

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

Meeting of July 15, 2015

The New Jersey Fire Safety Commission meeting was held on Wednesday, July 15, 2015 at the Middlesex County Fire Academy in Sayreville, NJ.

Commission Members Present: Assemblyman John Wisniewski, Chairman
Mr. Kevin Krushinski, Acting-Chairman
Assemblyman Anthony Bucco
Mr. Daniel DeTrolio
Mr. Pasquale Intindola
Mr. Stanley Sickels
Mr. Lawrence D. Wood
Mr. Roger Potts
Mr. Kevin Bellew
Mr. John Lightbody
Mr. Kenneth Swider
Mr. Arthur Londensky

Commission Members Excused: Senator Anthony Bucco
Ms. Kathleen O’Leary
Mr. Armando Roman
Mr. Richard Blohm
Mr. Frederick Collender

DCA Staff Members Present: William Kramer, NJDFS Acting Director
Lou Kilmer, NJDFS
Rick Farletta, NJDFS
Charles Lavin, NJDFS
Jason Spiecker, NJDFS
Jerry Clark, NJDFS
Michael Whalen, Codes and Standards

Guests: Ronald McGowan Jr., Wildwood Crest Fire Co.
Tim Travers, NFPA Ray Lonabaugh, NJFSAB
John Garton, NJ PEOSH Lizette Strait, PCA
James Babcock, RTFPB Patti McGuire, PPAG
Bryant Curry, Bradley Beach Matthew Hunter, American Wood Council
Carole Lightbody, ACE Consulting David Kurasz, NJFSAB
James Mercreadi, Toms River FP Gina Cordero, Asm. Wisniewski’s Office
Anthony Cirz, Berkeley Twp. Craig Bierbaum, Ultimate Protection Group
Nicholas Kikis, NJ Apartment Assn. Paul Bent, NJ Assn. of Fire Equipment Distributors
Al Fecci, NJ Assn. of Fire Equipment Distributors

A. Call to Order

Vice-Chairman Kevin Krushinski called the meeting to order at 10:12 AM and began the meeting with the “Pledge of Allegiance”, a moment of silence, and pointed out the fire exits. Vice-Chairman Krushinski thanked the Toms River Fire Commissioners for hosting the meeting today and providing all the refreshments.

B. Approval of Minutes

With no discussion requested or necessary corrections, the minutes of the regular meeting of May 20, 2015 were approved.

C. Correspondence

Vice-Chairman Krushinski noted that all correspondence for today’s meeting is contained in the Fire Safety Commission packets. With no discussion requested on any of the items, the meeting was moved to Public Comment I.

D. Public Comment I

Vice-Chairman Krushinski opened up the meeting to any members of the public wishing to address the Fire Safety Commission.

David Kurasz from the New Jersey Fire Sprinklers Advisory Board spoke about the active pieces of legislation that are now out there (or are coming out) in response to the Edgewater fire concerning fire sprinkler systems. Mr. Kurasz suggested the possibility of having a special hearing so that the Commission can give their expert opinions and come up with a formal recommendation on this issue. Commissioner Pat Intindola said the Codes Advisory Council has recently completed a report on this very matter and provided Mr. Kurasz with a copy. This report will be discussed further under the Codes Advisory Council’s report

Matthew Hunter from the American Wood Council spoke on behalf of his organization and said they would be willing to work with the experts on the Fire Safety Commission and associated committees to help make wood structures are up to code and safe for citizens and firefighters. They are particularly interested in discussing lightweight construction and 13-R fire sprinkler systems. Commissioner Lawrence Wood asked if the American Wood Council advocates for lightweight construction and Mr. Hunter answered yes. Mr. Hunter thanked all the Commission members for their tireless work towards fire and life safety in the State of New Jersey.

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

Acting Director William Kramer began his report by talking about the Annual Homeland Security Conference – held at Kean University on June 4th. There were nearly 200 attendees and the focus was on Human Trafficking, Sovereign Citizens, and Homegrown Violent Extremists. Also, New Jersey Weekend was held at the National Fire Academy from June 26 thru 28. Both events got great feedback from its attendees.

