

PUBLIC HEARING

before

COMMISSION TO STUDY GOVERNMENTAL LAWS AND REGULATIONS
RELATING TO FIRE SAFETY STANDARDS

Held:
October 20, 1981
Convention Hall
Asbury Park, New Jersey

MEMBERS OF COMMISSION PRESENT:

John W. Dries (Acting Chairman)
Assemblyman Anthony M. Villane
Assemblyman Thomas F. Cowan
William T. Kosakowski
Wilbur H. Lind
Robert M. Brody
John L. Jablonsky
Catherine Aratow-Harding
Charles Schilling
Stephen Szczepaniak
Alfred Pouzenc
Theodore Primas

New Jersey State Library

ALSO:

Steven S. Robbins, Research Associate
Office of Legislative Services
Acting Secretary to the Commission to Study Governmental Laws
and Regulations Relating to Fire Safety Standards

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P U B L I C H E A R I N G

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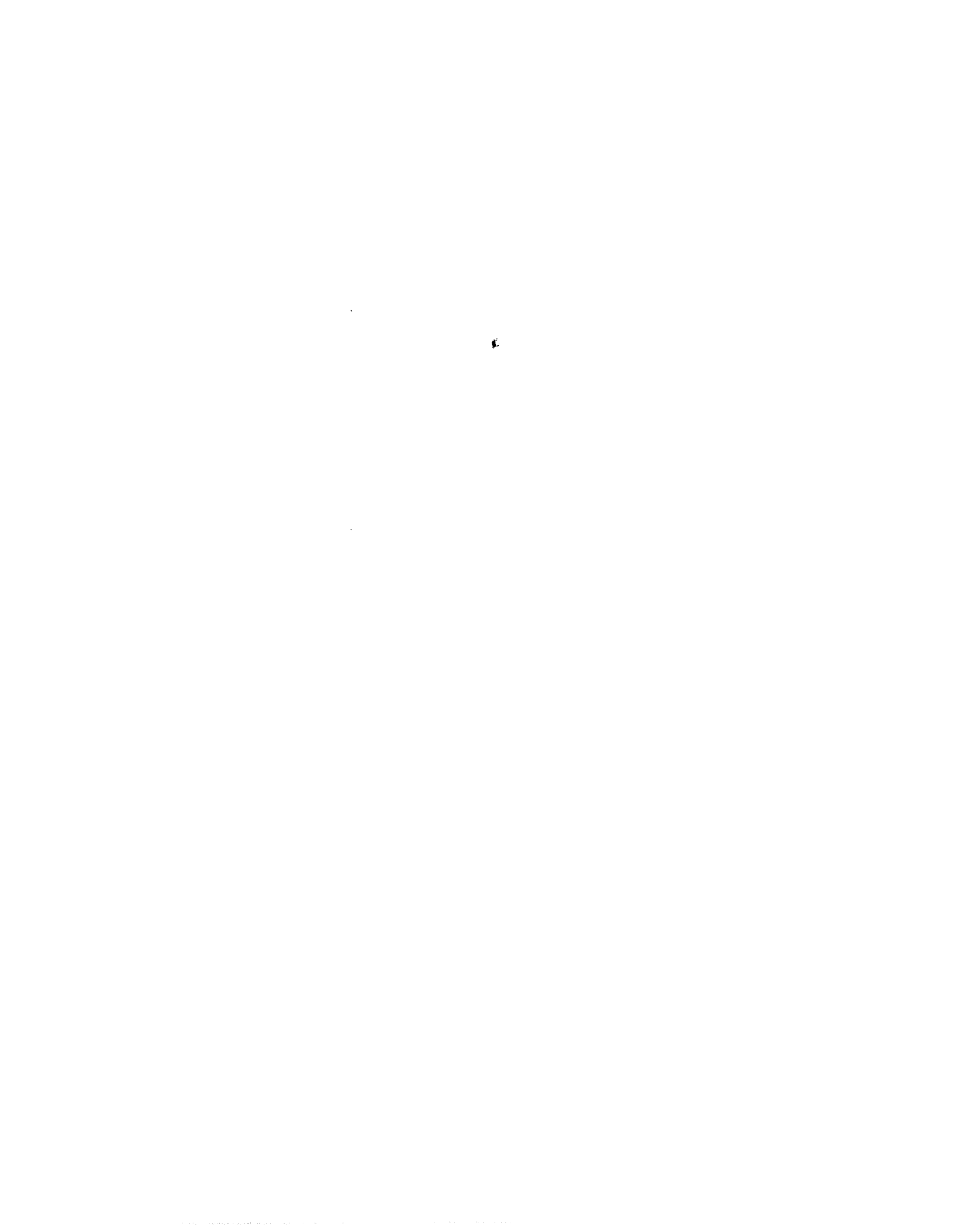
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I N D E X

	<u>Page</u>
Samuel Addeo City Manager Asbury Park, New Jersey	1 & 21
William Connolly Deputy Director, Division of Housing Department of Community Affairs	2
Daniel J. Mahoney Fire Inspector Asubry Park, New Jersey	9
Edward Williams Captain Long Branch Fire Department	13
Patrick Townsend President Monmouth County Fire Prevention Association, and Supervisor, Neptune Township Fire Department	16
Daniel M. McGee Licensed Engineer Representing the American Iron & Steel Institute	18
Henry Dour Resident Miami Plaza Boarding Home Representing the Boarding Home Community of Asbury Park	23
Harry Carter President New Jersey Society of Fire Service Instructors, and Captain, Newark Fire Department	28
Lawrence Zazara Chief Millburn Township Fire Department Representing, New Jersey Paid Fire Chiefs	30
George A. Grillo President New Jersey Exempt Firemens Association	31

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JOHN W. DRIES (Acting Chairman): Good morning, ladies and gentlemen. I would like to call this hearing to order. Prior to going into the hearing, I would just like to review a little bit about the Senate Joint Resolution which created the Commission. The Joint Resolution created the Commission to study the laws and regulations relating to fire safety standards. The issue of the adequacy of fire regulations and fire safety standards has been of continuing concern to the government of this State and to its people. It is in the interest of the public health, safety, and welfare for the State to conduct a thorough examination of the fire safety laws and regulations presently being imposed by governmental entities, and to coordinate the enforcement of those laws and regulations. That is really the objective of the Commission: To study the laws relating to fire safety standards that are in force throughout the State.

Again, before we start the hearing, I would like to take the opportunity to introduce the members of the Commission to the people that are in attendance today:

Senator John P. Caufield, who is the Chairman of the Commission, is unable to be with us today. He is out sick, unfortunately. He has a great interest in this Commission and he has been very active. I am going to miss him very much during today's meeting.

I would like to introduce myself. I am John W. Dries, Vice Chairman of the Commission and President of the New Jersey Fire Prevention Association.

Also with us today is a representative from this area, Assemblyman Anthony M. Villane, Jr. He is on my right.

Assemblyman Thomas F. Cowan is seated next to Assemblyman Villane.

We also have William J. Kosakowski with us. He is the President of the New Jersey State Firemens Mutual Benevolent Association.

Wilbur H. Lind is the past President of BOCA, and is now the Chief Building Inspector in Hackensack, New Jersey.

Robert M. Brody is with the National Association of Office Park Developers and Murray Construction Company.

Alfred Pouzenc is President of the New Jersey State Fire Chiefs' Association.

Theodore Primas, Esq., is a retired Chief from Camden, New Jersey, and is now a practicing lawyer.

John L. Jablonsky is Vice President, Engineering and Safety Services, American Insurance Association.

Catherine Aratow-Harding is a Building Inspector in Chester, New Jersey.

Charles Schilling is Chief of the Livingston, New Jersey, Fire Department and represents the New Jersey State Paid Fire Chiefs' Association.

Steve Szczepaniak is the Business Manager of the Sprinklers, Fitters, and Apprentices.

Our Secretary to the Commission, Geraldine K. Van Horn, is on vacation and could not be with us today. We have Terry Doll with us from the Office of Legislative Services; and, behind me, we have Steve Robbins from the Office of Legislative Services.

What I would like to do at this point is to thank the Office of Legislative Services for all their help and assistance to the Commission.

At this point in time, I would like to take the opportunity to introduce Mr. Sam Addeo, the City Manager of Asbury Park, and have him say a few words. Mr. Addeo, thank you for being here today.

S A M U E L A D D E O: Assemblymen, Chairman Dries, Commissioners, and assembled guests: On behalf of Mayor Ray Kramer, the City Council of Asbury Park, the residents, and the administrative staff, I would like to welcome you here today. I would also like to thank you for your concern about an area that we feel very keen about, and that is fire safety. I would also like to ask

that in your deliberations you keep in mind towns like Asbury Park, and other towns throughout the State of New Jersey that are very dependent on the outcome of your work. Thank you very much.

MR. DRIES: Thank you for your words of welcome, Mr. Addeo.

I have just received the witness list for the public hearing to be held today. The first gentleman we are supposed to hear today is Mr. Matt Martin. Is Mr. Martin here? Mr. Matt Martin is from the New Jersey Interagency Council on Smoking and Health. Is Mr. Martin here? (not present)

All right. Before we go any further, I would just like to take a few minutes of your time to tell you the activities of the Commission. One of the things the Commission has accomplished is the appointment of five subcommittees, and those five subcommittees are to investigate the adequacy of the New Jersey Uniform Construction Code. Mr. Wilbur H. Lind, the Chief Building Inspector of Hackensack, New Jersey, is the Chairman of that Subcommittee. The Committee will explore the adequacy of both the provisions in and the enforcement of this Code as it relates to fire safety, the impact of technological changes, and the application of provisions to existing buildings not presently covered by the Code.

On Fire Prevention Codes, I happen to be the Chairperson of that Subcommittee, and our Committee will conduct a survey of municipalities and counties to determine the extent and accuracy of such codes and their enforcement. The need for the development of a statewide code will also be explored.

Another Subcommittee is the State and Federal Fire Safety Regulation Committee, which is chaired by Assemblyman Anthony M. Villane from Monmouth County. This Committee will examine the enforcement and adequacy of all current regulations, and also identify and examine any legislation pertaining to the subject.

Statewide Fire Problems and Data -- this Committee is chaired by Assemblyman Thomas F. Cowan, Sr., from Hudson County, and this Committee will research existing data to determine the scope of the fire problem in the State, and determine if there is a need for a central office to deal with fire related statistics.

Economic Incentives for Fire Safety -- This Subcommittee is chaired by Donald M. O'Brien, Chairman, Executive Vice President of the New Jersey Hotel and Motel Association. This Committee will study methods of improving fire safety through economic incentives, including but not limited to elimination of charges for standby water for fire protection, insurance reductions, and tax incentives.

Those are the five subcommittees, and those five subcommittees have reported back to the Commission at least twice since the Commission has been organized.

Has Mr. Matt Martin arrived yet? (not present) If not, I would like to move along with the agenda and introduce Mr. William Connolly from the Department of Community Affairs. Mr. Connolly, are you here? Yes, I see Mr. Connolly.

