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# ***Committee Meeting***

of

## **ASSEMBLY REGULATORY OVERSIGHT COMMITTEE**

*“Testimony on safety in New Jersey amusement parks, sports arenas, parks, nightclubs and other entertainment venues; review current safety regulations that govern these places”*

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**LOCATION:** Committee Room 8  
State House Annex  
Trenton, New Jersey

**DATE:** March 6, 2003  
10:00 a.m.

### **MEMBERS OF COMMITTEE PRESENT:**

Assemblyman William D. Payne, Chairman  
Assemblyman Joseph Cryan, Vice-Chairman  
Assemblywoman Nilsa Cruz-Perez



### **ALSO PRESENT:**

James F. Vari  
*Office of Legislative Services*  
*Committee Aide*

Gabby Mosquera  
*Assembly Majority*  
*Committee Aide*

Thea M. Sheridan  
*Assembly Republican*  
*Committee Aide*

***Meeting Recorded and Transcribed by***  
**The Office of Legislative Services, Public Information Office,**  
**Hearing Unit, State House Annex, PO 068, Trenton, New Jersey**

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## TABLE OF CONTENTS

	<u>Page</u>
Susan Bass Levin Commissioner New Jersey Department of Community Affairs	3
William M. Connolly Director Division of Codes and Standards New Jersey Department of Community Affairs	12
Lawrence Petrillo State Fire Marshal Director Division of Fire Safety New Jersey Department of Community Affairs	18
Richard Ryan Assistant Vice President Security Meadowlands Sports Complex New Jersey Sport and Exposition Authority	29
Patrick C. Aramini Assistant Vice President Security Meadowlands Sports Complex New Jersey Sports and Exposition Authority	29
Domenic Santana Owner The Stone Pony	44
Thomas Millar Construction Official West Windsor Township, and Representing New Jersey League of Municipalities, and Building Officials Association of New Jersey	54

## TABLE OF CONTENTS (continued)

	<u>Page</u>
Michael F. Cerra Representing New Jersey League of Municipalities	57
Joseph Ardere Past Chairman Fire Code Committee, and Past President New Jersey Licensed Beverage Association	58
Barbara McConnell Legislative Agent New Jersey Licensed Beverage Association	62
Richard Buck Deputy Executive Director Mercer County Improvement Authority	69
Patrick Cane Chief of Enforcement Mercer County Improvement Authority	73
Matthew S. Halpin, Esq. Representing Hodes Shaw Bodman Gluck	74
Dominick Zarrillo Regional Director Loews Cineplex Theaters	75
<b>APPENDIX:</b>	
Testimony plus attachments submitted by Susan Bass Levin	1x
PowerPoint presentation	

submitted by  
Richard Ryan 19x

**TABLE OF CONTENTS (continued)**

**APPENDIX (continued)**

	<b><u>Page</u></b>
Emergency Response Plan submitted by Richard Buck	40x
Statement submitted by Deborah Dowdell Executive Vice President New Jersey Restaurant Association	59x
lmb: 1-83	

**ASSEMBLYMAN WILLIAM D. PAYNE (Chairman):** Good morning. My name is William Payne, Chairman of the Assembly Regulatory Oversight Committee. I welcome you here today to provide information for us as to the extent of New Jersey's regulations that are protecting the citizens of our State at various venues here -- entertainment venues, and others.

The recent tragedies that occurred in some of the nightclubs and other kind of entertainment venues around our country have given us pause. It is our intention here to hear of any types of regulations that are currently in place to protect our citizens. I think that it gives us an opportunity. Unfortunately, it has taken such serious tragedies such as these to bring us to this point. However, I think it's an obligation on our part to see to it that we are proactive, to see to it that we can prevent these similar kinds of tragedies that have existed elsewhere. We're not concerned only with those tragedies that occurred as a result of fires. But, also, if you recall -- and I'm sure that it's not long ago that we saw these headlines -- scores of people died in a Rhode Island blaze, and also, in Chicago, other people who were victims in a stampede, Chicago stampede, which killed 21 others. That was not as a result of a fire, but as a result of panic that occurred within those facilities.

I think that what we need to do is be on top of these situations -- that we have not only nightclubs and other types of entertainment venues, but we also have movie theaters. And I think that from time to time we do hear of people who are attempting to leave a venue and find that either the doors are locked or bolted, etc. I, even to this day, I hear anecdotal evidence of people who are telling me that they have been in various kinds of entertainment venues and recurring kinds of situations where they, number one, when something has

erupted, they did not know where the exits were -- that the exits may have been blocked or locked, etc., here in our State of New Jersey. It's incumbent upon us, number one, to make sure that whatever regulations are in place are, in fact, in place, and to see to it that those of us in positions of responsibility will have ongoing inspections, etc., to see to it that these things are being complied with.

So we are having this hearing today in order to look into those kinds of situations, and because we simply must prevent anything like this happening in the State of New Jersey. With the pictures of the Chicago and Rhode Island nightclub catastrophes still vivid in our minds, we want today's hearing to be more expansive in scope, as we will focus on public safety, and as I say, a variety of entertainment venues. I have gone so far as to say that we need to, also, look at the safety kinds of regulations that are in place for fairs and for circuses, etc., that we have, traveling circuses, that travel throughout the State of New Jersey and elsewhere. From time to time, we do read about, hear about animals or elephants, etc., that sometimes panic, and people within these sites sometimes have been injured because of that. I want to make sure that we in New Jersey are at the very forefront of this.

The purpose of this hearing, as I say, is to review the current safety rules and regulations governing these public venues, and ensure that there are adequate safety procedures in place to prevent tragedies such as those that occurred recently in Chicago and in Rhode Island. Twenty-one individuals died in a panic stampede in Chicago, in order to escape from pepper spray. And I want to see what are the kinds of trainings that are in place in our venues for security -- people who are responsible for security. Do we have training there,

and who is responsible for seeing to it that these people are trained adequately.