The Division of Fire Safety recently had to revamp the way the IFSAC seals had been printed on its certifications. There was an issue with the numbering and the result was the recall/reissuing of nearly 3,000 certificates. This was completed and should not be an issue going forward.

NJDFS staff recently presented at the regional Highway Traffic Safety Symposium in Philadelphia. Together with the NJ Department of Transportation, they introduced a voluntary credentialing program for Fire, EMS, Police, DOT vehicles, and tow companies. Announcements should go out shortly for those who would like to participate.

The NJDFS responded to a severe windstorm in Gloucester County last month that caused widespread damage – in large part by downed trees and telephone poles. Michael Gallagher, the Delaware River Regional Fire Coordinator, helped pull together crews along with the NJ Forest Fire Service and had chainsaw crews running nearly four days straight. The NJDFS worked along with the utility companies to help them get access to blocked-off areas in order to get power restored.

The Division of Fire Safety worked alongside the FBI in order to gather intelligence concerning the 4th of July holiday displays. Captain Dave Hughes met with their analysts in Newark, as well as Philadelphia and FDNY concerning fireworks displays along New Jersey borders. There was one serious fireworks incident – in Leonia – associated with the holiday. A 52-year-old male resident suffered 2nd and 3rd-degree burns while using illegal fireworks. Chief Kramer noted that incidents with fireworks need to be reported to the local authorities and fire marshal – in this case it was not done by police or EMS until a day later.

The Bureau of Fire Code Enforcement has continued its inspections of non-Life Hazard Use occupancies in the seaside towns where the NJDFS is the enforcing agency. The program has gone very well, dealing mainly with motels and stores/amusements along the boardwalks that are mostly for seasonal use.

The Division of Fire Safety has brought a handful of large-city fire departments on board with the FBI's intelligence sharing with the fire service. This program is the first of its kind in the nation and meetings will continue with New Jersey's major cities, FDNY, and the City of Philadelphia. The NJDFS is also working with Philadelphia on the upcoming visit from The Pope, which will bring upwards of 1-2 million people to the area.

Chief Kramer spoke about a recent incident where a junior firefighter – under the age of 18 – suffered a minor injury while inside a structure fire. The Division of Fire Safety is looking into why and how this happened, as well as how to prevent this from happening again anywhere else. Also, Commissioner Richman has approved the Division of Fire Safety and Codes & Standards to issue a joint bulletin on CO2 beverage systems. The two divisions are working together on this now and the bulletin should be out shortly.

Vice-Chairman Kevin Krushinski asked if there would be local trainings in regards to the human trafficking issue. Chief Kramer answered that the Division of Fire Safety is working with the Division of Criminal Justice on developing programs for both code enforcement and suppression forces on recognizing the signs. Chief Kramer explained that it's not an urban or rural issue, it's everywhere and it is important to be able to recognize.

Commissioner Gerard Naylis asked what the results were of the inspections of non-LHUs in the shore towns in regards to retrofits, violations, etc. Chief Kilmer said, as expected, they found some retrofits, windowless basements, and a full range of maintenance violations.

Commissioner Stanley Sickels followed up on an issue from the last meeting regarding Training and Certifications pursuing the use of separate tests for certification of fire inspectors. He asked why this was being done or if there had been any reconsidering of this position. Chief Kramer answered that the legacy exam from the ICC will be no longer offered as of December of this year. Also, it does not affect the Division's accreditation with ProBoard or IFSAC, and it allows them to develop questions specific to New Jersey requirements. Chief Kramer said he did not see any downside to this and it actually gives the NJDFS more flexibility than it currently has. The option is still there for any inspector to take both tests, the Division will not be preventing that. Commissioner Sickels thanked Chief Kramer and Chief Kilmer for distributing the Codes Council log of action items, and asked if there was any additional feedback from the DCA Commissioner on specific items. Chief Kramer said he has not had conversations with Commissioner Richman on the items yet and would welcome being refreshed on the details from Commissioner Sickels and/or the Codes Council.