W I L L I A M C O N N O L L Y: Good morning. I am Bill Connolly. I am Deputy Director of the Division of Housing in the Department of Community Affairs. I want to thank the Commission for providing us the opportunity to speak here this morning and present the point of view of the Executive Branch of the State government on this most serious problem.

Some people might wonder, why us? Just last week I had a camera crew from New Jersey paid T.V. in the office. They wanted to do an interview relative to smoke detectors, and the reporters thought that the Department of Community

Affairs was a most unlikely place to come to in order to ask about smoke detectors. They thought it probably would be located at some other place. You can't always tell a book by its cover. The Department is the State's oldest continually existing fire safety enforcement agency. We began this activity in 1896, and have been continually involved with it right down to the present time.

We are also the State's largest code enforcement agency, with more than 280 inspectors, technicians, and engineers working in many aspects of code enforcement. Consequently, we have the primary expertise in State government, in the Executive Branch, for dealing with these issues.

What we have been able to put together in the recent past is widely regarded as the State's most comprehensive building regulatory system. But, more important, we were the first one to properly recognize the role of the fire service. Through the Fire Protection Code and the Licensed Fire Subcode Officials, we have established a pattern that is going to be followed all across the nation, a pattern of coordination rather than conflict between fire regulatory people and building regulatory people.

We have also been able to establish the State as a national leader, and as a consequence have been asked and requested to serve in many capacities at the national level. The members of our staff serve as members of the Board of Directors of the National Conference of States on Building Codes and Standards; members of the Board for the Coordination of Model Codes, a very important organization that correlates the requirements for the three national model codes and the National Fire Protection Association's codes; and a whole host of technical committees dealing with a wide range of subjects, including people on the staff who service Chairmen of two national committees working on life safety standards for boarding homes, a very important issue in this State.

I personally have been with the Department for about nine years. We have done what we could about fire safety and the fire safety problem across that time, and we have made some progress. But, state agencies, unlike municipalities, can only do those things they have been specifically authorized to do by the Legislature, and we have not been authorized to do enough. I think the boarding home problem is an excellent case in point.

As early as 1975 we began to pick up very disquieting reports through our Housing Maintenance Code Enforcement network, and those reports didn't involve buildings; they regarded the residence of very old people, handicapped people, very poor people in housing that wasn't suitable from a fire safety standpoint. Later, we began to hear from people who wanted apartment house licenses. Of course, there is no such thing, but they were dropping their health department licenses because the standards were too tough -- and this happened a lot.

By mid-1977 it became clear to us that something had gone very wrong and there was a tragedy out there waiting to happen. We joined with the Department of Health and the Department of Human Services to try and address the problem.

By January of 1978, we had a program of reform for fire safety and other problems, but we were swimming upstream against the tide of fiscal restraint and anti-regulatory attitudes.

By December, 1978, Senator Anthony Scardino introduced a series of bills which incorporated those reforms. They were favorably considered by the Legislature and just eight months later those bills were passed.

It was not until March of 1980 that the bill was signed into law, but the appropriation to implement it was vetoed because of the State's cap problems. We started working on tough fire safety standards for these homes anyway. During the third week of July, 1980, those standards were published for comment so that they might be effective on August 27, 1980, the first day that would be possible under law. Then on the last Saturday of July tragedy struck, twenty-four of thirty-eight were dead at the Brinley Inn, and there were others in successive months. The State had lost its race with tragedy.

There has to be a better way to deal with emerging or existing fire safety problems than we have now, and that is what brings us here today. We all know that standards are necessary to make our citizens safe from unnecessary fire tragedy, and we all know what needs to be done to eliminate unnecessary built-in risks to firefighters. We know what it takes to enforce those standards. And, finally, we know that we can't do those things until the confused, conflicting, and yet wholly incomplete pattern of laws relating to fire safety are put in order. That is why we are here with eleven specific proposals to deal with the problem.

We have, and we will continue to work close with all interested persons and organizations to refine and modify these proposals until they represent everyone's best thinking. We offer them only as a framework - we think a coherent framework - for discussion.

First, we recommend that the Legislature provide for the installation of necessary fire protection equipment in all existing buildings where significant life safety hazards exist.

Second, we recommend that the Legislature provide for a uniform, minimum, fire prevention code which would ensure the regulation of fire hazards and the prevention of fires in all but one and two family homes. Both of these recommendations can be implemented through the adoption of something like the Uniform Fire Safety Act, which we have suggested. I want to emphasize again that that proposal is just that, a suggestion, a framework for discussion.

We have provided the Commission with the first draft of that act. We are working at the present time to strengthen and clarify it with many interested persons and organizations, and we will submit a revised draft soon. The key elements of any such act, we think, are as follows:

A strong statewide minimum code, requiring life safety improvements to existing buildings in any occupancy where the life safety hazard is serious, such as night clubs and other places of assembly, should be implemented.

The code should be based on the Life Safety Code of the National Fire Protection Association, with amendments to strengthen it in those areas where it is presently weak -- and there are some.

There should be a strong state minimum fire prevention code based on the BOCA Fire Prevention Code, which goes hand and glove with our Building Code.

There should be required, periodic, fire safety inspections of all life safety hazardous occupancies.

There should be strong code provisions designed to eliminate unnecessary risks to firefighting personnel. The statistics of the National Fire Administration show that sixty percent of those injured in fires are firefighters. Fighting fires is not a safe occupation. No one expects it to be a safe occupation. But, it certainly can be safer than it is at the present time. We are certainly

building fire hazards into some of our buildings, hazards to the firefighting service as well as to the people who are living in those buildings. Any such action should contain provisions for local amendments to the state standard to suit local conditions. I don't think the regulation of existing buildings calls for nor can it work with a statewide code that does not have the opportunity for lawful amendments.

We think that act needs to provide provisions for enforcement everywhere. Enforcement should be primarily municipal. But, when municipalities don't do it, for whatever reason, then the county should do it. And, when the counties don't choose to do it, then the State should have to do it. There should be no area that goes uncovered. But, neither should there be State mandates requiring local or county government to carry out an activity that they don't feel they can carry out.

There should be state technical enforcement support when and where needed to local enforcement agencies. There should be strong enforcement remedies. Fire code enforcement agencies should have the ability to go into court for injunctive relief. They should have the power to condemn buildings that are unsafe and provide for the demolition. There should be stiff and swift administratively assessed civil penalties -- up to \$5,000 per violation, per day. There should be enforced closings for a period of time for repeat violators, and there should be the power to issue vacate orders where eminent hazards exist. There should be provisions to prevent the sale of devices and materials which are unsafe or cannot be used in accordance with the provisions of the code. There should be certification of inspectors who enforce the code, based on satisfactory completion of training courses and tests associated with those courses. Those courses should be intensive, but they should be brief. There should be no preemption of existing local fire enforcement activities.

A system of dedicated inspection fees, which will ensure that sufficient funds are available to do a proper job of enforcement at no additional burden to the property taxpayer should be provided.

Finally, there should be an elimination of the present confusion in fire safety requirements by vesting all power to adopt fire safety requirements for all programs, licenses, etc., in a fire safety advisory board, created through the act.

In addition to the act, we have a number of other recommendations which are not property incorporated within its framework, but which we think are quite important in terms of fire and life safety.

We recommend the elimination of the existing exemption in the State's otherwise comprehensive Uniform Construction Code Fire Regulations, namely health care facilities, public schools, and state owned buildings. None are fully exempt, but all are exempt to a greater or lesser degree and there really isn't any basis, in terms of fire safety, for those exemptions. It is generally a bad principle to have "whoever" -- whether it is an agency or whoever provides the funds for building-- also be responsible for fire safety in that building. There is a built in conflict of interest there.

We recommend continuing adherence to the construction code change procedures of the BOCA organization because nothing else, in our judgment, can provide as full or as adequate a public review. I have attended a great number of BOCA hearings and I have conducted a great number of state hearings. We simply don't get

adequate input at state hearings. All interested and affected parties simply don't show up. I think that is probably because the actions of any one state are not sufficient to cause some of the national industries and organizations to devote the time, money, and expense that is necessary to examine the proposals and provide input. But, those efforts - the efforts of the American Plywood Association or the American Iron and Steel Institute, or what have you - the careful study that they give to code change proposals that go through the BOCA organization, and the kind of testimony that they give, I think, provides the best opportunity we have in this country for an informed judgment on adequate fire safety standards. When we do it at the State level, we simply don't get adequate input from the public or from the interested groups, and too much depends on the personal judgment of the particular State agency official who is involved in adopting that set of regulations.

We recommend strengthening fire suppression requirements in the BOCA basic building code. We have specific proposals that have been brought to us by the State Fire Prevention Association. We have submitted them to BOCA. We will furnish them to the Committee. They are presently in the BOCA code change process. We are working very vigorously for their adoption, and we expect to see them adopted.

We recommend the strengthening of the basic building code through the creation of a new institutional I-3 use group classification which will more properly regulate new or converted boarding homes better than anything that is in the current text of the code. Again, we have extensive, specific suggestions. We will furnish them to the Committee. We have submitted them to the BOCA code change process; and, again, we look forward to adoption in the current code change cycle.

We recommend that building code regulations must take far greater account of fire service safety and firefighting capabilities. As I mentioned earlier, while fire deaths are mostly civilian, more than sixty percent of fire injuries are in the fire service. Fifty-eight thousand happened in the year 1978 alone. Modern building codes are based on assumptions as to firefighting capability, assumptions which may not hold true any longer. Both our paid departments and our volunteer departments have difficulty maintaining the kind of staffing they once had and the kind of equipment they were once able to generate. Today's inflationary economy affects the ability of government to hire people, of people to volunteer their time, and the ability of anyone to purchase equipment. We think a study designed to correlate levels of public fire protection with necessary built-in fire protection is an absolute necessity. While we continue to support model codes and the adoption of provisions through model codes, such a study might provide a basis for narrowly-considered amendments. We cannot support the right of every Tom, Dick, and Harry to seat-of-the-pants amendments to the State Building Code, but we plainly would support a well-developed case. It is important to remember that there is no other legal basis - legitimate basis - for change. The code must, by definition, establish minimum standards necessary to guard public health and safety. That is the only basis for the exercise of the police power. Only that kind of code can be enforced. There is no such thing as a maximum code. There is no such thing as an optimum code. What is safe in Asbury Park cannot be safe in Neptune Township. Circumstances are essentially the same. It just can't be. We owe it to the citizens of our State to get

our act together better than that. But, a rational, reasonable approach, based on real data, which has actual and broad applicability and a sound technical basis, will give us something to consider on a statewide, but carefully tailored basis.

We recommend a licensing system for sprinkler and alarm design, installation, testing, and maintenance. We think it is important that it not be an old fashioned licensing system that simply limits entrance into the trade and limits the number of companies in the business, but something that will provide people who buy these systems some assurance that they are designed according to codes and standards, that they will work, and that something can be done in the case of a contractor who won't make them work, and, more importantly that something can be done when a contractor won't maintain them properly and won't respond when that system is down. That sort of thing, I think, is an absolute necessity as we begin to rely more and more on these systems for essential life safety protection.