We don't want this to happen in New Jersey, although it's happened elsewhere. It's our responsibility to ensure that there are proper safety measures to keep New Jersey's residents safe in a crowd. City and town officials, along with State officials, must take a hard look at New Jersey's code enforcement laws and regulations. One life, let alone 118 lives, is too precious to allow negligence on New Jersey's entertainment venues.

I would say, I'm happy to see, here, we have the Commissioner of the Department of Community Affairs, Susan Bass Levin, who will open up this hearing by commenting on New Jersey's safety rules and regulations. And we have others, too, who are deeply involved in this.

And I would like to welcome the Commissioner at this time.

I would like, first of all, to introduce our Vice Chairman, Assemblyman Joe Cryan, and Assemblywoman Nilsa Cruz-Perez.

Thank you very much.

Would you have a statement to make, Mr. Cryan?

ASSEMBLYMAN CRYAN: No.

ASSEMBLYMAN PAYNE: All right. Fine.

Then Commissioner Bass Levin, thank you very much for coming.

**COMMISSIONER SUSAN BASS LEVIN:** Good morning, Mr. Chairman and members of the Committee.

I thank you for the opportunity to speak to this Committee about New Jersey's building and fire codes. As the Chairman said, two recent nightclub tragedies have drawn national attention and raised numerous

questions about the adequacy of existing construction and fire safety requirements in nightclubs and in other establishments.

I'm here this morning to tell the Committee and the citizens of New Jersey that the building and fire codes in our State are very strong, that enforcement of these codes is very strict, and that the penalties for violating these codes can be appropriately severe. We are committed to take all precautions necessary to keep our community safe.

In light of the recent tragic events in Chicago and Rhode Island, the Department of Community Affairs has ordered inspections of nightclubs and other similar establishments throughout the state. And we have asked the Division of Fire Safety and the Division of Codes and Standards, within the Department, to undertake a thorough review of the State's fire safety requirements for these establishments.

The Division of Fire Safety is headed by Larry Petrillo, who is the State Fire Marshall, and he is here with me. Since the inception of New Jersey's fire code, we have successfully reduced civilian fire fatalities by more than 70 percent in this State.

The Division of Codes and Standards is headed by Bill Connolly, as the Director, who is, also, here with me. That Division enforces building codes, in partnership with the State's municipalities, to protect the health and safety of our citizens.

The first question is, what are we doing today? The State of New Jersey has very stringent building and fire codes, and stringent code enforcement. Our system is recognized as one of the best in the nation and here's why: Our building codes ensure that buildings are constructed correctly and safely in the

first place. Our fire codes ensure that buildings are inspected thoroughly and regularly and remain up to code. Our codes are enforced by highly-trained inspectors.

Under the Uniform Construction Code, New Jersey has adopted national model building codes and standards. All new construction and rehabilitation work is subject to plan review and inspections to make sure that the work complies with codes and standards. Our construction code has regulations when a building changes its use, from a restaurant to a nightclub, for example, to ensure that we trigger a series of requirements including looking at the construction of platforms and stages, the adequacy of exits, lighting, illuminated exit signs, protection of stairways -- which are particularly essential in a nightclub environment. Both our construction codes and our fire codes regulate the flames-spread rating of interior finishes.

Our fire codes ensure that we have lighted exit signs, emergency lighting, panic hardware on doors. All doors must open out, and interior finishes must use materials that do not burn rapidly or produce heavy smoke.

In a routine occupancy, inspections are conducted annually. In so-called hazardous occupancies -- nightclubs, nursing homes, hospitals -- as defined in the code, inspections must be conducted quarterly.

The Uniform Fire Safety Act, enacted by our State, requires that when a building is retrofitted or changes use, the stricter standards apply. Penalties can be very high. Our goal is to keep our buildings safe, and so our first goal is to correct the problem. However, penalties can be as much as \$5,000 per day, per violation.

Under our codes, fire officials have the authority to close buildings where there is an imminent hazard or where the owner has willfully or grossly been negligent in his failure to comply with our regulations. In our State, local code enforcement requires building owners to document that products that they put on walls complies with the flame-spread requirements of the codes for interior finishes.

The codes we have in place require that the main entrance be capable of serving as an exit for at least half of the total occupants in the buildings. And our codes limit the occupancy load for assembly spaces, including nightclubs, to five square feet per person, even if the exits might accommodate more. But all of this means nothing unless we have trained inspectors, and we do. We have more than 2,000 licensed, trained fire inspectors at both the State and local level, and 3,000 licensed and trained building inspectors. They're considered experts in fire safety and building safety.

Local code enforcement officials are licensed by the Department of Community Affairs after demonstrating that they have the necessary education and expertise, and passing an exam. Once licensed, the inspectors are required to participate in continuing education courses to maintain their license. The Uniform Fire Code relies on local officials for enforcement. Our fire code enforcement is truly a statewide, cooperative effort. Every municipality must participate in enforcement, unlike some states where enforcement is voluntary. For any municipality who cannot conduct inspections, the State Division of Fire Safety will do it for them.

Knowing that all of these codes and enforcement practices are in place in New Jersey, let me talk to you for a moment about how our codes could have prevented the Rhode Island and Chicago tragedies. The building in Rhode Island was changed from a restaurant to a nightclub. Our codes would have prevented such a transition from happening without the owner fulfilling the tougher requirements for a nightclub. The fire in Rhode Island spread in an extremely rapid rate, trapping many of the patrons, tragically, inside the club. This suggests that the materials used on the walls and the ceiling surrounding the stage were highly combustible. It's been reported that the stage area had glued on it a material known as egg-crate foam. This is a packing material. It is not meant to be a finish on a wall.

Our construction and our fire codes regulate the flame-spread rating of interior finishes. The local code enforcement official would have required the building owner to document that the product he put on the wall complied with our flame-spread requirements for interior finishes.