Chief Kilmer began his report by talking about the activity of the Peer Review Board. The Board continues to be active and has met in the last week with two fire officials on issues of annual reporting and failing to enforce the code properly. Chief Kilmer commended and thanked the members of the Peer Review Board for doing a great job. Chief Kilmer also reported that, in terms of the 4th of July, the Division of Fire Safety covered over 40 events and experienced no incidents at all in the events they handled. The Division of Fire Safety is also in the process of hiring to replace inspectors and, for the first time, will have a new position for Fire Code Specialist. Offers for those positions will go out this week.

Chief Kilmer followed up on contacting the Attorney General's Office regarding the review of the Youth Firesetter Parents Legal Liability Pamphlet, and they will be able to

give their official feedback shortly. Also, the RIMS systems is constantly being updated and modified as issues present themselves. The process has actually slowed down due to Codes & Standards beginning to do housing inspections on the system – so that is where CGI’s focus has been of late.

Chief Kilmer said The Division of Fire Safety is looking to expand the program of inspecting non-LHUs beyond the shore towns, focusing on areas that could potentially present major fire hazards. Fifteen per diem inspectors have been hired to supplement the existing inspectors and the arrangement has been working out quite well.

While it may have fallen out of the headlines a bit, the Bakken crude issue has not with the NJDFS. Major Rick Farletta reported that trainings continue to be done in the counties, including tabletops exercises in Jersey City, Somerset County, and Camden County. There are also three different regions of Bergen County performing tabletop exercises this week. The Division of Fire Safety is continuing to present the PowerPoint presentation that was developed in-office, including at North Hudson Regional Fire & Rescue as well as a large group at the New Jersey Emergency Preparedness Conference in Atlantic City.

F. Advisory Council Reports:

1. Codes Advisory Council

Commissioner Pat Intindola reported that the Codes Advisory Council met on June 17th at the Middlesex County Fire Academy in Sayreville. The minutes of that meeting are contained in the Commission packets and Commissioner Intindola thanked Craig Babcock for typing them up.

Commissioner Intindola said each member of the Codes Advisory Council was provided with the Fire Codes Council Log that outlines all outstanding proposals. The membership will be reviewing the log and providing commentary where necessary. Also, the Subchapter III Committee is on scheduled with their review and is planning on a fall target date for the completion of their first draft. The Subchapter IV Committee is also right on schedule with their reports.

Commissioner Intindola introduced the report of the AD HOC Codes Council Committee on Lightweight Construction/NFPA 13R. He provided all Commission members with a copy of the report and thanked Commissioner Sickels, Bob Davidson, and Glen Corbett for all their hard work on it. Commissioner Sickels spoke about the draft of the report, which will be amended going forward. He thanked everyone – industry representative and private citizens included - who gave their input. The Committee focused on the type of fire protection that is in these constructions and examined the many large fires that have taken place in them across the country. A lengthy discussion followed in regards to what can be done in regards to codes, firefighting issues, and fire suppression systems. Commissioner Sickels expressed specific concerns with the increased height of these residential buildings and explained that 13R fire sprinkler systems are not designed for

property protection, only to contain the fire for enough time for people to escape. Now we are seeing fires begin in concealed combustible spaces and that is the basic problems with these systems. Commissioner Sickels went over the recommendations of the Codes Council as contained in their report, which are as follows:

1. Type V construction buildings with concealed combustible spaces equipped with a NFPA 13R sprinkler system should be limited to 1 or 2 stories and a maximum of 12,000 square feet per floor. If additional square footage is desired, each building should be built as a detached structure or provided with a minimum 2 hour masonry or concrete fire wall between each attached structure.

2. Type V construction buildings equipped with a NFPA 13 sprinkler system should be limited to 3 stories and 36,000 square feet per floor. If additional square footage is desired, each building should be built as a detached structure or provided with a minimum 2 hour masonry or concrete fire wall between each attached structure.

