

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

Meeting of May 20, 2015

The New Jersey Fire Safety Commission meeting was held on Wednesday, May 20, 2015 at the Middlesex County Fire Academy in Sayreville, NJ.

Commission Members Present: Mr. Kevin Krushinski, Acting-Chairman
Mr. Stanley Sickels
Mr. Lawrence D. Wood
Mr. Roger Potts
Mr. Kevin Bellew
Mr. Pasquale Intindola
Mr. John Lightbody

Commission Members Excused: Assemblyman John Wisniewski, Chairman
Senator Anthony Bucco
Ms. Kathleen O’Leary
Mr. Armando Roman
Mr. Daniel DeTrolio
Mr. Richard Blohm

DCA Staff Members Present: Lou Kilmer, NJDFS
Charles Lavin, NJDFS
Jerry Clark, NJDFS
Michael Whalen, Codes and Standards

Guests: Ronald McGowan Jr., Wildwood Crest Fire Co.
Rich Silvia, NJFPPA Cathy Chin, Alman Group
John Garton, NJ PEOSH Lizette Strait, PCA
Alden B. Blackwell, Tenafly FD John Antona Jr., FM Global/Factory Mutual
Lisa Rossi, Somerset FireWatch Patrick W. Reardon Jr., PCA
Joe Moschello, Summit Fire David Kurasz, NJFSAB
Gina Cordero, Asm. Wisniewski’s Office

A. Call to Order

In place of Chairman John Wisniewski, Vice-Chairman Kevin Krushinski called the meeting to order at 10:04 AM and began the meeting with the “Pledge of Allegiance”, a moment of silence, and pointed out the fire exits.

B. Approval of Minutes

With no discussion requested or necessary corrections, the minutes of the regular meeting of March 18, 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. The first members of the public to speak were Princeton residents Alexi Assmus and Mary Klurman who submitted the following report:

"I am speaking as a member of the public and a New Jersey resident who has researched the numerous massive fires that have occurred in very large recently constructed wood buildings. I am up to 22 fires now in a partial list of North American fire that have occurred in very large recently constructed wood buildings since 2008 --- in barely over five years.

These fires occur in under-construction buildings (with no sprinklers and no firewalls), in near-completion buildings (with firewalls in place), and in occupied buildings.

In addition to the fires we know about in New Jersey, last year an occupied building in Dallas Texas burned with more than 80 people displaced from their homes and a firefighter who sustained minor injuries. In Canada last year in a complex that was going up on 16 acres, unoccupied , partially completed, and occupied units burned. The Record, the local paper reported ...” residents had to run for safety as flames spread from block to block. Witnesses said the fire grew rapidly in a townhouse block under construction before spreading. ‘I just saw this big wall of flames out the back window,’ said Connie Zarsycki ... I screamed and got my daughter and got out. Her five-unit block of completed townhouses had its back to the heart of the growing blaze. Flames spread to her roof as they consumed two seven-unit townhouse blocks behind it.” (The Record July 32, 2014)

In Conshohocken, Pennsylvania in 2008, a 188-unit wood complex burned, set on fire by sparks from a welding torch at an adjacent construction site. Large wood complexes are being built and under construction sections of the projects are setting fire and destroying occupied sections. Construction fires are as much a problem as fires in occupied buildings.

Along with other NJ residents I have come up with recommendations for changes to construction and fire codes which were drawn from analysis, factual reports and commentary that we have gathered from news media and non-media on-line sources, including numerous commentaries by and interviews with fire-fighting professionals and construction code professionals, and from discussions with architects. We submitted our recommendations as Public Comment to the DCA in March.

We are now working on a legislative bill that will address the broadest issues. As industry builds larger and larger Type V wood structures, and as through-the-roof masonry fire walls have been replaced by interior-only core board fire walls, area restrictions in the International Building Code have become less and less meaningful. The area restrictions for Type V construction have been in construction codes for a long time --- limits of 7,000 square foot (Type VB) per story and 12,000 square foot (Type VA) --- but because the code treats individual compartments created by fire walls as “separate buildings,” for the purposes of area limits, it is possible for individual wood structures to be built almost indefinitely large out of “separate buildings” divided by interior core board fire walls. Firewalls in Type V construction are allowed to be 2 ft by 4ft wood studs with 1-hour rated core board on either side. The numerous massive fires in large recently constructed near-completion and occupied wood structures show that these fire walls are not working to contain massive fires.

Type V wood structures are now being built the size of city blocks, with footprints as large or larger than 100,000 square feet per story. Although we do not know of reported deaths in fires in the massive fires that destroy these structures, there have been injuries, and it is only a matter of time before residents and firefighters die in Type V construction fires where structural members fail quickly. Sprinkler systems do not always work to put out a fire at their point of origin.