As the fire spread through that Rhode Island club, many of the patrons tried to exit through the door they entered. It's normal, human behavior. Part of the problem in clubs where the exits are not clearly marked or there are not enough exits is, you have the panic as people leave.

The codes that we have in place require that the main entrance or exit be large enough so that at least half of the total occupant load can leave through that doorway. Our codes limit the number of people that can be in a building, and inspectors routinely check. And responsible nightclub owners routinely are vigilant about the number of people that they allow in.

The situation in Chicago underscores the need for effective enforcement. It's reported that there was some kind of order to shut down the club because of egress deficiencies. Had that order been enforced, the end of the story would have been very different. I believe that when we look at New Jersey's inspection and licensing requirements, our mandatory periodic inspections, our strict code enforcement and fines, we have had a strong system in place to help prevent tragedies from occurring in our State. However, we must do even more to make sure that the code is followed, especially with regard to the installation of unapproved combustible sound-proofing finishes or furnishings, the use of pyrotechnics and overcrowding.

So what have we done? Governor McGreevey called upon the Department and the Division of Fire Safety to oversee the immediate inspection of New Jersey's approximately 1,500 nightclubs and related venues. We have been working cooperatively with fire inspectors on the local level. The Department itself has responsibility to inspect in, approximately, 100 towns, but we have also been providing assistance, where needed, on the local level. We contacted all of our fire officials, calling upon them to assist in these spot inspections, and a copy of the letter we sent is in your packet. We also notified all of the registered, licensed nightclubs to remind them of their responsibility to follow the building and fire codes, because the best protection is from the owner or manager of the property on site.

Our inspections are focusing on the interior finishes; on the sound-proofing materials; on overcrowding; on exits, which must be well-marked, well-lit, unlocked, and assessable. I want to just note that these

are spot inspections. They are not meant to be a complete and comprehensive inspection, which will take place in the normal course.

To give you some sense of the 59 inspections that our Department conducted this past weekend, 40 establishments passed. Clearly, there is overwhelming compliance with our fire and building codes. Nineteen were issued citations, including violations for locked exit doors, missing ceiling tiles, unlit exit signs, overcrowding, and improper use of extension cords. Our inspectors make sure that the violations are corrected immediately, and the club owners have been very cooperative.

At a place called Legends Resort in McAfee, the inspectors were required to take down combustible fish netting that lined the walls and ceiling as decorations. At Paul's Tavern in South Belmar, an exit door was covered with egg-crate foam -- that's this (indicating foam) -- that was tested by inspectors and found to be inflammable (*sic*). One of the walls had this covering on it (indicating material), also tested and determined to be flammable. Fire inspectors also shut down the Caribbean Bar and Grill in Trenton and the Pattenburg House in Union Township because of overcrowding. If the club is overcrowded, inspectors will shut them down.

We rely, though, too, on the owners and managers of these establishments, most of whom are responsible business owners who care very much about the safety of their patrons.

One of the things that we have prepared and will be sending to club owners is a, sort of, simple list of do's and don'ts as to how to keep your premises safe. That way they can give it to their staff and -- so that all of the

staff members are aware and pay attention when exit sign lights are out or when hallways are blocked or doors are blocked.

Many have asked about the use of pyrotechnics in New Jersey. Our code requires that all pyrotechnics receive prior approval from the local or State fire official -- that they test the pyrotechnics in advance; that they comply with manufacturers specifications; that the owner or operator of the club demonstrates to the fire official that he or she knows how to use the pyrotechnics; and that they be discharged in a way that's safe. We are ensuring that if a club or its entertainment uses pyrotechnics they receive the proper permits in advance.

We know that we have a good system in place, but we also know that we can always do better. I would like to share with you several changes that we are considering. We are in the process of creating an electronic reporting system that will monitor and evaluate the activities of local enforcement agencies to ensure that required inspections are being performed. The system, now, is that they submit a paper report of their quarterly inspections. We are putting this on an electronic database, so that we will be able to easily and quickly see that inspections are completed. We'll be able to better manage the data, more easily identify repeat offenders, and ensure that inspections are happening in the correct time frame.

Second, I have asked Larry Petrillo, as our Director of the Division of Fire Safety, and Bill Connolly, the Director of Division of Codes and Standards, to review all of New Jersey's fire safety requirements, under both the building codes and fire codes, to make recommendations as to how these codes can be improved.

Several things that we are considering: We're reviewing the current requirements for the use of sprinklers in retrofitted buildings. Sprinklers are required in most nightclubs in New Jersey depending on their size, depending on the location of their stages and platforms. But there are cases where, under our current codes, sprinklers are not required.

In Rhode Island, no sprinklers were required because the capacity of the club was 300 people or less. We need to take a careful look at these sprinkler requirements to determine what changes should be made to ensure safety. We're also recommending that all certificates and inspections -- certificates that tell us that a club is legal, that it has been inspected, that the owner is in compliance -- those certificates need to be posted in a prominent place. But if you think about it, we've seen these certificates. They're white, with black lettering, small -- oftentimes you don't even know where they are. We are recommending that the certificates be printed in a bright color, very prominently displayed, so that as a patron goes into a club, he or she is aware as to whether or not that club has been inspected and is in compliance.

Finally, we are looking at regulations that might apply to furnishings within clubs. Currently, furnishings are not regulated. They do not have any fire-resistant standards for the furnishings, and we are looking to determine what action, if any, we should take.

Let me just close by saying, we all recognize that the tragedies in Rhode Island and Chicago could have been prevented. And in New Jersey, at the local level, at the State level, we have worked hard and together, as fire officials, as building officials, to ensure the safety of our communities. We know we must enforce our building codes and fire codes vigorously, and officials

across the State will continue to do so. We call upon club owners to be careful and vigilant in protecting their patrons, and most of them do.