We endorse the recommendations made by others that sprinkler standby charges be eliminated outright through legislation. There simply is no technical basis whatsoever for sprinkler standby charges. If anything, people who have sprinkler systems ought to be given a credit on their water bill rather than an additional charge because they use less water in case of a fire situation.

We recommend, strictly for boarding homes and rooming homes, a fire and life safety improvement loan fund. There is a specific proposal before the Legislature which we strongly endorse. That proposal would provide funding for full scale improvements at little ultimate cost to the taxpayers. We think it is a very well-thought-out and a good bill. It will permit us to go to full implementation of those suppression requirements which we believe are absolutely necessary in boarding homes and rooming homes. We have set down requirements that are among the nation's stiffest for so broad a category; yet, in our judgment and based on our tragic experiences in this state, we don't think they go far enough, but we are up against some very hard realities -- and I am not talking about profit and loss, I am talking simply about the ability to raise the money to make these installations. A life safety loan improvement fund will give us the ability to raise that money and in turn it will give us the ability to tighten down our standards to where they ought to be on a technical basis.

We recommend that the State examine frame spread, flammability, and products with combustion regulation. We may well have to go where others have feared to tread. This is a very big problem for a single State, but it can be ignored no longer and it is not being addressed adequately at the national level. The contents of buildings have become a primary contributor to the lack of fire safety in them, and we just can't continue to look the other way.

We think that these steps will work. We think these steps can be done. We think their implementation is far, far more important than organizations, titles, or turf. Our sister states have dealt with these problems in a variety of ways. Results are what matter. Contrary to popular opinion, this state is not one of two in the nation which lacks a regulatory system to deal with this problem. Many states do none of what I have recommended. Many states do far less than we do, even with our patchwork of laws and regulations. The State of California does a great deal through a strong State Fire Marshal. The State of North Carolina has a comprehensive program through its Department of Insurance. Kentucky has attacked the same problem through its Department of Housing since

the Beverly Hills Supper Club tragedy revealed massive flaws in its Fire Marshal system. Virginia has placed its Office of State Fire Marshal in its Department of Housing. It is enforcement and results that count. We can get there by building on our strengths. Thank you very much.

MR. DRIES: Thank you, Mr. Connolly. Are there any questions from the members of the Commission?

Mr. Connolly, I have several questions, if I may ask them of you. One of the things I understand is that your proposal is strictly a recommendation to the Commission, who in turn will recommend it to the Legislature. Is that correct?

MR. CONNOLLY: That's exactly right. Our proposals are simply, at this point, the first thinking of the Executive Branch. There is a great deal more input that has to go into them before anyone can consider them final. We make them to this Commission; we are not really making them anywhere else. The Executive Branch of the State Government views this Commission as the group that should have the leadership in this problem and we plan to give a great deal of deference to whatever recommendations ultimately come out of the Commission, and do our best to see, from our point, that they can be enacted.

MR. DRIES: Thank you, Mr. Connolly. The other question I have is: I understand you are receiving some fire service input, and I plead with you to continue to allow the fire service to have input into this proposal.

MR. CONNOLLY: Yes. Within the last week I have spent two full days meeting with fire service groups to discuss these proposals and others, and we will continue to do that just as much as we can, and meet with just anyone who wants to.

MR. DRIES: Thank you, Mr. Connolly. Are there any other questions from the Commission? Assemblyman Villane.

ASSEMBLYMAN VILLANE: Do you think, Mr. Connolly, that we can resolve this so-called patchwork quilt group of regulations so that all departments of state government, and institutions, can comply with the same fire protection code? Can we physically do that in the State of New Jersey?

MR. CONNOLLY: Absolutely. I don't see any reason why we can't do it if we simply empower the appropriate board to adopt those regulations on behalf of all those other agencies. Those agencies don't really have the expertise anyway; and I think, in my judgment from working with them, that they recognize this. They probably would welcome the assistance.

ASSEMBLYMAN VILLANE: Thank you very much. We look forward to a copy of those recommendations to the Commission.

MR. DRIES: One other thing. You discussed a proposal that is before the Legislature right now, a piece of legislation providing for economic relief to people that are going to install fire protection and fire suppression equipment. Where is that piece of legislation right now?

MR. CONNOLLY: It is before the Assembly Committee -- I believe it is Institutions and Welfare. Assemblyman Otlowski is the Chairman of the Committee at any rate.

MR. DRIES: Thank you. I noticed one thing. We had a gentleman from Ohio speak to us, and he talked about the nursing home problem in Ohio. They had a situation where they required fire suppression in all nursing homes. There were some contingencies to that. I don't know if you noticed that he mentioned

there was no economic incentive program at all; they had to do it within five years and it was all accomplished within five years.

MR. CONNOLLY: I think the economic problems are not as great as people contend. We are certainly imposing pretty stiff alarm requirements on all hotels and multiple dwellings at the present time. We aren't providing any loans, and people are doing it. I do think boarding homes are a very special case and that the residents of those homes are generally of extremely low income. Even if the owner can finance the improvements, it is virtually impossible for him to pass the cost of those improvements along to the residents in increased rental charges the way apartment buildings owners can do.

MR. DRIES: Do you have a question, Chief Schilling?

CHIEF SCHILLING: Mr. Connolly, you mentioned in your recommendations the exempted agencies, both the State Board of Health and the State Board of Education who are now exempted from our normal regulations. Is it your intent to bring these under a general classification, along with all other structures?

MR. CONNOLLY: Yes, that's our recommendation. I don't see any reason why they should have separate standards or an independent enforcement system. I don't think that it is really necessary, and other states get along just fine without it.

CHIEF SCHILLING: Thank you.

MR. DRIES: Thank you, Mr. Connolly. Are there any other questions from the members of the Commission?

Thank you very much, Mr. Connolly for your presentation.

MR. CONNOLLY: Thank you.

MR. DRIES: I would like to make mention to the members of the audience that this is going to be transcribed and the transcript will be available from the Office of Legislative Services.

We have Mr. John Bianchi from the Automatic Alarm Company, Newark, New Jersey. Is Mr. Bianchi here? (no response)

Fire Inspector Daniel Mahoney, Asbury Park Fire Department. As a matter of record, Dan, when you come up to the mike will you introduce yourself to the Commission so the secretary can have it officially on the record?

DANIEL J. MAHONEY: Good morning, ladies and gentlemen. My name is Daniel J. Mahoney, Fire Inspector for the City of Asbury Park. The proposal I have here is from the New Jersey State Fire Prevention Association, copies of which are on the table in front of you.

MR. DRIES: Thank you, Mr. Mahoney.

MR. MAHONEY: Does everyone have their copy? Would you please turn to page 6? In the middle of the page, on the right hand side, you will see a paragraph that starts with, "The Federal...." Would you delete the next five lines?

MR. DRIES: Delete the next--?

MR. MAHONEY: One, two, three, four, five lines down to the end of that paragraph.

MR. DRIES: Okay.

MR. MAHONEY: The last word being "outlined." Thank you.

Hindsight and foresight, 1972 to 1980: We are appearing on behalf of the New Jersey State Fire Prevention Association with a plea for sensitivity toward our elderly citizens, who have contributed so much to our society of which we are all extremely appreciative. Because of economics and other factors, they

are required to make their residence in boarding homes or like facilities.

There are millions of Americans against whom fire holds heavy odds. These are people with limited capacities, such as the elderly and the physically and mentally handicapped. Lacking the ability to cope adequately with fire accidents, these Americans deserve protective watchfulness. When they congregate with peers of similar disabilities, a fire situation can threaten many lives. The situation is ripe for a major tragedy, for the physically or mentally retarded, in boarding homes where the elderly might make their residence.

In many facilities and institutions, a combination of built-in fire protection and attentive staff has kept fire accidents under control. But, there are poignant exceptions. For example, the heavy loss of life of our sixty elderly persons residing in boarding homes in the State of New Jersey alone, since July of 1980.

Among fire victims, the elderly and physically and mentally handicapped, stand out as a special and growing concern. It is interesting to note that a 1972 report stated that annually 3,500 to 4,000 fires break out in these facilities housing these Americans.

Elderly Americans live in a variety of care facilities, ranging from elaborately protected nursing homes and government sponsored housing to state regulated and unregulated boarding homes, hotels, and other room and board facilities that all cater to the elderly.

Thus, fire protection for the elderly ranges from excellent to totally inadequate and, on balance, is far less than senior citizens deserve. It is a blemish on the American conscience that those who contributed to our prosperity are allowed to live their retiring years where even minimal fire safeguards are absent. The problem of fire safety in boarding homes for the elderly deserves attention, with growing urgency each passing day. The elderly population is expanding, as is the portion of Americans living out their years in boarding homes for the elderly. A stronger Federal role in attacking the problem is justified, since many homes for the elderly receive assistance from Federal agencies, such as HUD, Farmers' Home Administration and/or old age assistance payments.

The fire service can attest to the fact that fire-resistive building construction is not a panacea. Although many feel that it is a panacea, an experience in November of 1972 in Atlanta, Georgia, proved them wrong. Ten people died of smoke inhalation in an Atlanta fire in a new eleven story, fire resistive constructed apartment house that cost \$3.5 million to build. It appeared in general to meet the appropriate provisions of Atlanta's building code, the NFPA Life Safety Code, and the standards of the Department of Housing and Urban Development for housing for the elderly.

Moreover, many safeguards meant to avert multiple-death fires by limiting the spread of fire and smoke do not prevent the accidents that cause single deaths. Safeguards, which only prevent multiple deaths, cannot be considered adequate to the needs of the elderly.

It is not difficult to see why the elderly are especially prone to the tragic fire accidents. Many lack the physical coordination to handle matches, cigarettes, or hot appliances safely. Others, mentally impaired or despondent, set fires deliberately. When a fire occurs, physical or mental impairment can hamper the chances of escape. As firefighters have discovered over and over, many elderly patients are reluctant to leave the room that houses their few worldly

possessions. Compounding the problem of fires in boarding homes is the fact that there are no mandatory requirements for the use of furniture that has been flame retardant treated, and quite a few of the homes the elderly reside in were at one time one-family residences converted to boarding house use.

With reference to the problem of single death fires, use of upholstered furniture that has been flame retardant treated and the use of early-warning detectors in boarding homes should be made mandatory.

The Department of Housing and Urban Development, too, has revised its standards for residential occupancies for the elderly, to require more extensive, yet not complete, coverage by automatic sprinklers and early warning detectors.

State requirements vary widely. Since 1967, Massachusetts, which has some of the most stringent standards, has required that all new and existing facilities for the aged be equipped with automatic sprinklers, if they have three or more residents. On the other hand, there are some states with no sprinkler requirements of any kind. Reliable estimates place the cost of automatic sprinkler systems at approximately \$1.50 per square foot. While this is roughly similar to the cost of carpeting, it is recognized that that cost could be burdensome to many owners of facilities for aged, particularly if the owners must also invest in early-warning detectors. In discussing such facilities, we realize that facilities of this type are an expanding need in our society; therefore, any increase in financial burdens must be carefully weighed against its possible effect of discouraging private enterprise to provide these facilities. Yet, the fire safety of the elderly should yield to no compromise.