3. The recognition of pedestals involving the use of Types III, IV or V construction with unprotected concealed combustible spaces above the pedestal in the building code should be abandoned. (The current NJ UCC does not permit the number of stories to be measured from the top of the pedestal when considering NFPA 13R systems, the allowance for that was added to the 2015 edition which is currently under review for adoption).

Chairman Wisniewski spoke about the numerous proposals that are floating around in response to the Edgewater fire and this very issue. He said this is a great opportunity for the Fire Safety Commission to be on top of this and make recommendations going forward. Commissioner Sickels added that the report does not take into account the cost to the homeowners, towns, and businesses as result of the fire. That is a tough thing to calculate but it is certainly a devastating amount. These types of fires have such a far-reaching impact because of the conditions that have been created. Chief Kramer expressed his agreement on this topic and added that the Edgewater Mayor had commented to him that the town will lose over \$1 million a year in taxes alone. There are long term financial effects on everybody in the town.

Commissioner Arthur Londensky added that, regardless of what is done, it will not prevent or stop the fires dead because you will always have careless contractors, tenants, maintenance people, etc. On this note, Commissioner Gerard Naylis spoke about the need for some type of training and certification for the people actually doing the work in these buildings. Right now there are no such requirements or protocol in case of emergency. He stressed that it could be done with regulations right now. Commissioner Sickels commented that the systems need to be in place to suppress the fire when, for whatever reason, it does occur.

Commissioner Intindola continued his Codes Advisory Council report by talking about the Council's suggestion that a fire official be on local planning boards as a method of

providing fire service input on large developments prior to construction. Commissioner Naylis added that it could be advantageous to require a fire official to review proposals from planning and zoning boards. Chairman Wisniewski said its immensely complicated to add a requirement to who sits on any board regarding land use, but it is definitely worth considering when you take into account the potential benefits.

Commissioner Intindola made a motion that the Commission accepts the Codes Council recommendations on 901.6.2 as distributed to the Fire Safety Commission. The motion was seconded by Commissioner Stanley Sickels and passed unanimously.

2. Training and Education Advisory Council

Commissioner Lawrence Wood reported the Training and Education Advisory Council met on June 16th at the Dempster Training Center in Lawrenceville. Commissioner Wood reported that the meeting was rather brief, and the minutes of the meeting are contained in the Commission packets.

Commissioner Wood did speak about a suggestion from Dr. Dennis O’Neal that New Jersey should look into some method of changing the civil service testing to include education and college credits. This was thought to be a good thing, and advantageous to those in the academic world. Chairman Wisniewski’s office is working on looking into this now, and Commissioner Wood thanked him for his assistance on it. This is something that people in other states are looking into as well.

The next meeting of the Training and Education Advisory Council is scheduled for August 18th at the Dempster Training Center in Lawrenceville.

3. Statistics and Information Advisory Council

Commissioner Gerard Naylis urged everyone to keep sending in their NFIRS data and take that message back to their fire departments as well. He also called attention to the recent coverage in Fire Focus that stressed the advantages of having and using good data in regards to the fire service in New Jersey. Commissioner Naylis thanked Jerry Clark for a job well done on that piece.

4. Master Planning and Research Advisory Council

Commissioner John Lightbody reported that the Master Planning and Research Advisory Council had not met since the last Fire Safety Commission meeting. He did, however, call attention to a report done in 2010 by the Master Planning and Research Advisory Council on lightweight construction that contained many of the same recommendations the Codes Council is now making. Commissioner Lightbody said they were trying to be proactive but the reports always seem to end up slipping through the cracks.

Chairman Wisniewski gave his input as far as the recommendations on residential sprinklers and said that the argument that always seems to win out (as narrow as it is) is

that sprinklers will make building homes unaffordable. Chairman Wisniewski stressed the need for the Commission as a whole to advocate *for* sprinklers better than the opposition is advocating *against* it. Somehow that message has not gotten across to this point, and Chairman Wisniewski challenged the Commission as a whole to convey that message to the public better. Chairman Wisniewski expressed his own frustration on this issue as fires keep happening that could have been lessened or even prevented.