And New Jersey citizens should be mindful of the potential dangers. Look for a certificate of registration, know where the exits are located, and make sure that the pathways out are clear and not blocked. Our Department will review the codes to make sure that we do everything possible to keep our citizens safe. That is our responsibility, and we will fulfill it.

Thank you very much.

ASSEMBLYMAN PAYNE: Thank you very, very much, Commissioner Levin.

ASSEMBLYMAN CRYAN: I have questions.

ASSEMBLYMAN PAYNE: You have questions.

Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Thanks, Commissioner.

COMMISSIONER BASS LEVIN: Sure.

ASSEMBLYMAN CRYAN: I have the feeling most of my questions are probably going to be directed to Larry Petrillo.

COMMISSIONER BASS LEVIN: Okay.

Larry, why don't you join us up here.

ASSEMBLYMAN CRYAN: Let me begin with the five-square-foot rule, Larry, and a patron -- in a nightclub, if I understood it correctly. Why is it five square feet? I always thought it was three.

Or did I get the wrong guy? Sorry.

COMMISSIONER BASS LEVIN: I think that might be yours.

**WILLIAM M. CONNOLLY:** Yes.

ASSEMBLYMAN CRYAN: It sounds awful high.

MR. CONNOLLY: The building code--

ASSEMBLYMAN PAYNE: Why don't you have a seat. And identify yourself, please, for the record.

MR. CONNOLLY: Historically, the building code regulations--

ASSEMBLYMAN PAYNE: Excuse me, could you identify yourself for the record?

MR. CONNOLLY: I'm sorry. I'm sorry.

I'm Bill Connolly. I'm the Director of Codes and Standards.

Historically, our building codes of regulated occupancy are based on whether people are standing or sitting, or whether there are fixed seats or not. The standing rule is three square feet. When we wrote the fire code, we were very concerned that that, particularly in a nightclub setting, could allow altogether too many people, even if there were sufficient exits. And that's why the fire code includes this higher, more restrictive standard for nightclubs, which is five square feet per person.

ASSEMBLYMAN CRYAN: And how long has that standard been in place?

MR. CONNOLLY: 1986.

ASSEMBLYMAN CRYAN: So it's been five square feet.

So, can you explain to me, for those facilities that have both tables and chairs and the standing area for dancing or bands, the table and chair area is not-- How is the occupancy derived?

MR. CONNOLLY: In the table and chair area, you do two things: You count the number of chairs and tables and then you use 15 square feet per

person, and whichever gives you the more restrictive is what counts. Where you've got seating that's fixed, anchored to the floor, obviously, you just count the seats. Where you have areas where people can stand, you do three square feet per person. But if the sum of that is more than five square feet, you work with the five.

ASSEMBLYMAN CRYAN: Let me ask you one other question on numbers that just came up in the Commissioners's insightful information. Three hundred people for a sprinkler. Why is that?

MR. CONNOLLY: The reason -- and if you watch *60 Minutes*, you know that some alleged experts don't know, but there is a reason. Our codes are a combination of measures. Basically, we regulate the size of exits, the distance to exits, the fire-resistive nature of the building. As the Commissioner mentioned, the flame-spread rating of the finishes. The combination of all of those provisions, if they're all complied with, will ensure that the fire can never grow so fast that those 300 people can't get out.

Now, what happened in Rhode Island, obviously, is, a very critical one of those provisions wasn't complied with. Now the reason, the Commissioner indicated, we're looking at fire suppression systems, even in smaller buildings than the 300, is that they make up for a multitude of errors. You can make a lot of stupid mistakes in a building, and the sprinklers will recover you from all those stupid mistakes. But there probably is a threshold somewhere, because the smaller the building gets, the more expensive the system gets in terms of the square footage or the number of occupants or the cash flow of the business. Because there are certain fixed sum costs, like the fire

department connection, the pump, and things like that that are there, no matter how small the building is. So the cost of a sprinkler system in a big building--

ASSEMBLYMAN CRYAN: Sprinklers are expensive, aren't they?

COMMISSIONER BASS LEVIN: Yes.

MR. CONNOLLY: They're very affordable in big buildings. They can be rather expensive in small buildings.

ASSEMBLYMAN CRYAN: Just let me urge, somewhat patronizingly, though, but I am in, I do -- I'm in the restaurant business. Let's, for once, recognize that this is an industry that, first off, hasn't done anything wrong in New Jersey. I'm concerned -- and I do want to follow up on this overcrowding idea -- that we're not just going to come in and crucify people for being in business.

But secondly, could we, at least for once, for a group that we audit, overregulate, raise taxes, and do everything we can possibly do to make them be guilty of everything in the free world, that we can possibly, for once at least, recognize that sprinklers are an expensive cost and these folks follow the law for the most part. So if we can, at least as a caution here -- I want to go on record as saying that, because it's one of the things--

As soon as I read about that fire, I knew that we, in the State of New Jersey, we'd go in and recheck businesses, which was fine by me. And pyrotechnics, to me, we should just outlaw the things. But irregardless of that, I just want to urge you, now, to have some caution and some relief for business owners. Sometimes we forget that that's, in fact -- these are small businesses for a lot of people, and a life's investment.

COMMISSIONER BASS LEVIN: Assemblyman, yes. Let me just say that, I want to re-emphasize, of the 59 establishments that we checked, 40 of them were in total compliance. Of the other--

ASSEMBLYMAN CRYAN: But you didn't bring a list of those, did you?

COMMISSIONER BASS LEVIN: I do have a list. I can certainly provide a list.

ASSEMBLYMAN CRYAN: But you didn't bring it with you? You brought the guilty ones, right?

COMMISSIONER BASS LEVIN: I think we do have the list of everyone.

ASSEMBLYMAN CRYAN: I know. The guilty ones are the ones we've heard about, is my point.