Some financial incentives may be necessary. Federally guaranteed, low-interest loans, tax incentives, such as accelerated depreciations, exclusion of fire extinguishing systems from tax assessments, elimination of water sprinkler standby charges, reduced fire insurance premiums, and concessions in structural fire protection requirements would all offer desirable inducements to builders and owners.

State and local governments could also regulate the location of housing for the elderly -- prohibiting them at great distances from fire departments. They should also require that alarm systems be tied directly and automatically to the local fire department.

Finally, loss of life can be reduced through education of residents, and families of residents on fire safety.

Our Association, the New Jersey State Fire Prevention Association, recommends the following to stop the continual tragedy of our elderly who are being subjected to life in a fire-susceptible environment: That early warning detectors and total automatic sprinkler protection, or other suitable automatic extinguishing systems, be required in housing for the elderly, and all boarding homes for the elderly might choose to reside in; that Federal agencies and states establish mechanisms for annual review and rapid upgrading of their fire safety requirements for facilities for the aged and infirm, to a level no less stringent than the current National Fire Protection Association Life Safety Code; that the special needs of the physically handicapped and elderly in boarding homes be incorporated into all fire safety standards and codes; that the State provide for periodic inspection of boarding homes by the State's fire marshal's office and local fire departments, and also require approval of plans for new facilities and inspection by a designated authority during and after construction; and that a political subdivision regulate the location of housing for the elderly and

require that fire alarm systems be tied directly and automatically to the local fire department.

It must also be recognized that the recent program of deinstitutionalization of former mental patients from state hospitals has taken people from the relative safety of institutions where the combustible environment was minimal, where construction standards were much more stringent, where the application of electrical code requirements were far greater, where fire protection systems were required, and where the former mental patients now will be in an unsupervised environment, has given cause for concern. If an analogy could be drawn, it is as if a fish were taken from a tank filled with water and placed into a dry tank; how long could it live?

Conclusion: The words which have been uttered here today are not new, gentlemen and ladies. Rather, they have appeared before the Congress of the United States almost ten years ago in a report to the President, entitled "America Burning." Retrospectively, we see that we have been amply forewarned. To paraphrase an old quotation: "Those who fail to learn the lessons of history are doomed to repeat it." Unfortunately, our elderly citizens, who look to all of us for protection, are the ones who are suffering most. While we debate the merits of the many ways to implement the various features of protection, time is passing and still our seniors are dying. We wonder if it had not been for the extremely coincidental occurrence of the major tragedies of this past year, would we be here today? We think not. Even though the toll of human suffering would continue to mount by ones and twos, it would go unnoticed by the people who could do something about it. The very fact that the best time to get any meaningful fire safety legislation passed is soon after a major fire tragedy, is certainly an indictment of our complete and total indifference to the fire problem in general.

Therefore, the New Jersey State Fire Prevention Association urges this Committee to provide the foundation for a new beginning for the safety of our elderly. To provide them with a meaningful experience in living out the fall and winter of their lives without the spectre of a horrible end is something which they justly deserve. I thank you.

MR. DRIES: Thank you, Inspector Mahoney. Are there any questions from members of the Commission? I assume Mr. Jablonsky recognizes that paper. It is just a repeat of something we have heard over years, and years, and years, and years.

Assemblyman Villane.

ASSEMBLYMAN VILLANE: Dan, thank you very much for, number one, being responsible somewhat in arranging for the meeting here with the Commission and with the local mayor and council, and also for again bringing this to the attention of the Commission. I think you are probably very accurate in stating that if it were not for these very terrible tragedies that have occurred along the coast here, in Monmouth and Ocean Counties, perhaps we would not be sitting here and reviewing the things that need to be done.

We have now got it going. We have the State looking at the problem. It has been a frustrating experience to stand on the floor of the Legislature and tell our fellow legislators what our problems have been in older cities like Asbury Park and Bradley Beach and Point Pleasant. Finally, we now, after a long time, have legislation in place, in committee, directing direct wiring of fire alarm systems to fire companies, and directing that we sprinkler boarding

homes. And, legislation has been in place to provide funding for loans to owners of boarding homes and nursing homes so that they can borrow money at low interest rates in order to do this.

These tragedies, as you point out, have now brought into focus these problems, and we must capitalize on that focus that has now captured the attention of the people of the State of New Jersey. You in the firefighting business have to help us put together a model code and a definitive method for us to monitor fire safety regulations in this State. I think this is a good time to grasp at all of the things that need to be done and to push for this legislation.

I hope it will not have to wait for the next administration and that we very quickly act on the recommendations brought forth to this Commission, and that the Commission puts a package of bills together as the output of this Commission's activities so that we can all go together, bipartisan and nonpartisan, to the Legislature and quickly have put into place the laws that we need. Thank you very much, Dan, you have done a lot of work for us.

MR. MAHONEY: Thank you, Assemblyman Villane.

MR. DRIES: Thank you very much, Inspector Mahoney.

Ladies and gentlemen, the reason I mentioned Mr. Jablonsky's name is the fact that he served on that Federal Commission in 1972, and that Commission was instrumental in the report to the President called, "America Burning." We are just repeating in this presentation exactly what was said in 1972.

Are there any other questions from the members of the Commission to Inspector Mahoney? (no questions)

Captain Edward Williams, Long Branch Fire Department. Is Captain Williams here?

E D W A R D W I L L I A M S: I am Captain Edward Williams, Long Branch Fire Department.

Ladies and gentlemen: There is no question that we need a strong fire code. A fire code is sorely needed in the State, a uniform code that covers all. It has been suggested that a committee be formed, a standing committee, that would supervise this code. That is probably the best method of handling it. However, that committee must be strong in fire orientated representation. We must have people who are in the inspection end of fire, and people who are in the extinguishing end of fire - suppression - people who know and who have knowledge.

The code that should be considered has got to be a strong code and a code that is flexible, a code that can be changed, if needed, in our area. We have problems that the mid-West does not have. We have salt air corrosion, for instance, and other similar problems. We have these problems today particularly with factory-built chimneys. If you talk to people who build chimneys and operate out in Wisconsin or Minnesota, they are not at all familiar with any type of salt corrosion; so, therefore, their chimney can be built with zero clearance. We cannot have that here because we are going to have corrosion, particularly along the shore. If you do not believe me, just walk outside and you will see that everything is corroded.

We have to have some of the change procedure at the local level. Presently, under the building codes, it has to be at a once-a-year, national, or area-type meeting. We have to get that brought down to the local level. Most towns work under caps. We cannot afford to send people to these meetings. We might be able to send a paper up, but without lobbying for it, it doesn't stand much of a chance.

I heard the word "minimum" code used. Minimum is not enough, not in fire. Our building code is a minimum code. In building it really isn't enough either, but fire has to be stronger. We have to have the power at the local level to make those changes which are necessary for that particular area. Certainly, farm country and West Monmouth County would not have the same problems as the concentrated population in the shore area. We would both have problems and we would have to have our own ways of handling them, and not necessarily through a state level code, but through something over and above the minimum the state gives us. The state has to provide the fire service with a clearing house for their problems, some place where you can pick up the phone and express your problems to someone who is knowledgeable, to someone who, if they don't know the answer, can get the answer, someone whose answer will be the same for the man from Bergen County as it is for the man from Cape May County. Right now, many of the small towns are running into things they never had before -- senior citizen high-rise buildings, and factories moving into the rural areas. People are not up with it. They are not used to it. They are not familiar with it. With some of the new products that are coming out today, there is no way we can find out unless we call BOCA in Chicago, and sometimes they are not aware of it because it is a local product. Calling the state right now is difficult because they are not always aware if it either.

Fees -- recently a Rooming and Boarding House law was passed which, when enacted, gave the state the power to charge fees to the rooming and boarding houses, taking the fees away from the local municipalities. But, there is no one to make inspections, so the municipalities are expected to make the inspections and the state has the money. That can't be in the fire service. We work under caps and the local municipalities don't have the money to pay inspectors if they can't at least charge fees, or at least get some of it.

We need one code for all the departments in the state. Presently, we work under many. I heard Mr. Connolly say that, and I am one hundred percent in favor of it. We just can't have each department operating their own fire code; we have to have a state code for all departments.

We have to have an appeal process whereby when there is a local problem it can be appealed, similar to the construction board of appeals. But, again, this has to be with fire-oriented people. We must keep the enforcement local. It is many times easier for a local magistrate to suspend a sentence with the proviso that the correction be made within a specified period of time than it is for the administrative fine to come down from Trenton. Fire code violations must be corrected right away. They cannot be held off. They cannot wait thirty days in many cases. You can condemn the building and get everybody out of the building, but if you have a multi-family dwelling, where do you put the people? There are many problems involved here that are serious, and you have to have it. So, it has to be able to be handled swiftly, and if it can be done on the local level, the proviso should be for it to be there.

Gentlemen, thank you.

MR. DRIES: Captain Williams, in your presentation, at this point in time, is reference made completely to the proposal for a Uniform Fire Safety Act that the DCA has submitted to the Commission?

MR. WILLIAMS: Basically yes, and what Mr. Connolly said here today.

MR. DRIES: Thank you. Are there any questions from the members of

the Commission?

CHIEF SCHILLING: Yes. Captain Williams, the comment you made on the commission you thought should be established, early in your presentation, are you saying that you are in favor - and since I am in the fire service I want to make sure that when we talk to that commission we are on the same side - of a commission, but you feel that more representation from the fire service is necessary? Is that what you are saying?

MR. WILLIAMS: That's correct. There should be more representation from the broad scope of the fire service.

CHIEF SCHILLING: Then you are coming back to the DCA proposal.

MR. WILLIAMS: The DCA proposal, I think, showed three people from the fire service out of twelve, and that to me would be lopsided. If that was a medical board, you certainly wouldn't only have three doctors on it.

CHIEF SCHILLING: But, you are not objecting to an advisory commission, per se?

MR. WILLIAMS: I think we need an advisory commission, sir.

CHIEF SCHILLING: Very good. One other question. You said that you feel the local level should have more jurisdiction, or that is what I understood you to say. Are you talking about state level, county level, or municipal level?

MR. WILLIAMS: Municipal level so that the municipal government can have an ordinance. For example, for years, in my town, we had an ordinance which said that all nursing and boarding homes had to be connected to our alarm system. In 1972, when the Rooming and Boarding House Law went into effect, that was not part of it. It is now, but that is the type of thing I am talking about. If I have something that is good, don't take it away from me. Basically, that is what was happening there, and that is what I don't want to happen here.

CHIEF SCHILLING: Would you consider this suggestion to this advisory board?

MR. WILLIAMS: Yes.

CHIEF SCHILLING: Thank you.

MR. DRIES: One thing I would like to make a comment on is that has been a constant argument throughout the fire service, where you have less restrictive versus more restrictive. I have always felt that if you had the more restrictive, it would meet the code in its entirety.