We are proposing a true limit to the area of individual Type V structures of 7000 square feet per story. This bill would prohibit use of fire walls for the purposes of area limits in Type V construction. In addition we propose (2) that the structures have a required fire separation distance of open space to the property line or assumed property line; (3) that the buildings be no more than three stories and no more than 40 ft high (as required in the BOCA Basic Code of 1984); (4) that floors with habitable space be considered a story; (5) that NFPA 13 sprinklers be required and (6) that a 24/7 fire watch by trained fire officials be conducted during construction for any structure over 3,000sf per story.”

Alexi Assmus and Mary Klurman also went into detail citing massive fires that have taken place recently, throughout North America, in large wood buildings. The Fire Safety Commission expressed their agreement with the report and findings, and thanked them for their advocacy. Commissioner Lawrence Wood spoke about the importance of the public getting behind this issue, that the demand for sprinkler systems can not only come from within the fire service. Commissioner Pat Intindola added that a lot of what was referenced in the report required code changes and asked that the Codes Advisory Council get a copy of the report.

New Jersey Fire Prevention and Protection Association President Rich Silvia spoke about the fact that a lot of his constituents have been calling him lately concerning the proposed bill making gas stations self-serve. He asked if the Division of Fire Safety had been looking into this and the ramifications if the bill goes through, and if the fire service will have a say in the process. Chief Kilmer answered that the Division of Fire Safety had not been contacted to his knowledge. Commissioner Wood suggested inviting the sponsor of this bill to the next Fire Safety Commission meeting to further discuss it.

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

In the absence of Acting Director William Kramer, the Division of Fire Safety report was given by Bureau Chief Lou Kilmer. Chief Kilmer began his report by talking about the FESHE Conference that took place at the Middlesex County Fire Academy last month. It was a success, well attended by the fire service, Civil Service Commission representatives, eligible organizations and the colleges/universities. Also, the annual Homeland Security Conference is coming up, set to take place on June 4th at Kean University. The three topics will be: Human Trafficking, Sovereign Citizens, and Homegrown Extremists.

Over 200 students have signed up for New Jersey Weekend at the National Fire Academy. That is set to take place June 26-28. Also, the Office of Training and Certification started issuing ProBoard and IFSAC certifications last week to those people that are eligible.

Chief Kilmer reported that the Office of Fire Department Preparedness presented training seminars at the Emergency Management Conference on the NJ Mutual Aid System and Highway Traffic Safety. They also will be attending the National Highway Traffic Safety Symposium next month in Philadelphia where they will be rolling out a new credentialing system. It will be the first of its kind in the country. The Office of Fire Department Preparedness recently participated in the annual UASI training in Lakehurst, and continues to provide awareness programs on Bakken crude transportation.

The Division of Fire Safety received a significant number comments on the “windowless story proposal”, all of which were in opposition. Chief Kilmer spoke about the inspection of all businesses on the boardwalks of Ocean City and Seaside Heights (the two boardwalk towns where the NJDFS has jurisdiction). This is a result of boardwalk fires in recent years.

Chief Kilmer announced the retirements of Chris Eckert and Charles Wian. The Division of Fire Safety is in the process of backfilling their positions. The Division is also in the process of filling six fire inspector vacancies and a new code specialist position.

Division of Fire Safety staff is continuing to work on the RIMS system on a daily basis. Chief Kilmer and Acting Director Kramer has been meeting with CGI on a monthly basis to work on the ongoing modifications and updates.

Commissioner Kevin Bellew asked if there was a timeframe attached to the DCA's review of the Residential Sprinkler Bill that was conditionally vetoed by the Governor. Chief Kilmer said he did not know if there was a timeframe on that as he had not heard one mentioned.

F. Advisory Council Reports:

1. Codes Advisory Council

Commissioner Pat Intindola reported that the Codes Advisory Council met on April 15th at the Middlesex County Fire Academy in Sayreville. The minutes of that meeting are contained within the meeting packets.

Commissioner Intindola report that the Codes Council distributed and has been monitoring the log of action items – which lists all the proposals that were approved by the Fire Safety Commission and forwarded to the Department of Community Affairs. Also, the Subchapter 3 Committee is continuing to conduct its review and reported progress. Commission Intindola announced the resignation of Michael Scardino from the Codes Advisory Council and thanked him for his service.

Commissioner Intindola called attention to the report submitted by the Ad Hoc Code Council Committee on Lightweight Construction. Commissioner Stanley Sickels distributed the report to all Commissioners and expanded upon the report. The Committee met on May 6th and discussed fire protection and firefighting issues of multiple dwellings constructed of Type V light frame construction and NFPA 13R sprinkler systems. The Committee also identified issues of combustible light frame construction and multiple dwellings in the 2015 International Building Code. The Ad Hoc Committee made three recommendations based on the issues identified:

1. Buildings with concealed combustible spaces equipped with an 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 fire wall between each attached structure.