COMMISSIONER BASS LEVIN: Well, the guilty ones are the ones that put peoples' lives at risk. And that's--

ASSEMBLYMAN CRYAN: Absolutely. And I was in Paul's last week. So, believe me, I understand. I was at the Belmar Parade. So I'm grateful for all your efforts, but it's just that we highlight the bad and not the good sometimes, that is my message.

COMMISSIONER BASS LEVIN: Right.

And let me just say, Assemblyman, that really what we want to highlight is an education process, that everyone -- patrons, club owners, fire officials -- understand how we can best protect our residents. And that is truly our goal.

ASSEMBLYMAN CRYAN: I agree with you.

COMMISSIONER BASS LEVIN: And just on enforcement, please understand that, as you probably know, our code requires that we get the problem corrected. Our goal is that, to get the problem corrected.

ASSEMBLYMAN CRYAN: I have three other questions, and then I--

MR. CONNOLLY: Just one thing on sprinkler costs, though, because I think it's important. People tend to misunderstand their relative cost. The cost of a sprinkler system in a new building--

ASSEMBLYMAN CRYAN: It's management.

MR. CONNOLLY: --is the difference between cheap carpet and good carpet, literally.

ASSEMBLYMAN CRYAN: And what does our code call for?

MR. CONNOLLY: In other words, if you took out the good carpet and put in cheap carpet, you would have paid for the sprinkler system. It's not that expensive.

ASSEMBLYMAN CRYAN: But what is our code-- Our code calls for, when you retrofit and the capacity is over 300, or if it's new construction. Is that correct?

MR. CONNOLLY: That's correct.

ASSEMBLYMAN CRYAN: I just have a couple quick other things. One is on fire inspections. You talked about, which interested me a great deal, is the electronic data potential for the future. Because if I understand it, today, when the guy comes in, he basically isn't looking at the last set of reports for someone who failed, or anything like that. You could have changed inspectors.

There's no continuity in that program, is there? I don't mean it as a shot, but as a general rule.

**LAWRENCE PETRILLO:** I'm Lawrence Petrillo, the Director of the Division of Fire Safety.

Generally, what an inspector should do, and I believe what they do do -- I know our inspectors, our State inspectors, do that. They'll review the establishment's past inspection records and go in and conduct a new inspection to, obviously, see if that compliance was conducted. So they, generally, will take a look at--

ASSEMBLYMAN CRYAN: They'll manually go back and check?

MR. PETRILLO: Yes. For example, we're responsible for about 100 municipalities in the State. The other municipalities are conducted by the local officials. They will, generally, pull their files, look at what they have had in the past, and then go out and do the inspection. Our inspectors will pull a packet before they go out and do their inspections.

ASSEMBLYMAN CRYAN: Do inspectors highlight, as a general practice? I'm lucky enough to say I haven't had repeated violations, thank God. But if you do have them, I mean, how is that connotated to the owner? Is it brought up-- Is it listed as part of the inspection process?

MR. PETRILLO: They receive a copy of our inspection findings that list the violation and the site in the regs. So before that inspector leaves, the owner will have that information.

ASSEMBLYMAN CRYAN: And he's aware of the fact that this, for example, this exit light has been out two, three, four times or things like that? It's repeated for him.

MR. PETRILLO: If it's repeated, they'll -- on a random inspection, they'll, again, recite that.

COMMISSIONER BASS LEVIN: If I could just clarify something.

If the inspector finds a violation, he notifies the owner of that violation, and he does a reinspection to make sure that particular violation is corrected. In addition, there is then a quarterly inspection for buildings over a certain size. But the inspectors are supposed to go back and make sure that that violation has been corrected.

ASSEMBLYMAN CRYAN: I understand that.

COMMISSIONER BASS LEVIN: But to get to your point, which is a very good one, we're depending on inspectors to have a file and to have papers and all of those things. And they're probably, like everything else -- some do a better job. By putting it on an electronic system, we will have a much better way of checking ourselves and making sure that the owners are aware. Because they might not be aware of violations that are given that a club manager takes. So to go to your point, Assemblyman, the electronic system will, absolutely, improve our ability to enforce and, I think, our ability to educate and inform.

ASSEMBLYMAN CRYAN: Okay.

The furnishings: You want to fireproof furnishings?

COMMISSIONER BASS LEVIN: No, I didn't say that we wanted to do that. I just said we need to look at that issue--

ASSEMBLYMAN CRYAN: Okay.

COMMISSIONER BASS LEVIN: --and I want to make that clear. It's an issue that I think we should just examine internally, to determine what

our code looks like, as compared to other states. I just think we need to look at it before we even make any recommendation. I want to make that absolutely clear.

ASSEMBLYMAN CRYAN: Does every municipality have a fire inspector?

COMMISSIONER BASS LEVIN: Either that or we inspect for them, the Department.

ASSEMBLYMAN CRYAN: How many municipalities do you support?

COMMISSIONER BASS LEVIN: We inspect for 100 municipalities.

ASSEMBLYMAN CRYAN: A hundred.

COMMISSIONER BASS LEVIN: Well, approximately. It might be a little -- 97, 98. And in this particular effort, we are providing support to whatever municipalities might need our help, so that we can get these spot inspections done quickly.

ASSEMBLYMAN CRYAN: All right.

Thank you.

COMMISSIONER BASS LEVIN: Thank you very much.

ASSEMBLYMAN PAYNE: Assemblywoman Cruz-Perez.

ASSEMBLYWOMAN CRUZ-PEREZ: I'm not sure if the Assemblyman had addressed this issue. I commend the Department, because I think what we're doing in New Jersey is more than many other states are doing, and I'm glad to hear that. I thank the Commissioner for coming this morning and inform us. But how are you going to prevent overcrowding clubs?

Are we going to have enough inspectors to go on a weekend basis, to make sure that we don't have overcrowded buildings? I mean, what is it going to take, is that -- you have 100 municipalities, but, I mean, how is that going to work?