One question I have to ask you is: You discussed the rooming and boarding house fees, and I was given to understand that those fees are completely-- Your fees, for example, on the local level, are now wiped out and the state receives all fees?

MR. WILLIAMS: That's correct.

MR. DRIES: But, you do the inspections?

MR. WILLIAMS: Well, the state does not have the manpower at this point to make all the inspections. The state does have some people making some inspections, but in no way are they enough. In my town they have made maybe five or six out of maybe forty-five.

MR. DRIES: Mr. Connolly mentioned in his proposal something about fees that would sustain the local fire department as well as the state if the inspections were accomplished by either local or state inspectors. Has that question been addressed, Mr. Connolly, in the rooming and boarding house regulations?

MR. CONNOLLY: The enactment of the proposal we suggested would resolve it. There are deficiencies in the Rooming and Boarding House Act, and we had to attack the problem on a narrow base. We didn't have a broader base, and that is one of the most obvious ones.

MR. DRIES: In other words, the DCA realizes that is a deficiency area, and you are doing some work to correct it. Thank you very much, Mr. Connolly, I didn't mean to ask you the question, but now is the time.

Are there any other questions from the members of the Commission? Assemblyman Villane?

ASSEMBLYMAN VILLANE: I just think it is important that we stress that point, and maybe you want to make it again. The fees from the local level go to the state, and in fact they don't have the funds at the local level, with the present caps, to do the job we need, for instance in a town like Long Branch or Asbury Park.

MR. WILLIAMS: That's right.

ASSEMBLYMAN VILLANE: What fees exactly are we talking about, Captain?

MR. WILLIAMS: Well, originally the boarding house and rooming house fees in Long Branch were a per room fee that was charged. Under the new boarding house and rooming house fees, it is a flat fee. If you have a rooming house, it is so much, if it is a boarding house it is so much, and if it is a sheltered care or a residential boarding house it is so much.

ASSEMBLYMAN VILLANE: Regardless of the size?

MR. WILLIAMS: Yes. It starts out at \$75 as the lowest fee. So, the person who used to have, in Long Branch say, four rooms that they rented, they used to pay a fee of somewhere in the neighborhood of eight or twelve dollars -- somewhere in that neighborhood. Now they are paying \$75, but the city gets none of that. We used to get the full twelve dollars.

ASSEMBLYMAN VILLANE: Now that money used to help finance the inspections?

MR. WILLIAMS: That paid for our inspectors.

ASSEMBLYMAN VILLANE: That is a good point. I thank you very much, Captain.

MR. DRIES: Are there any other questions of Captain Williams? (no response) Thank you very much, Captain.

I might make mention that Captain Williams, as a member of the Long Branch Fire Department, is also representing the Monmouth County Fire Prevention Association.

The next gentleman who is on our witness list is Fire Inspector Patrick Townsend, Township of Neptune, representing the Monmouth County Fire Prevention Association.

P A T R I C K T O W N S E N D: Good morning, and thank you for having us here this morning. My name is Patrick A. Townsend. I am the President of the Monmouth County Fire Prevention Association, and I am a Supervisor in the Neptune Township Fire Department.

The Monmouth County Fire Prevention Association has reviewed the need for a State Uniform Code - fire code - and has the following recommendations:

A standing commission of fire oriented people be formed. The Commission would promulgate and review the code. The standing commission would be under the office of the Attorney General, with the present State Fire Marshal being transferred to head this department, under the direction of this standing committee.

The code to be used would be the BOCA basic fire prevention code and the National Fire Protection Code, with amendments to provide more stringent regulations, where needed. There shall be an appeals process provided for in this code.

Inspections will be at the local level, unless assistance is requested. Enforcement will be at the local level, with violations being handled in the local municipal court.

The qualifications of the commission members would have to be spelled out by this present Governor's Committee. The commission would meet on a regular basis and handle all requests for changes, updating, and other code business. The committee would direct the present Fire Marshal in his duties of day-to-day operations of the office. A staff of fire oriented personnel would be provided to answer questions, verbally and in black and white, and assist local inspectors with problems.

Local enforcement is necessary. Fire codes must be administered swiftly. A fire hazard left for a period of time continues to be a hazard, even though it has been identified. In order to rectify the hazards, they must be removed or corrected. We cannot wait for letters to travel back and forth to get compliance.

The code should be applicable to hotels, motels, shopping malls, night clubs, places of assembly, schools, large offices, and places where fire hazardous materials are used and stored.

The Monmouth County Fire Prevention Association hopes that this Commission's findings are in line with our recommendations as to the health, safety, and welfare of the State of New Jersey. Thank you.

MR. DRIES: Thank you very much, Inspector Townsend. Are there any questions from the members of the Commission? Wilbur Lind.

MR. LIND: Does your organization have any ideas on the makeup of this commission? By that I mean, what type of membership would you recommend serve on this commission?

MR. TOWNSEND: With regard to type, do you mean fire orientated?

MR. LIND: What type of person do you feel, or does your association feel, should serve on this commission?

MR. TOWNSEND: We feel they should be fire orientated. The majority of the people on there should be firefighters, fire inspectors, fire subcode officials, and things in this line.

MR. LIND: Thank you.

MR. DRIES: Are there any other questions from the members of the Commission? (no questions)

Your remarks, again, are related to the proposal made by the Department of Community Affairs, with reference to a Uniform Fire Safety Act?

MR. TOWNSEND: That's right.

MR. DRIES: That's the commission you are referring to?

MR. TOWNSEND: Yes.

MR. DRIES: I just asked that for clarification. Are there any other questions from the members of the Commission? (no questions) Thank you very much, Inspector Townsend.

MR. TOWNSEND: Thank you.

MR. DRIES: Thank you very much for appearing today.

Our next gentlemen to be heard as a witness is Captain William Harrington, Asubry Park Fire Department, representing the Monmouth County Fire Prevention

Association. (not present)

The next gentlemen listed as a witness to appear before the Commission is Mr. Daniel M. McGee, from the American Iron and Steel Institute. Mr. McGee.
D A N I E L M. M c G E E: Mr. Chairman, members of the Commission, my name is Daniel M. McGee. I am a licensed engineer in New York -- New York and New Jersey. I can't forget New Jersey. I represent the American--

MR. DRIES: Excuse me. Can you raise the mike just a little bit? I think we are having a problem with the volume. It may be your height or the mike's height It is either one, but it one or the other.

MR. MCGEE: How is that, better?

MR. DRIES: Yes. Thank you, Mr. McGee.

MR. MCGEE: I feel like a singer. Shall I start over?

MR. DRIES: Yes, sir, please.

MR. MCGEE: Mr. name is Daniel M. McGee. I am a licensed engineer in New Jersey and I represent the American Iron and Steel Institute. You may perhaps wonder why the American Iron and Steel Institute has an interest in your work. Our members are the producers of basic steel. Our members in the United States produce over one hundred million tons of steel a year. Some thirty million of those tons go into building construction, so we have a sincere interest in reasonable and proper regulations for building construction.

The first thing I think we would like to do is to endorse the work of this Commission. We think you are on the right track. We hope you continue. If we can ever provide any information or assistance in areas of statistics, building codes, or things we have done in other states, we would be glad to help. As Mr. Lind and Mr. Jablonsky know, we have published many books pertaining to fire protection, one of which is: "Fire Protection for Modern Building Codes." It is a rather large volume. We make that available at no cost to building officials throughout the country. It has been published since 1944 and thousands of copies have been provided to building officials throughout the country. In fact, it is being used now, I understand, by many of the men who are teaching the courses in New Jersey for construction officials.

The second item I would like to comment on is the New Jersey Uniform Construction Code. We endorsed its adoption, and we believe the Bureau of Uniform Code Construction is doing an excellent job in administering it. The Bureau has kept this code up to date and it is demonstrating not only to the State but to the nation that a model code, written under the voluntary standard procedures, can be adopted without impairing local needs.

In that same area, I would endorse most of what Mr. Connolly said regarding the use of the BOCA basic building code and perhaps possibly the BOCA fire prevention code.

We urge the Commission to look carefully at the several so-called "fire codes" that are published by various organizations. If a fire code is to be adopted, it should be a so-called "fire prevention code"; that is, a code concerned with the maintenance and the upkeep of fire detection, fire extinguishing, fire alarm equipment, and also it should regulate fire housekeeping procedures. The fire prevention code should not, however, regulate construction features of buildings, particularly new construction, as these matters are presently regulated by the State Uniform Construction Code. Any shortcomings uncovered by this Commission in the area of building construction should be incorporated into the building

code, not into a fire prevention code.

We would like to urge the Commission to take caution before it considers recommending the adoption of N.F.P.A. 101, the so-called, "Code for Safety to Life from Fire in Buildings in Construction" as a fire prevention code. I am sure anyone who would comment negatively on that document would be considered to be perhaps wearing a black hat. However, that document, in my opinion, is neither a fire prevention code nor a building code. I don't know what it is anymore. The original title was, "The Building Exit Code" in 1927. Today, including the index, it is over 524 pages, and it contains many requirements that conflict with the Uniform Construction Code. Although it is a good guide to designers, I do not believe it is suitable for regulatory adoptions. I might add that New York City, which has very good control over building construction, does not adopt N.F.P.A. 101.

We would seriously recommend that a fire prevention code that is compatible with the Uniform Construction Code that has already been adopted be recommended for adoption by this Commission.

In closing, I think if you really want to curtail property loss through fire loss, the Commission should recommend that someone start to look at the overall picture, and not just the building construction. Municipal water supplies, minimum pipe distribution sizes, minimum pressures, water service costs -- do they encourage or discourage the use of fire extinguishing equipment in a building? Fire detection equipment, fire alarms -- teenagers have telephones, why not direct connections to a supervised fire alarm system? I think it was mentioned by a previous speaker that you have to start looking at minimum controls on building content for public assembly, occupancies, hospitals, nursing homes, etc.

One other point: It is not just new construction that needs regulation. Existing buildings must be recognized as being a major part of the fire problem. If you go to hearings on energy conservation, you will hear the statement repeated over and over that something like ninety percent of all the construction that is in place now will still be here in the year 2,000. That same statistic applies to your problem. Building regulations, when necessary, can be made retroactive. People keep saying that can't be done. I think that was clearly proved by the adoption of the so-called "Local Law 5, of 1973" in New York City. This made very stringent retroactive requirements mandatory for high-rise buildings in New York City. That law has gone through all the courts and it has been found to be constitutional.

We, therefore, recommend that minimum fire safety requirements also be made to apply to existing construction.

I think these things will get at the real solution to the problem by preventing fires, or putting them out before they get large. Thank you.

MR. DRIES: Thank you very much, Mr. McGee. Mr. McGee, you made mention of a document that is printed by your organization, could you repeat the name of that document again?

MR. MCGEE. We print many. The book I was referring to is: "Fire Protection Through Modern Building Codes." It is now in its fourth edition; we hope to have a fifth edition out this January. It has been used as a textbook in the teaching of building officials in many states.

