. The town spent millions of dollars to replace many aspects of its water system over the past several years and they also have in their fire code that if any fire protection service is taken out of service or compromised – the fire official is supposed to be notified. This is something

that needs to be extended to the utilities, possibly with legislation. Red Bank and a few surrounding towns, for instance, have a great working relationship with New Jersey American. Whenever there is a problem with a water supply system, the fire department is notified. In regards to standby charges, Mr. Sickels gave an example of a building that burned down in 1978. It was rebuilt in 1986, fully suppressed, and the building has survived three subsequent fires – which were put out by sprinkler heads. Mr. Sickels believes standby charges should be greater to those buildings without sprinkler systems because you lose more money with them.

Mr. Sickels also urged the legislative members of the Fire Safety Commission – and everyone else to urge their own legislators – to further the successes of the NJ Division of Fire Safety by keeping it fully funded. All funds generated by the NJDFS should go towards bolstering the Division instead of being redirected elsewhere. Mr. Sickels feels this is important to be mindful of now that budget time is approaching again. Mr. Sickels also, speaking on behalf of the Codes Advisory Council members, urged the Division of Fire Safety to alert the DCA Commissioner of all the critical items and proposals that have been sent to her office that have not been adopted. Mr. Sickels also spoke about the NFPA 13-R sprinkler systems that were present in the Perth Amboy fire that was talked about earlier in the meeting. He explained that these systems were designed as a compromise to encourage installation in residential occupancies, prevent flashover, and save lives. They are not designed for property protection at all. Mr. Sickels feels that its time to do away with 13-R systems in multiple occupancies because properties in New Jersey are being lost.

Union County Fire Coordinator Lathey Wirkus spoke about the recent fire in Rahway that resulted in the destruction of a townhouse complex. This complex experienced a massive fire and was not equipped with a fire sprinkler system.

Mr. Wirkus also spoke about the current status of State Fire Marshal Lawrence Petrillo. As of now, Mr. Petrillo has not been reappointed and Mr. Wirkus stated that it was his feeling that this reappointment should be made immediately. In Mr. Wirkus's opinion, State Fire Marshal Petrillo has advanced the New Jersey Division of Fire Safety light years ahead of where it was before he was appointed eight years ago. The fire service in the state of New Jersey has seen countless accomplishments and achievements that are a direct result of Director Petrillo's leadership.

Lathey Wirkus also spoke about the extreme lack of volunteer recruitment and retention in recent years. Whether it is a result of the economy or not, the volunteer fire service is at critical mass and needs its ranks replenished as soon as possible. Mr. Wirkus has followed this issue very closely in Union County. Mr. Wirkus also spoke about this issue affecting the ability for the fire service to respond to homeland security emergencies. Mr. Wirkus also address rumors about the Division of Fire Safety being split into pieces with the emergency response units being sent elsewhere. Mr. Wirkus stressed that the Division not only needs to remain the cohesive unit that it is, but also needs to be fully staffed and have its communications technology upgraded with the funds they generate.

Chuck Aughenbaugh, President of the NJ Deputy Fire Chiefs Association, echoed the sentiments of Mr. Wirkus regarding NJDFS Director Lawrence Petrillo and the funding of the Division of Fire Safety.

K. Adjournment

Chairman Wisniewski asked if anyone had any additional business they would like to bring before the Commission. There being none, the meeting adjourned at 12:23 pm.

*** The next meeting of the Fire Safety Commission will be
March 17, 2011 at 10am. It will be held at the Middlesex
County Fire Academy in Sayreville, NJ**