COMMISSIONER BASS LEVIN: Well, the best enforcement is when the responsible club owners -- and let me emphasize, most of the club owners are responsible -- they recognize that the club can only hold a certain number of people, and when they reach that limit, they turn them away. And in most instances, that's what happens. I think that's important to know. However, when a club exceeds that limit is when people are put at risk.

And as Bill Connolly said, it is the combination of factors that can result in a tragedy. Fire inspectors and police, in many of our towns and cities across New Jersey, routinely check nightclubs in the evening. That is part of what they do. We can't be everywhere all the time. I understand that. And so we are depending on the business owners to do their job. And, yes, you know what? Patrons have a responsibility, too. When a club is too crowded, you should leave. And we should tell our children to pay attention to these things. I understand. I have daughters myself.

But I do think it's important that we talk about this, because everyone has a responsibility. You need to look for the lit signs. You need to make sure that the passageways aren't blocked. Just as when you sit in an airplane and they say, "Here's where the emergency exits are." It's simple rules of safety.

ASSEMBLYWOMAN CRUZ-PEREZ: Thanks.

ASSEMBLYMAN CRYAN: Can I just ask one other question.

When this fire hit -- and I sat down with legislative staff-- Outside of creating a law -- and you've taken some very proactive actions -- let me just ask you the question that I pondered to the Assembly staff, and maybe you can just give us your thoughts. Without going through legislation, all right -- because this idea that we legislate everything sometimes concerns me. When I go in a movie theater, they tell you-- You know, you get your popcorn and you sit down, they say the exits are here and here. Yet, I've had -- my place is probably overcrowded on St. Patrick's Day. I probably wouldn't argue that point. But, realistically, when you start a show or something, what commonsense approach can an owner take -- a guy that cares--

COMMISSIONER BASS LEVIN: Right.

ASSEMBLYMAN CRYAN: --without mandating all sorts of requirements. I was thinking, do you stand up and say, "Okay, everybody, thanks for coming," and, "Here's where our exits are." Do you have any commonsense approaches here that we could talk about?

COMMISSIONER BASS LEVIN: Yes. And, in fact, these do's and don'ts, which are really commonsense approaches, which we're sending out to nightclub owners, one of them says, "Announce prior to and periodically during performances the locations of all exits." You're right. Not everyone is going to listen all the time. But to the extent that you make it safer, you can help change the outcome. That is what a club owner can do.

As I say, just as in an airplane or in a movie theater, another very good example, point out where the exits are. And you can say that at the beginning of a performance, you can say it in the middle of a performance, during a break, and that will absolutely help.

You're right. We don't need to overlegislate. We all need to take responsibility.

ASSEMBLYMAN PAYNE: Commissioner, we're fortunate today that we have two perspectives on this Committee -- an owner of one of these venues and patrons. I'm a patron. I don't own one of these places. You said that our purpose today is to educate, and I've been to the Cryan family establishments. (laughter)

ASSEMBLYMAN CRYAN: And he paid. (laughter)

ASSEMBLYMAN PAYNE: The purpose here is to educate, etc. The overriding purpose, of course, is to save lives. The overriding responsibility that we have is to see to it that our citizens are safe. And then, if we can anticipate those kinds of hazards that may exist, then perhaps this hearing will enable us to take care of some of those situations.

As I said in my opening statement, one life is too many to lose in situations like this. I had made a note that during the course of an evening, that an owner, or what have you, might very well remind patrons that these are the places that exist here. My concern is this: That we have now a lot of attention in this area. Are you certain that your inspectors do not look the other way? In other words, again, anecdotal evidence tells me that from time to time there are violations, obvious violations, in some of these places. My goodness, you can go into some of them and see cartons, etc., stacked in front of the exit place.

I'm sure that these are places that are frequented by, maybe even, by inspectors or by others, and I'm concerned that there may be some few instances where inspectors may look the other way. What can we do to ensure

against that, because all we need is one situation where an inspection -- somebody looks the other way. All right.

COMMISSIONER BASS LEVIN: Let me say that, just as with club owners, the inspectors have a significant responsibility here. Our inspectors are very well trained. They have to go for continuing education, and I think our training is at the highest level in terms of how other states operate. We, through the Division of Fire Safety, also provide ongoing assistance to local inspectors. So we are certainly part of that team. One of the reasons that we sent letters, now, to our fire inspectors is just to remind them of their obligations, and make sure that they are doing the spot checks and looking for the types of things that, yes, they should find in their routine inspections. But if they haven't, we should all learn from it.

We are able to provide resources. We are able to provide ongoing training. We, as part of the fire service community, certainly have ongoing meetings, conferences, and workshops to make sure that our inspectors know what they need to do. All I can say to you is this: We certainly want to make sure that our codes are vigorously enforced. That is the way to protect lives. The men and women who are in this business, who are fire safety inspectors, do it because they are committed to protecting our communities. We certainly urge them to enforce vigorously, with always an eye to getting the problem corrected. This isn't about punishment. It is about correction.

ASSEMBLYMAN PAYNE: Have you ever had any examples or any enforcement teams that may not have been enforcing? In other words, have there ever been any people in this area who may have been, in fact, not carrying out their responsibilities for one reason or the other? I mean, I'm sure that this

business in Chicago -- probably it was quite obvious that there was some violations there that might have saved a couple -- 21 people's lives. I don't know whether or not we have, maybe, one or -- there might be one bad apple in all of the municipalities that you're checking with. Have we ever had any examples? And if we do, what do we do about ensuring that we don't have a club that's open that has a chain on the door?

MR. CONNOLLY: The most important thing, in terms of inspectors, is we just don't issue licenses. We take them away. Both the Division of Fire Safety and the Division of Codes and Standards have ongoing monitoring efforts. And when they find deficiencies, they take whatever corrective action is warranted, depending on how severe the violation is on the part of the inspector. But that ranges up to them losing their job. Every year in New Jersey, inspectors lose their job, because they weren't doing it well enough.