MR. DRIES: Thank you very much. Do you think that your organization, The American Iron and Steel Institute, could supply a copy of that to each member

of the Commission?

MR. MCGEE: The fourth edition is almost totally out of print. In January, we will be able to give you each a copy of the fifth edition.

MR. DRIES: In January would you take that under consideration?

MR. MCGEE: Right. I will be glad to give you the one copy I have with me.

MR. DRIES: All right. You give us the one copy as a matter of record.

MR. MCGEE: I will be glad to.

MR. DRIES: One other question. There were several points that you made that I would like to ask you a question about. One of them was, you were mentioning the fact that a fire prevention code should be compatible with a building code, which we are well aware of. We have, of course, considered BOCA because BOCA will complement the BOCA building code. You mentioned a conflict between the Life Safety Code and the Uniform State Construction Code. In what particular areas do you find this?

MR. MCGEE: There are many minor requirements that conflict, even the height of a riser is different in the N.F.D.A. 101 than it is in the BOCA basic code. There are provisions that pertain to where an assembly location can be -- whether it is below grade or above grade, and that can affect the type of construction in which an assembly occupancy can be housed. The BOCA code doesn't contain such requirements.

MR. DRIES: I see.

MR. MCGEE: There are others, I am sure. I can't think of them all right now.

MR. DRIES: As you realize, we are trying to put it all together. We don't want ten documents for every inspector in the State of New Jersey to look through. We are trying to put it together, so we appreciate your comments.

Are there any other questions from members of the Commission? Dr. Villane.

ASSEMBLYMAN VILLANE: You are not connected with BOCA or with the people that write that particular code yourself, as I understand it. Of the things we were talking about -- we were talking about a fire safety code, I think it is called 101, and a BOCA code -- would you recommend that we accept either one or both of those, or that we should work with BOCA because of the Building Construction Code? What would your recommendation be?

MR. MCGEE: As an industry, we have endorsed all of the so-called model building codes. There are now basically three. Some people say there are four, but basically there are three actively being used. In a state that has adopted one of those, as you have, the BOCA Basic Code, we would recommend that you adopt the BOCA Fire Prevention Code because they are written in a very compatible manner. In fact, over the last few years, they have made an effort to revise the Fire Prevention Code to delete provisions that might conflict with the Construction Code, and they have done the same thing in the Construction Code. They have taken things out of the Construction Code that are covered in the Fire Prevention Code.

ASSEMBLYMAN VILLANE: I think the other important point that you made is retrofit. I think that the fire prevention code, as you recommend, must address the problems of existing facilities, like some of the problems we have in our shore towns. I think when we do that, we will take that into consideration:

retrofitting those buildings to meet the fire prevention code. That is very, very important.

While I have the microphone and while I am the Assemblyman that represents this District, Asbury Park particularly, I have to put a plug in for my town. I tricked the Commission into driving all the way down here to the Jersey Coast because I wanted them to see what a beautiful town we have here in Asbury Park, and I wanted them to see our beautiful ocean and these wide streets we have and our convention hall. This is the boccie capitol of America. It is the home of the baby parade. It is the home of a great boat show. And, it is the landing site for Christopher Columbus every Columbus Day. They have great camper shows and ceramic shows right here in Asbury Park. And, as you travel around the State, gentlemen and ladies, we would like you to tell people how nice Asbury Park is.

We got great cooperation from the Mayor and the City Council, but I just want to point out one thing that you have to understand. Because Asbury Park is an old city and because we have old buildings and old hotels, Asbury Park has been made the place where Institutions and Agencies has relocated patients. Clearly ten percent of the population of this municipality is people who were formerly in psychiatric hospitals. So, we can't let that happen to one town. I think that burden has to be shared by many other municipalities because we don't give to the municipalities the additional things they need to treat those people -- psychiatric help, physical therapy, and recreation. So, while I have you here in Asbury Park and while I am telling you about our pretty Jersey shore, I want you to know that we also have a lot of problems that you people have to be aware of. Thank you very much for your testimony.

MR. DRIES: Thank you very much, Assembly Villane. We will now have equal time from Assemblyman Cowan from Jersey City.

Before we continue, were there any other questions of Mr. McGee from the Commission? (no questions) Thank you very much, Mr. McGee.

Fire Inspector Mahoney?

MR. MAHONEY: Mr. Chairman, may I interrupt you for a moment? We have some coffee ready for the Commissioners, if you would like to take a break. It is also for the people who are witnesses and who have provided testimony here today. It is being served in Exist G, upstairs.

MR. DRIES: Okay. Thank you very much, Inspector Mahoney. I would like to continue with the hearing. I think we should go through the hearing first, before we take a break.

We have a request from Mr. Addeo. Now, I introduced Mr. Addeo as Sam the last time and someone handed me a note that your name was Daniel. What is it?

MR. ADDEO: Sam. (laughter)

MR. DRIES: I thought maybe you have a brother in the audience and you were working together with him as City Manager. Mr. Samuel Addeo, City Manager from Asbury Park. Mr. Addeo.

MR. ADDEO: Yes, Mr. Chairman, Commissioners, I am here today, obviously not as an expert in fire safety but as a local official who is very much concerned about this area.

I just want to give you a little bit of background and then give you my humble recommendations, as a layman. For almost a decade, we have grappled

with the problems caused by the conversions of large, single family homes into multiple dwellings, and our hotels into rooming houses. When the State implemented its deinstitutionalization order, it literally flushed thousands of patients out into our communities. These communities were ill equipped to handle this population. The support we received from some agencies charged with helping the deinstitutionalized patient was minimal. In fact, we sometimes had the distinct feeling that we were bothering everyone by bringing the situation to light.

For the better part of ten years we struggled, we felt, alone. We were concerned about the impact on our neighborhoods. We were concerned about the impact this population made on our services in our cities. But, our primary concern in 1972, as it is now, was the residents of these homes: the senior citizen, the physically and mentally handicapped. If some of my fellow bureaucrats had the same primary concern, we might not be here today.

We did the best we could in the period between deinstitutionalization and Public Law 3111. We monitored activities. We enforced codes whenever we had sufficient staff. And, we tried to deliver social services to the deinstitutionalized citizen, which at times, as Dr. Villane pointed out, reached ten percent of our total population.

Added to a senior citizen population of almost 30%, you can see that we had a disproportionate burden to carry. I might point out that Asbury Park, Long Branch and Freehold in Monmouth County were the towns most adversely impacted by deinstitutionalization.

Through this whole period, the one question we were almost afraid to ask was: What if there is a fire? We know all too well the results. I am amazed there were not more tragedies like the Brinley or Keansburg. Perhaps this is a tribute to our paid and volunteer firefighters. However, I think if you ask them, they will all agree that we were very, very lucky.

Over the past few years there has been a rush to deal with these problems, and there is slowly developing a comprehensive plan. You Commissioners are fashioning a key piece of that plan. Fire safety must be a cornerstone for any long-range planning and regulating boarding homes, residential health care facilities, and rooming homes. Its importance cannot be overstated. In my opinion, any fire code must contain some basic elements. It must have the ability to be applied statewide. It must be strict enough to have an impact. It must be uniformly enforced. It must be administered at the lowest level of government. I believe that there should be several models available to choose from, giving the local jurisdiction a choice; however, they must all contain the same basic elements. As the Fire Inspector from Long Branch pointed out, Monmouth County, and particularly Asbury Park, has some very different problems than does Salem County and even Jersey City.

To have enforcement at the lowest level of government, the State should encourage municipal fire departments that have enforcement capabilities to regionalize with its neighbors that may not have that ability. If it is impossible, towns should band together to hire fire code officials, or a county should provide services. The administration of these programs must be checked by a higher agency, obviously the State.

One additional point which was raised earlier is that many different state agencies regulating different aspects of the various types of housing in New Jersey should have one code for all departments, with central enforcement

and coordination. This would go a long way in straightening out the present labyrinth of rules and regulations that exist.

In conclusion, once again I must point out the importance of a uniform code. It is a basic requirement for the sound regulation of multiple dwellings and the provision of basic life safety. Thank you very much.

MR. DRIES: Thank you very much, Mr. Addeo. Are there any questions from the members of the Commission?

I think you just reinforced, really, the reality of what the Assemblyman spoke of, about your particular problems in this area which are unique to probably a lot of the other areas of the state. Those problems have to be addressed by the Commission, and they have to be looked at in the total concept.

If there are no questions from the members of the Commission, we have a Mr. Henry Dour who is from the Miami Plaza Hotel, and who represents the boarding home community of Asbury Park. Mr. Dour, would you like to approach the Commission and say a few words?

H E N R Y D O U R: Good morning. My name is Henry Dour, from the Miami Plaza Hotel Boarding Home.

MR. DRIES: The Miami Plaza Hotel is a boarding home?

MR. DOUR: Yes. It used to be a hotel.

MR. DRIES: I see. Thank you.

MR. DOUR: I was just going to say I am 65 years old, but I am 75 -- because I never tell a lie.

MR. DRIES: No cheating.

MR. DOUR: No. This is going on my sixth year in a boarding home situation. I am very privileged to be among all you learned men and women. I am not, and I am humbled to have this opportunity to speak about a certain view that does not originate with myself, but from what I read -- the testimony of others and my own testimony -- and concerns a certain vision that I have regarding life-threatening existence in boarding homes. We believe that our very lives are threatened from many angles. I will touch upon them briefly, but help me to stick to one thing -- fire protection. Were it not for this issue, I wouldn't be standing here.

Our fear is fire, of every evening going to bed not knowing if someone will smoke in a room, or if there will be another short circuit in the very fire alarm which is there to protect us, causing a fire. We have had many fires in Asbury Park. The fire department knows about them. They have been very exact in coming there. They have been dedicated in their heart to teach us. The Chief came. I thought perhaps he had a relative in our place. He showed us how to get out, how to use the fire escape -- if you can really make it -- and he showed us all these things. But, all these protections -- they are not foolproof. We had a fire the other day, and the alarm wasn't heard by anybody. One of us discovered it, and we got out -- thank God. Of course, we did have the fourth floor of our building burned off. We have had about six or seven fires, would you say? Many they responded to. The alarm short-circuited. Many times when there should have been an alarm and people notified, no one knew about it.

We have many people in our hotel from the Brinley -- from the other fire. They are fearful. They go to bed at night and their hearing aid is off. What is going to protect them? What is going to protect the other ones that are heavily sedated? We are in a very life-threatening situation.

The State knows the answer. You heard some beautiful words from the State. Promises. Promises. Promises. I suggest the State has an interest in this. They could even be the originators of my problem. I was taken out of a safe situation and brought into this life-threatening one.