2. Building equipped with an NFPA 13 sprinkler system should be limited to three 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 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 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.)*

NJFPPA President Rich Silvia spoke about a recent experience in Hackensack where he was about to examine an Avalon building. It had a parking garage on the first level, four stories of residences, and an attic that was over 12-feet high - essentially making the building six stories high. This is a major concern because the fire department is not equipped to properly fight a fire in such a building, and something more needs to be done in regards to planning, zoning, etc. Vice-Chairman Krushinski agreed and added that the developers are also narrowing the roadways, further inhibiting fire department access to the building with their apparatus. Mr. Silvia said that, without sprinklers, this type of building is another disaster waiting to happen.

The next meeting of the Codes Advisory Council is scheduled for Wednesday, June 24th at the Middlesex County Fire Academy in Sayreville.

2. Training and Education Advisory Council

Commissioner Lawrence Wood reported the Training and Education Advisory Council met on April 21st at the Dempster Training Center in Lawrenceville. The Council is working on new regulations for the inspector testing. The ICC will no longer be doing the type of testing that is required, so the SME Committee will be working on setting up an exam. This change, going to the New Jersey standard, will no longer allow those that have passed the exam to be ICC-certified in other states as before.

Commissioner Wood added that the FESHE Conference was successfully held last month and New Jersey Weekend is scheduled for the National Fire Academy on June 27-28.

Commissioner Stanley Sickels asked for more details regarding the SME Committee that is working on developing tests. Commissioner Wood said they are Subject Matter Experts that will be building the test banks based on the current code. This is a separate group from the Training and Education Advisory Council, Commissioner Wood was just reporting on it because it is relative to the work T&E does. Commissioner Sickels asked why – when everything else has been geared towards getting national certificate for the training programs – are they are going away from the national testing for the fire code? Commissioner Sickels feels it would be counter-productive to go away from an already established system. Commissioner Wood agreed and said he was not happy with it

either. This is something being pursued by the Division of Fire Safety, not a recommendation from the Training and Education Advisory Council.

The next meeting of the Training and Education Advisory Council is scheduled for June 16th at the Dempster Training Center in Lawrenceville at 10:00 AM.

3. **Statistics and Information Advisory Council**

In the absence of Commissioner Gerard Naylis, no report was given.

4. **Master Planning and Research Advisory Council**

Commissioner John Lightbody, no report was given. The minutes of the May 18th meeting are included in the Commission packets. Commissioner Lightbody offered the following report on that meeting:

Commissioner Lightbody gave a report on the Residential Sprinkler Bill, which was conditionally vetoed by Governor Chris Christie. David Kurasz said that while on the surface this seems to be bad news, it appears that the Governor (who has forwarded the bill to DCA), will be letting them make their own conclusions. It appears that the sponsors of the bill will vote for concurrence and the bill will, in fact, be sent to the Department of Community Affairs. Mr. Kurasz also spoke about the other changes, code-wise, that would need to be made along with mandating residential fire sprinkler systems and expanded upon those changes. There will be issues to iron out regarding the water purveyors, the types of sprinkler systems, etc.

David Kurasz added that Governor Christie's reasoning was the ongoing recovery from Hurricane Sandy. So does this mean if it weren't for Sandy it would not have been vetoed? Mr. Kurasz thought this might be advantageous for advocacy for residential sprinklers in other states.

On the topic of Lightweight Construction, Tim Travers made a point that the concept of lightweight construction should not necessarily vilified. If it is installed properly and in conjunction with the sprinkler system, it is an absolutely fine, easy and quick to work with. It is when lightweight construction is put up haphazardly and without a sprinkler to protect the building/citizens when there are big problems. Commissioner Lightbody said that they have to keep highlighting instances where sprinkler systems could have saved a given building or prevented an incident – whether that's in print, on the internet, etc. Educating the public, and the fire service, is vital.

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

5. Public Education Advisory Council

In the absence of Commissioner Daniel DeTrolio, Charles Lavin gave a brief report on the most recent Public Education programs that have taken place.

The 10th Annual New Jersey FIRE Bowl was held on May 8th at Kean University. In the closest competition the program has seen in a decade, Nicholas Oresko School (Bayonne) defeated Colonia Middle School. The event was hosted and moderated by News 12 New Jersey's Tony Caputo, and the program got some good television coverage on that day.