ASSEMBLYMAN PAYNE: Thank you very much.

Just one last thing. And that is that you've mentioned that, out of 59 inspections over the weekend, 40 were fine. Nineteen, however, there were violations -- probably could have been life-threatening violations. I don't know. And so, if there's just one of these-- What kinds, very briefly, of violations did you find within your inspections?

COMMISSIONER BASS LEVIN: Most of the violations were minor in the sense that exit sign lights were out, two were overcrowding, and we closed the place down. There were some instances where there were exits blocked. As I mentioned, one of the clubs had flammable materials on it. In all of these instances, the violation was corrected immediately. Our fire inspectors don't leave until they can get the problem corrected.

And let me just emphasize, again, that in these instances the owners were cooperative. They have an interest in making sure that their patrons are safe. Let me just add, also, that as we take a look at our fire codes, as we take a look at our building codes, issues of sprinklers and retrofitting, we certainly will be working with the restaurant associations and other associations that deal with this every day. That is what our Department does when we work on the amusement ride regulations or anything like that. We make sure that we involve people who are very much affected by it. You have our assurance that we would do that here as well.

ASSEMBLYMAN PAYNE: Yes. I was trying to find out what association represents nightclubs and other places. I know there's a restaurant association for restaurants, etc., but what-- Is there an association that you guys work with, with the owners of these entertainment venues?

COMMISSIONER BASS LEVIN: There's a License Beverage Association. And, of course, many nightclubs are, also, in the restaurant owners' association, so there's certainly a crossover there.

ASSEMBLYMAN PAYNE: Assemblywoman Cruz-Perez.

ASSEMBLYWOMAN CRUZ-PEREZ: Yes. I have a question for the Commissioner. You said you closed down two overcrowded clubs. What happened after you closed them down? Would you allow them to open again? What would be the procedure after you close a club?

COMMISSIONER BASS LEVIN: It differs, depending on the situation, how overcrowded it is, what time it is. And frankly, it differs depending on the local municipality. Sometimes they close it down, and they don't let them open. Sometimes they close it down, and they have everyone go

out and bring people back in, which often causes more chaos than anything else. As I said, a lot depends on what time of night it is. There's probably, also, a different approach, depending on how frequent this problem is at the particular club.

So this is something that is within the discretion of the fire official who is on the scene, or sometimes it's police officers who are on the scene, to make the decision.

ASSEMBLYWOMAN CRUZ-PEREZ: So you close a club temporarily for that night, until the overcrowding problem goes away. I believe that club will get penalties or a fine--

COMMISSIONER BASS LEVIN: Usually, on the first violation, they don't get a fine. If there is a repeat violation, that's when fines start to kick in.

ASSEMBLYMAN CRYAN: Can I--

ASSEMBLYMAN PAYNE: We--

ASSEMBLYMAN CRYAN: I know we have to move on, but I just want to-- By the way, I'm sure those two owners were less than cooperative for having a big night and then closed down. Maybe they were happy outside, but hard to believe.

Anyway, we focused a lot in this testimony on nightclubs. I guess my last question to you is, are there other areas or other businesses that we should be talking about or focused on, as well as the nightclub issue?

COMMISSIONER BASS LEVIN: Our review of the fire codes will look at many different types of establishments. You're right. We focused today on nightclubs because of the tragedy, but we will be taking a look at our fire

codes to determine whether or not any revisions are needed for other industries.

Subsequent to 1984, the fire at Great Adventure, we changed our codes to -- as they apply to special amusement buildings. Unfortunately, too often, changes occur only after a tragedy. We need to be proactive and take a comprehensive look at our codes. And perhaps we won't need to make any changes, perhaps we will. But we're going to look at this as professionals working with the industry, working with the communities, to determine what, if anything, we can do to make our communities safer and better.

ASSEMBLYMAN PAYNE: Thank you very much, Commissioner.

Patrick Aramini and Richard Ryan, from the New Jersey Sports and Expo Authority.

As they're coming, you noticed in the notice that we sent out that we indicated that we were talking about more than just nightclubs and restaurants. We're looking at other venues as well. So, Commissioner, I don't know whether your responsibility is in the area of these other venues that we talked about, but we want to make sure that we're talking beyond that and not just highlighting nightclubs or taverns or etc.

COMMISSIONER BASS LEVIN: And let me just say that staff from our Department will be staying here to hear the rest of the testimony. So that, if that any other issues come up, they'll be able to help or, at least, bring it back, if we need to do more.

ASSEMBLYMAN PAYNE: Thank you.

COMMISSIONER BASS LEVIN: Thank you.

ASSEMBLYMAN PAYNE: Gentlemen, you can start when you're ready. Identify yourself for the record, please. Thank you.

**RICHARD RYAN:** Richard Ryan. I'm Assistant Vice President. I oversee security at Continental Airlines Arena in Giant Stadium, which is part of the Meadowland Sports Complex, in East Rutherford, New Jersey.

**PATRICK C. ARAMINI:** Patrick Aramini, Assistant Vice President of Security at the Meadowland Sports Complex.

ASSEMBLYMAN PAYNE: Thank you.

Go ahead.

MR. RYAN: I'd like to thank you for inviting us here today. We came prepared not knowing what the majority of the focus was going to be today -- about fire safety. So we came prepared to talk about overall security. However, since sitting here, it's obvious what we're talking about. We've made some notes.

ASSEMBLYMAN PAYNE: Excuse me, before you go any further.

MR. RYAN: Yes, sir.

ASSEMBLYMAN PAYNE: I want you and everybody else to understand, as I've said a couple of times, that this is not simply about fire safety, etc. We're talking about, as a matter of fact -- one of the incidents in Chicago was not on fire at all, but was because of the panic and stampede that occurred.