I will touch upon those few little life threatening situations. We are frozen to death. Last year, six of us died because we did not have the proper heat. Only the fire situation is allowing us to talk about that. I spent, at the brink of death a little over a month ago, time in the coronary care unit, and the doctor said: "He didn't have the proper food or nutrition." We literally are given slops to eat. How can a sick person get well on slops, when the minimum standard that the government puts out is not even adhered to? The very laws of the State of New Jersey are not being enforced or lived up to. They care less whether we have the right heat or whether we are safe. Even the Governor -- he is not impressed with sprinkler systems. He says: "I don't think it would help many people." The record is proven that no one has ever perished in a boarding where they had fire sprinklers -- not just only in the halls, but where the fire originates: in closets, in bedrooms, and in toilets. He wants to exempt that. Why? The dollar. Why do you think he put us in this unfortunate, life-threatening situation? It is just a dollar situation. Save money. It costs about \$40,000 to keep me safe. Now, it costs the state less than a couple of hundred a year. Uncle Sam is picking up most of it in the Medicare-Medicaid Program.

Now that Washington is creeping into the very boarding house scene that we are in, they feel bold enough to reduce our food. Our cost-of-living, twelve increases, has gone to the boarding house operator. If he knows that I am here now, he will threaten me with moving -- just because I am telling what the condition is. They don't want to hear the truth.

The truth is, the fire department knows that in such a situation as the tinder box that we are living in, the residence needs fire sprinklers in every area of the place -- storage rooms, rest rooms, no matter where.

The State, I believe, is the culprit. Look at the boarding house rules that are in effect today in your boarding house manual. Do you have one of those that govern boarding house operations? There are so many loopholes, it is like a sieve. Nobody is made to get sprinklers. It is arbitrary. They close down whichever one they want. They closed two in Ocean Grove. Very nice Christian people. They wouldn't want anyone to be burned. They closed them first. Then they closed down another one. Our place, a tinderbox -- five or six fires -- any moment can burn down because of the nature of the people and because of the nature of the building. I don't know why they are putting that much money in it; it is not going to last that long, and neither am I. I hope I didn't get myself off the track.

But, concerning the laws, if you took this very law today, the State is nebulous. It favors one. We are being favored. There is one delay after the other. They are pussyfooting about putting in something that is life-threatening. We want it in now. And, the State should pay. Do you know why? And this is my opinion from what I gathered. The State originated this problem. They had a cute idea about taking us out of a safe environment and going to my landlord and saying: "Look, we have some people here who are willing to pay money to live in your place. Your place is beautiful. It has nice ceilings and everything is adequate." All of a sudden, because of the fires, they are hitting the owners

over the head. How can they pay \$50 or \$75 thousand dollars? I wouldn't invest that in that building -- that "adequate." But, they are finagling a deal now. I don't know how long it is going to take. He should have had sprinklers in by the 15th. Why didn't he? Why is the State selective?

I am coming to a conclusion, so please bear with me. The State is playing "footsie." They want to get out of paying for it. Who do you think is going to pay for the sprinklers, if and when we get them? I am. The next fellow is. We are going to pay for the sprinklers out of our heat check that we are supposed to get for heavy underwear, heavy socks, a nice sweater, and another blanket. The State is trying to get out of that -- cheating the government.

They are taking out of my allotment now \$12.50 - the little raise I got from the government. They should be ashamed. There is enough money set aside from the gambling casinos to pay for sprinklers all over. No. They put that in the general fund, I read. There is enough money, that the State of New Jersey used for these silly people running for Governor. It would have paid for all the sprinkler systems. They don't care. There was enough money to build a pipeline across George Washington Bridge and never a drop of water went through. It would have paid for all the sprinklers in the State of New Jersey. They don't care. They are more interested in a old pine tree down there, or a broken down horse farm, or to get their name on the gambling sports complex. Now, I hear the latest -- this same individual wants to be the Baseball Commissioner. We have a job open in this town that I think he is well suited for -- it is the dog catcher. (laughter)

Now, I want to touch on these other life-threatening things and then I want to conclude concerning fire. We are starved to death. How narrow-minded. They spent about \$30 thousand for my coronary care in the hospital. Couldn't they have given us a little better food, food that met the standards of the very law they have? Couldn't they give us the heat there? Six people died from the lack of heat that their very law claims we should have.

Now, here is another life-threatening device. We are jumping out of windows now, did you know that? Discouraged. Do any of you know the bottom line of discouragement is hopelessness, and the only way you can go is out the window? The town had a little finger in this too, calling us "human litter," "unwanted," "the cause of all their problems." I think they made a mistake. I think you made a nice plea about what we have -- the boardwalk, the sun, and everything -- but, we don't need to be attacked. We have a constitutional right to be in any city we want. What has the town got to say? "You can't live here." Nobody else wants us, where can we go? I suggest if you are nice to the people you should be nice to, you get the blessing of God. You wouldn't have the broken down city you have. Don't blame us for the faults of the city. You are bringing it on yourself.

I travel up to North Jersey and I hear on the train: "Asbury Park? Forget it. Nobody in their right mind would open a business there." You are judged by how you treat the poor and the helpless. A word to the wise: Why don't you try to enlist them into your services instead of criticizing them? I think you should put a stop to that.

Then, the last life-threatening thing is starting in our very building. I was called in by the manager the other day and he said: "Cut out talking about this place." But, I said: "It has to come. I am only voicing what the others see and what I see and read." He said, "Don't you like it here?" I said, "I

like it here; show me a better place." He said, "Stop talking." I said, "I can't stop talking. I have to tell the truth."

Now, getting back to fire. I say that the sprinklers should be put in immediately, in any kind of a building that houses the amount we have -- that is: over ten, and over one or two stories tall. This should be done right away. The State should do it. They shouldn't ask the boarding home people or me to pay for those sprinklers, nor do it in a crooked manner. They shouldn't do that.

Now, the fire department has a wonderful heart. They are our friends. They are more dedicated than anything. Who knows better if a building is safe than these people? They live in them. They go to them. They see it. Their word should be the bottom line -- it should be law. The State should have a law, yes. But, these people should usurp the State when it comes to life and property. If they say a building is not safe, they should be the ones to say, "Look it isn't safe, and if you don't believe me, take me to court." What we need is a friend. The boarding home people don't have a friend. We are friendless. Even our relatives don't want us. They don't want anything to do with us anymore. The fire department needs guts to stand up and say: "Look, this is what the situation is. We want it now. We are the authority here when it comes to our town. State law is fine. It has to be written anyway. But, we know what it is. We have to put up our lives to go in there and rescue these people." I'll bet if we had another fire that was life-taking, who knows but that the firemen will be killed too.

I say that is the thing: get the sprinklers in now. Let these people have the bottom line say on what is safe and what is not. If a boarding home isn't safe, close it up. If it all right, put sprinklers in, and let the State do it. Thank you.

MR. DRIES: Thank you very much, Mr. Dour. Mr. Dour, can we ask you several questions, if we may?

MR. DOUR: Not too simple.

MR. DRIES: Is this the document you were referring to: "Rooming and Boarding House Act of 1979" -- the regulations governing rooming and boarding houses?

MR. DOUR: That's it. To my knowledge, it is the second manual and it is smaller. But, this may contain the same thing. See what it says there about sprinklers -- very little about it.

MR. DRIES: The other question I have, if I may, is: How many residents are in the facility you live in?

MR. DOUR: About 60.

MR. DRIES: How many stories is the building?

MR. DOUR: It used to be four, as I said, until the top floor burned off; now it is only three.

MR. DRIES: Thank you. Fire suppression equipment has been a constant discussion at the Commission level and I think the majority of the Commission agrees with what you said about built-in fire suppression.

Are there any other questions from the members of the Commission? Wilbur Lind.

MR. LIND: Mr. Dour, in the last two years, say a social agency has decided the people who formerly lived in an institution-type building were to

be removed from those buildings and placed in rooming and boarding houses in Asbury Park and other municipalities, do you feel they would be better off in state institutions?

MR. DOUR: I came from an institution. I came from Marlboro six years ago.

MR. LIND: Do you really feel that everybody that was released and told to go from an institutional building to a rooming and boarding house should have been? Or, do you think some of them may be better off, for the own safety, in an institution?

MR. DOUR: Well, I can mostly speak for myself. There was a Congresswoman Fenwick, and she recently said that the psychiatric profession better get their act together. I really don't think they know what they are doing most of the time. They throw a simplistic medication at a person. You know, for four years, I didn't know food, heat, or fire. I didn't know from nothing. But, I recently woke up because friends in the place shook me, and some of the Outreach programs made me wake up to the hazard in this. I think it would be wonderful to start and do something now because this problem is going to be so big in years to come. Many of you people may not want to be, but you may be in the Miami - if it lasts that long - yourselves. Time goes fast and hospital bills clean you out of money, so where are you going to go? You have to live on your social security.

ASSEMBLYMAN VILLANE: Mr. Dour, I want you to understand that most of us here -- all of us here, especially those from the shore area -- are concerned about your safety. We are concerned that people at the State level, perhaps, have directed you, and friends of yours, and other people into what we consider to be perhaps not the safest situation. Our responsibility is to you. Our responsibility is really to those people who can't provide for themselves. I don't want you to live in a home that is a fire hazard. I don't want you to be over-medicated and roaming the streets. I don't want you to walk the streets and freeze to death, like we have had some people do in this county. I don't want the five people that burned in Seabright to be burned alive because they couldn't provide for themselves. I don't think you ought not to have the adjunctive service that you and some of your fellow residents of the Miami need. That is why we are here and that is why we are concerned about you. That is why we think that everybody owes a responsibility to you and to the other roomers at the Miami. Don't misconstrue what we are saying.

What I am saying is, we just can't put them into a room in Asubry Park and forget about them because they have been taken out of a place like Marlboro, where there were 14 people in a cottage, and put them into a boarding house, like yours, where there are 60. So, our concerns are for you and about you. We want to help you.

MR. DOUR: I believe you are sincere, but you could be sincerely wrong. Look at it from the point of those who have had the experience. Where could I ever get a voice, where this Chairman was so gracious? Did you ever call us down and ask us how we could contribute toward the city?

ASSEMBLYMAN VILLANE: When you came to Asbury Park--

MR. DOUR: I'm not knocking the city. I came here 26 years ago for one reason. I have those little pimples all over me. A nervous--

ASSEMBLYMAN VILLANE. Herpes.

MR. DOUR: No. That's from kissing. I'm against kissing. Shingles.

ASSEMBLYMAN VILLANE: Shingles?

MR. DOUR: Shingles. And, I stumbled down here to Asbury Park.

ASSEMBLYMAN VILLANE: Beautiful.

MR. DOUR: The sun. The fresh air. You have such an asset. Sun, fresh air, and water. I think -- you know what changed my luck? It could have been today, because I feel so lucky to speak to you. I said to myself, "Why doesn't Asbury Park feature the boardwalk, because the other boardwalks are "poo-poo." In other words, they have the dog shows and everything. And, what do you think? For the first time in my life in Asbury Park, as I came down this walk, what do you think I stepped in?

ASSEMBLYMAN VILLANE: You got lucky.

MR. DOUR: I got lucky. I'm telling you, the Lord is with us.

MR. DRIES: Thank you, Mr. Dour. I want you to understand that we are trying to put ourselves in the same position you are in, and many other people are in. Ultimately, we hope that we can come up with some good standards for life safety for everyone.