Mr. Lavin deferred to NJFPPA President Rich Silvia to report on the winners of the 2014-2015 New Jersey Fire Safety Poster Contest. An awards luncheon is scheduled for June 11th at The Forge in Woodbridge, NJ. All Commission members are welcome to attend. The winners are as follows:

Division 1	Ava Lucido Memorial Elementary School Montvale, NJ	(Bergen Co.)
**Division 2	Sarah Plummer (overall winner) Sylvia Rosenauer Elementary School Jackson, NJ	(Ocean Co.)
Division 3	Navdeep Sanghera P.S. #11, Martin Luther King Jr. School Jersey City, NJ	(Hudson Co.)
Division 4	Yubin Lee Bergen County Academies Hackensack, NJ	(Bergen Co.)
Division 5	Kayla Bocage Union County Vo-Tech High School Scotch Plains, NJ	(Union Co.)
Division 6	Matthew Malure The Calais School Whippany, NJ	(Morris Co.)
Division 7	Felisha Tirado Salem High School Salem, NJ	(Salem Co.)

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 met on May 14th at the Toms River Fire Academy.

Vice-Chairman Krushinski reported that there is a new initiative from the National Fire Academy that basically mimics the “Fire Is” program. It consists of four modules (rather than five) and are very similar to those produced by Dr. Frank Field. Also, Charles Lavin reported that 5,000 10-year sealed-battery smoke alarms have been received by the Division of Fire Safety via the Operation 7 Save-a-Life program. The alarms were delivered to the New Lisbon Developmental Center’s facility where they will be housed until distribution begins, starting in July.

Vice-Chairman Krushinski spoke about the need for a representative from the Attorney General’s Office to work with the Council on the legal responsibility aspect of juvenile firesetter intervention, but numerous attempts have come up empty. Also, Mercer County’s program has gotten up and running thanks to the efforts of Joe Ehrhardt, and Somerset County has resurrected its program as well.

A Youth Firesetter Intervention and Prevention Specialist 2 class was held on May 7-8 at Middlesex County Fire Academy. It was filled to capacity with 36 attendees. A meeting of the Juvenile Firesetter Conference planning committee is set for June 10th and details on the conference should come into focus shortly thereafter. The Conference is scheduled for December 3rd and 4th at Middlesex County Fire Academy.

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

In the absence of Commissioner Gerard Naylis, no report was given.

H. Old Business

Vice-Chairman Krushinski asked if there had been any movement regarding a memo reminding local enforcing agencies on Rule 26. This outlines the responsibility to report on activity involving youth firesetters. Chief Kilmer said he would speak to Acting Director Kramer regarding this bulletin.

Commissioner Stanley Sickels asked for an update regarding the proposal by the Division of Fire Safety to raise life hazard use fees. Chief Kilmer answered that they have heard nothing back as of yet. Commissioner Sickels also asked about the Proposals Log and stressed the importance of it being kept up to date and sent out. Chief Kilmer said that they have been working on this but have been short of staff to give it the proper attention – this will fall under something a newly hired code specialist would be responsible for maintaining. It is the Chief Kilmer’s hope that this will happen in the near future.

I. New Business

With no New Business being brought before the Commission, the meeting was moved to Public Comment II.

J. Public Comment II

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

Michael Whalen, speaking as a lead instructor from Middlesex County Fire Academy, gave his thoughts on the making of our own test for the Fire Inspector program. His feeling is that it is ridiculous and none of his students have been tested on the 2006 code since the 2009 code came out. The state has allowed them to submit that certificate when they pass the ICC test and there is no need to waste time, money, and effort on putting together a new test. It is imperative that we keep up with the new versions of the code, and this test will be antiquated before it is even put out. Commissioner Sickels expressed his agreement and added that doing this will be dumbing down our inspectors, much of the technology is not even the same now as what they are being tested on. Vice-Chairman Krushinski asked Commissioner Wood if there was any way to slow this down and he said that would have to be deferred to the Division of Fire Safety. Chief Kilmer said he would take it back to Chief Kramer. Mr. Whalen said the thing to do would be to form a committee and get everyone up to the 2015 code. If things progress as they are, New Jersey's fire inspectors will be at least nine years behind the curve going forward.

Paul Driscoll, resident of Princeton, spoke on behalf of over 400 others residents about a recently-signed petition requesting a public hearing on the bills proposed in regards to lightweight construction. As of now, there are no dates for public hearings. He asked how they, as citizens, could work with the fire service to get these hearings to occur. Several Commissioners spoke in support of their mission and suggested working with Chairman Wisniewski moving forward. They urged the public to be more vocal and more visible on these issues, and that will ultimately get the attention and action by the legislature.

K. Adjournment

Vice-Chairman Krushinski asked if anyone had any additional business they would like to bring before the Commission. There being none, the meeting adjourned at 11:41 am.

*** The next meeting of the Fire Safety Commission will be on Wednesday, July 15, 2015 at 10am. It will be held at the Toms River Fire Academy in Toms River, NJ ***