Commissioner Lightbody also spoke about the legislation that is out there in opposition to the LOSAP program. He felt it is there because of a lack of education rather than out of malice. Chairman Wisniewski talked about the changing dynamic of the volunteer fire service as it related to the economy and workforce. Because of these changes, LOSAP has not necessarily worked as well as it should have in attracting volunteers. We now need to explore ways to entice volunteers accounting for today's economic situation. Commissioner Sickels spoke about the technicalities when deciding who does and does not qualify for LOSAP at a given time. A lengthy discussion on LOSAP followed with Commissioners commenting on their own experiences with it in different departments and municipalities.

The next meeting of the Master Planning and Research Advisory Council is scheduled for today, July 15th, at the Toms River Fire Academy.

5. Public Education Advisory Council

Commissioner Daniel DeTrollo reported that the Public Education Advisory Council had not met since the last Fire Safety Commission meeting. Charles Lavin gave the follow report on Public Education activities that had taken place since the last meeting:

The Poster Contest Luncheon was held in Woodbridge on June 11th and all winners received their laptop computers. The Division of Fire Safety is now working on the layout and design of the 2016 NJ Fire Safety Calendars featuring that artwork. The program is run collaboratively by the NJDFS and NJ Fire Prevention and Protection Association. The sponsors for the poster contest/calendar this year are Fire & Safety Systems Company, Joshua Marcus Group, AFSA-NJ Chapter, City Fire, Monmouth Co. Fire Prevention Assn., NJ Fire Sprinkler Advisory Board, and Sprinkler Fitters Local 696. Additionally, Atlantic City Electric and CVS will be combining to once again print 10,000 calendars for distribution this year.

The smoke alarms for the Operation-7 Save-a-Life program have been receiving by the NJDFS and are being housed at their distribution facility in New Lisbon. The Division got 5,000 of the 10-year sealed-battery smoke alarms this year. Two distribution events are scheduled – July 24th at Kean University and July 31st at Middlesex County Fire Academy. Other than those, smoke alarms can be delivered by mail upon request.

The next meeting of the Public Education Advisory Council is scheduled for September 9th at Middlesex County Fire Academy in Sayreville.

6. Firefighter Safety and Health Advisory Council

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

7. Juvenile Firesetter Prevention Advisory Council

In the absence of Commissioner Kathleen O’Leary, Vice-Chairman Kevin Krushinski reported that the Juvenile Firesetter Prevention Advisory Council had not met since the last Fire Safety Commission meeting. However, a meeting of the planning committee for the 13th Annual NJ Youth Firesetter Intervention Conference did have a chance to meet and Vice-Chairman Krushinski gave the following report:

The theme this year is “Addressing Youth Firesetting in Our Diverse Communities” and there will be a keynote address on that Friday by “After The Fire” presenters Shawn Simons and Alvaro Llanos – survivors of the Seton Hall dormitory fire. The dates of the Conference are December 3rd and 4th. Chief Kramer encouraged all Commission members and legislators to attend as it is a very informative conference that covers a wide variety of professions, disciplines, and topics.

The next meeting of the Juvenile Firesetter Prevention Advisory Council is scheduled for September 10th at the Middlesex County Fire Academy in Sayreville.

G. Committee Reports

1. Residential Sprinkler Committee

Commissioner Gerard Naylis said he wished he could report that they were moving ahead, but unfortunately the Residential Sprinkler Bill was conditionally vetoed by Governor Christie. Chairman Wisniewski reported that he has been told that the administration’s thinking is that this is something better done through regulations rather than legislation. Their feeling is that legislation would be doing too much and make homes unaffordable. The next step is that the administration will work on regulations that will require suppression, just not in all the structures that we had wanted to include. Chief Kramer added that these regulations would be under the Construction Code, which will be primarily be done by Codes & Standards – the Division will be working along with them. Commissioner Kevin Bellew asked if one- and two-story townhouses would be included in the regulations, but Chief Kramer said he did not know at this time. Any updates on this process that become available will be distributed when possible.