MR. DOUR: Could you tell me when the sprinklers are coming in at Miami Plaza?

MR. DRIES: I will have to discuss that with the rest of the Commission, and also get Mr. Connolly and Mr. Decker involved.

MR. DOUR: All right. But, don't form another committee to look into it.

MR. DRIES: All right. Are there any other questions from the members of the Commission? (applause for Mr. Dour) I think your final comment was well put.

MR. KOSAKOWSKY: I would like to point out one thing, in defense of the Governor. He did create this Commission with the help of the Legislature to try and take care of problems similar to this. It is only fitting in answer to the remark you made. The Governor signed the resolution that created this Commission, and hopefully we are going to do something about these problems.

MR. DRIES: That was said by Mr. Kosakowsky, President of the State FMBA, that Governor Byrne was instrumental in signing the legislation to formulate this Commission.

ASSEMBLYMAN VILLANE: Just for your information, Mr. Dour, under this particular Rooming and Boarding House Act of 1979, which is the law of the State of New Jersey, under 5:27-33, paragraph c, it says: "No licensee shall cause any resident to be evicted from any rooming or boarding house, except for good cause as defined in the law.

MR. DOUR: It says we are supposed to get good food, but we don't get that.

MR. DRIES: Thank you, Mr. Dour.

Is there anyone here who wishes to be heard today? Would you take the microphone and introduce yourself?

H A R R Y C A R T E R: Mr. Chairman, Assemblyman, ladies, gentlemen, and Commissioners, my name is Harry Carter. I am President of the New Jersey Society of Fire Service Instructors. I am a Captain in the Newark Fire Department and a training officer for the Howell Volunteer Fire Company No. 1.

I come to you this morning with a message that many of you may not want to hear. I just hope you don't practice the old Greek tradition of

killing the messenger. I go from the beginning. I back Mr. Connolly. I have worked with Mr. Connolly on many projects. Pat, Ed -- they have all said what has to be said. Fire is a multifaceted problem. It cannot be attacked on a piecemeal approach. This we recognize. But, I offer to you that at the end of this Commission's work - and I know you are working diligently, as I know several of you individually - you have merely made one patch in that total patchwork quilt of fire protection. Fire must be attacked from a single point. You must have a single state focal point, handling anything that has the word fire in its name. You cannot break it down into inspections, prevention, arson, suppression, training, etc., because each one doubles back on the problem at hand:

Arson -- arson in boarding homes; arson in nursing homes.

Training -- the people in the buildings have to be trained. The inspectors have to be trained. The suppression people have to be trained. Training is there.

Data -- data must be collected. It must be collected in a single manner and type, so that it is available to all in an equal fashion, an understandable fashion, to predict the arson and to predict the training necessary to prevent the arson and the hazard. I won't beat that point to death: that it is an inter-related problem.

My agency -- my Association, pardon me -- went on the record in January at our meeting for two important things:

Number one, we backed your Commission by a unanimous vote. We believe in what it is going to do.

Secondly, and more important to us, we voted -- again, unanimously -- to back the concept of mandatory fire training.

I will digress for one moment and one moment only. There are fire companies in this State, in this county, that I am personally aware of, where you may be voted in as a member one moment, the fire whistle blows the next moment, and you may ride that equipment, killing yourself and injuring innocent people. That has to be put to a stop.

Okay, back to the point at hand. My recommendation is simple and it is not multi-faceted. Until this State gets off its dead rear end and stops being 567 separate fire entities, and comes into one single point -- until we make this crucial decision, nothing will be accomplished and the work of your Commission will go for naught. We must have a single fire focal point at a significantly high level to accomplish all of these things that we have discussed today. Thank you.

MR. DRIES: Thank you very much, Captain Carter. What you are saying in so many words is, we need a focal point to coordinate the activities of the fire service within the State -- all activities. Is that what you are saying, in effect?

MR. CARTER: I am saying there is no other way to attack the program with any logic. There is a name that we will not use to describe what this shall be called because people don't like to hear that name. I use focal point. I use entity. And, for four and one-half years my wife has not seen me for great hours while I have been in Trenton, Washington, Boston, Toronto, and San Diego gathering the information that tells me that this is the only way. People on the Commission know of my work, and after all of this is said and done, unless you have one division of State government with everything that impacts in the

area of fire, you will have nothing -- unless you have that point.

MR. DRIES: Thank you very much. Are there any other questions from the members of the Commission? No other questions? Thank you very much for testifying.

MR. CARTER: I thank you for your time and your attention.

MR. DRIES: Is there anyone else who wishes to testify before the Commission? Would you step up to the mike, sir, and introduce yourself and the organization you represent?

L A W R E N C E Z A Z A R A: Good morning. My name is Lawrence Zazara. I am the Chief of the Millburn Township Fire Department. I am here this morning to represent the New Jersey State Paid Fire Chiefs. It will be just a brief statement I have to make.

I have to just repeat what the previous speaker spoke about. First, the New Jersey State Paid Fire Chiefs appreciate and support the work of this Commission. We hope that your recommendations will help us to better protect the citizens of this State. We hope, also, that through the recommendations a more improved State Fire Protection Code and better manning for the fire departments of this State will assist us to do a better job.

We ask also that you consider as a recommendation the office of a State Fire Marshal. As you know, New Jersey is one of the two states in the nation that does not have this office. This office will assist us greatly. It will enable us to get all the information throughout the State, not from just a local area. It will enable us to evaluate this information. It will enable us to make decisions so we can make programs that will have a meaningful effect on fire protection. This is what we ask. Thank you.

MR. DRIES: Thank you very much, Chief Zazara. Does any member of the Commission have questions of Chief Zazara? Thank you for appearing as a witness, Chief.

I would like Assemblyman Villane to say a few words.

ASSEMBLYMAN VILLANE: I would like to introduce the Fire Marshal of the County of Monmouth, Fred Leggett. If you would stand up, Fred. And, for some of you people who are volunteer firemen and who are interested in fire prevention, you have a lobbyist who is incessantly and constantly there. He is a good friend, and on a first-name basis with almost every legislator in the Legislature: Mr. Kennedy. Say hello to Mr. Kennedy. He watches out for the interest of the firefighters in this State.

When I went to the last Commission meeting, which was held in Trenton -- we had our last meeting in Trenton and our last hearing in Camden -- we went through a list of municipalities in the State of New Jersey that were sent questionnaires to ascertain the Fire Safety Prevention Codes presently in place in each one of the municipalities or counties, and we sent not only one but we sent out two to each one of the municipalities. When I asked how the results were coming in, they weren't too bad. I think there were about 47% of the municipalities who responded. I was disappointed to note that in Monmouth County alone, out of the 52 municipalities in one village, we have, I think -- and I will go over the numbers exactly for you -- there are 35 or 36 municipalities that have not responded to the questionnaire. So, as a sitting legislator in our own home county, I am appealing to you and to your municipalities to respond to the questionnaire. I know that Dan has recently sent his in from Asbury Park, so that clears one

of my towns. But, the rest of you who represent other municipalities, please see that your towns complete their questionnaire so this Commission can do the job that has been assigned to them. Thank you very much.

MR. DRIES: I would also like to recognize George Grillo, another good friend of the fire service, and quite a lobbyist down in Trenton for the fire service.

MR. KOSAKOWSKI: Glad to see you here today, George. Thank you for attending the hearing. We appreciate it.

MR. DRIES: Would you like to be heard?

G E O R G E G R I L L O: I would just like to say--

MR. DRIES: George, excuse me. She is making a transcript, George; you will have to come up to the mike. You are going to be taped to be on paper.

MR. GRILLO: I am George A. Grillo. I am President of the New Jersey State Exempt Firemen's Association. I am also Treasurer of the New Jersey Firemen's Home.

My brother firemen, all you folks on the panel, and any visitors here, if you would like to see a building that is properly fire protected, come on up and see the way your brother firemen are protected at the New Jersey Firemen's Home. We are completely sprinklered. We are heat and smoke detected. We are chamberized and compartmentized, and we have one of the finest facilities in the State for our brother firemen, paid and volunteer.

MR. DRIES: Thank you, George. Of course, the Firemen's Home is up in my area, Morris County, and I had an opportunity to visit there myself. I was very, very impressed. Of course, who should look out for their own, but us. Thank you for coming aboard, George.

Is there anyone else to be heard as a witness to testify before the Commission, before we close this hearing? (no response)

One thing I would like to remind any members of the fire service here of is that the survey sent out by this Commission is very important. It is very important for us to make our recommendations to the Legislature at a future date.

Mr. Robbins, do you have any direction as far as our November meeting? Okay. We have two meetings in November. One will be in Trenton. I believe it is the regular meeting of the Commission on the second Tuesday of the month. The fourth Tuesday of the month will be a Commission hearing - a public hearing. The Commission has agreed that the public hearing should be held in the evening, and right now, tentatively it is set for New Brunswick at Rutgers, the State University. That is tentative, but I would like everyone here to be advised of that. Please check your newspapers. It will be in the newspapers. Everyone will be notified accordingly.

I would like to thank the ladies and gentlemen who are in attendance here today. I would like to thank the witnesses who testified today. We are extremely pleased with the turnout. We are getting some good input.

I see Inspector Mahoney is at the microphone to be recognized. Mr. Mahoney.

MR. MAHONEY: Yes. With regard to the survey that was sent out and the possibility of why we didn't receive it in the Fire Department in Asbury Park, I might make mention of something that you may not be aware of. In reading the cover letter of the survey, paragraph 2, it says: "Every construction official

in the State was asked to fill out the Commission's questionnaire, or to forward it to th person in the municipality who would be best able to answer the questions. Now, in the case of Asbury Park, the office of the construction official is run by the State Department of Community Affairs, and it is not operated by the municipality. Now, who received this originally, I cannot answer.

MR. DRIES: We have discussed that at great length. That survey must have been duplicated. It appears to us - to the Office of Legislative Services - that at least five times it has gone out to construction officials, it has gone out to fire chiefs, it has gone out to the mayors of the municipalities, and it has gone out to the clerks of the municipalities. I am sure that every municipality has probably received at least two of the questionnaires. Now, where they go from there, that is hard for us to handle. But, we are going to send the survey out again. I understand that will be sent out very shortly, if it has not been sent out already. That was agreed at the last meeting in Trenton, that the survey would be sent out again to those municipalities that have not replied.

MR. MAHONEY: Yes. The Fire Department of the City of Asbury Park, to the best of our knowledge, did not receive this, and that is where the slip-up was.

MR. DRIES: Okay. At our meeting in Trenton, we had a return of about 47% or 48%. That was pretty good, but we would like to see more than that.

Are there any other witnesses to testify? (no response) Are there any other comments from the members of the Commission? (no response)

Again, I would like to thank the ladies and gentlemen in attendance. I thank the witnesses that testified. I thank the Asbury Park Fire Department for holding this public meeting. With that, I would entertain a motion that we adjourn. (motion duly made, was seconded and unanimously carried, and the hearing was adjourned)

(hearing concluded)