H. Old Business

Chairman Wisniewski asked if anyone had any old business to bring up for discussion. There being none, the meeting was moved to New Business.

I. New Business

Lizette Strait, representing the New Jersey Codes Coalition, spoke on the issue of fire safe construction and the costs associated with it. Her contention, based on cost studies conducted in various cities throughout the United States, was that there is only a very modest cost increase in using fire safe build materials as opposed to lightweight construction. The average cost was roughly 5.5%, and as low as 3% in some places. Ms. Strait provided copied of the study for the entire Commission to review and would anyone with a copy who may need it.

Chairman Wisniewski spoke about a few pieces of legislations. The first of which is a joint resolution he is sponsoring that establishes a task force to study and make recommendations concerning stabilization and growth of volunteer first responder community. He wanted to make sure the Commission members were aware of the resolution and provide any input/comments they see fit.

Chairman Wisniewski also called the Commission's attention to Assembly Bill 4195 and Senate Bill 2824 that address residential fire and construction codes. Again, Chairman Wisniewski urged the Commission to review the bills and provide him with any comments as soon as possible. Commissioner Naylis suggested setting up a time to discuss these bills and prepare a resolution and/or position so that it is ready before anything moves ahead too quickly. Chairman Wisniewski suggested that Commissioner Naylis partner with Commissioners Sickels and Intindola on having something ready for the September meeting as far as moving forward in commenting on the bills. Chairman Wisniewski recommended having a document ready to disperse to the Commission by the end of August. Commissioner Intindola added that it could be discussed at the August 19th meeting of the Codes Council as well.

J. Public Comment II

Chairman Wisniewski once again opened up the meeting to any members of the public wishing to address the Fire Safety Commission.

Al Fecci, the newly elected President of the New Jersey Association of Fire Equipment Distributors, thanked the Commission for their unanimous approval of the Codes Councils recommendations of 901.6.2. He also thanked Chief Kramer and Chief Kilmer for their help on clarifying this issue on sending reports to fire officials.

Craig Babcock, Fire Official from Rockaway Township, spoke to elicit the support of the NJDFS and NJ Fire Safety Commission to support fire officials statewide in exceeding the fire code, which they are permitted to do. He spoke about a situation in his town where they were able to get sprinkler systems put into an attic space. He also stressed the need for active fire officials to work with their planning boards and boards of adjustment and push for fire safe changes when possible.

Paul Driscoll, resident of Princeton, spoke a petition that he has been circulating throughout several New Jersey towns urging legislators that more action be taken regarding Type V construction and fire codes. They are also requesting more public meetings on this matter so that the public can be involved in the decision-making process on this issue. He specifically referenced the fire in Edgewater earlier this year as exactly the type of devastating fire they are hoping to prevent in the future.

Craig Bierbaum from the Master Planning and Research Advisory Council asked Chief Kramer about the dangers of the CO2 dispensing systems and the bulletin that was distributed regarding them. Chief Kramer answered that the bulletin serves as guidance to the construction officials and fire officials explaining what should be done when one of these systems is found to be installed without a permit. Mr. Bierbaum asked Charles Lavin if there had been any CO detectors obtained through the Operation 7 Save-a-Life program. Mr. Lavin answered that there were only smoke alarms included in the program at this time.

Commissioner Ken Swider commented that, for all the talk about the installation of the different types of fire sprinkler systems being put into attic areas of residences, he has never seen one inspector has ever gone into attic spaces to check them out. He said this is something that should be addressed by the Department of Community Affairs.

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 12:20 pm.

*** The next meeting of the Fire Safety Commission will be on Thursday, September 17, 2015 at 10am. It will be held at the Wildwood Crest Fire Department in Wildwood Crest, NJ ***