MR. RYAN: Yes, sir.

ASSEMBLYMAN PAYNE: So we're talking beyond that. And also, we'd like to talk about whether or not people who are responsible for

security in these venues are trained on how to respond to these kinds of things, which lead to the tragedy in Chicago.

MR. ARAMINI: Well, we're prepared to do that. In fact, we're prepared to discuss how proactive we've been since post 9/11 at Giant Stadium and Continental Arena, and what security measures we have taken.

ASSEMBLYMAN PAYNE: Very good.

MR. RYAN: But we will try to direct what you're interested in today. Just for your information, we have a lot of State inspections down in the Meadowlands. We're a State facility. In fact, our main inspector is here today. Mr. Lazarus is sitting behind us, and I almost feel he's part of our full-time staff, I see him so much.

In place at the Meadowlands, we have evacuation plans in the event of any type of an emergency. We have a mass casualty plan in the event of a mass casualty incident, such as a 9/11 kind of thing, which we actually put in place on 9/11 as a staging area for the 9/11 disaster. Our staff at the Meadowlands -- we're fortunate. We have a detachment of New Jersey State Troopers who are assigned there on a full-time basis. And our event staff, who are our security guards, work both the stadium and the arena, which, if there was going to be a disaster of this type, would probably occur in one of those buildings, more so the arena. They work over 250 events a year, and they're part-time. Many of those part-time staff people are, in fact, firemen in their local municipalities.

We also have a full-time fire department at the Meadowlands; 13 full-time firemen on duty, on site. They work 24-hour shifts, around the clock. In fact, our fire chief is a full-time fireman in the city of Newark, Mr. Sal

Fischetta, and they're all State certified as fire inspectors along with Josh, who also comes from the State Department. On all major events, whether it's in the arena or the stadium, we utilize the New Jersey State Police Arson Explosives Unit. They are trained arson investigators, and they come with the Canine Unit, who have dogs who are trained to sniff for explosive devices. As a part of their duties there, especially during concerts, which is when we usually use pyro, the dogs do check the stage area or any area that pyro is going to be set off. I can assure you they work. They sit down every time they go near it.

But it's good as a backup system because, if a group did come in and try to tell us that they weren't going to have pyro, those dogs are still in that area where any pyro would be set off, and they'll respond to it. So we'll realize that someone did come in here and is trying to set pyro off without notifying us. That's never happened that I'm aware of.

Besides the dogs, Josh is there. He comes before every event, checks the setup, gets the permits. We have all the permits in place. And when the show takes place, we actually have, at least, three of our full-time firemen on duty, stationed in the stage area, ready to respond to any unforeseen accident or anything.

We, also, do -- during the course of the year in both the stadium, arena, and the racetrack -- evacuation drills, what we call event drills and non-event drills, to train our people in the evacuation of the buildings, whether it's a fire scene, or an explosive device has been found, or whatever. We actually train them along with the State Police.

Before every major event in the arena, which are basically the New Jersey Devils and New Jersey Nets, we do a walk-around, prior to the opening

of the building, with people from the franchises. And believe me, that is a thorough walk-around, from checking to see if every toilet works, that every lightbulb is working, and to see if those fire exit signs are lit, and things of that nature. Because they're, also, as concerned about safety as the Sports Authority people are.

We do a bomb sweep before every event. It's conducted by our event staff personnel. However, all the key areas are checked by the State Police Bomb Squad with their canines. To check an entire building with a dog prior to an event would take hours and hours, and we just don't have that time. So the event staff people are trained. They've been trained by the State Police Bomb Squad, and they know what they're looking for, and things of that nature. If they find anything suspicious, obviously, the State Police are contacted immediately, and they'll check what the item is.

One of your concerns is overcrowding. All events at the stadium arena are all ticketed events. We have a capacity in the arena to hold up to 20,000 people for basketball games. Probably the most we do for a concert in the arena is usually between 15,000 and 16,000, for safety reasons -- as well as the fact that what we call the backstage area is not sold to the public, unless the stage is in what we call the round, which would be on the floor in the center of the arena -- then we could possibly sell 20,000. A type of concert that would be in the round would be when we used to have Frank Sinatra there. It's not the kind of concert that we'll probably be setting off pyro at. It's a more laid-back concert.

And Springsteen, obviously, is not in the round. He's on one end, and we'll do, like, 15,000 to 16,000. In fact, we have nine Springsteen shows

scheduled, right now, for the stadium this summer, and the tickets sales have been capped at 55,000 for each show. The stadium holds 80,000 for football. So we are limiting the amount of people.

No, and I can't help you get tickets. (laughter) I saw you whispering already up there, Gabriela. That was her first question.

Call George Zoffinger. He's in charge of tickets.

We also have, in the buildings, evacuation tapes. We play entrance tapes prior, as you're walking in, listening to some of our policies. And God forbid something does happen where we have to evacuate the building, we have pre-prepared tapes to play within the building and outside the building in both English and Spanish. We went to the Spanish tapes because we do the soccer in the stadium, and it's such a Hispanic patron-oriented event. So we've made tapes up in both languages, and they'll play. They just repeat, over and over again, the rules and regulations, what to do to get out of the building.

Pat, do you have anything?

MR. ARAMINI: Other than that, we do routine fire inspections of all three facilities -- the Meadowlands Racetrack, the arena, and the stadium -- on a daily basis. Sometimes it's with our State inspectors. Our fire department maintains and inspects all fire extinguishers, standpipes, and hoses in all three facilities. As Mr. Ryan stated, they are state certified. We send them back to school, to a fire academy, to be State certified. And all exits are inspected to make sure they're operational and that they're not locked.

During an event, all gates coming in and out of the arena-- The doors are locked for people to come in, but all gates have a push door. All open up out to the public. There's no smoking allowed in the arena. At the stadium,

the only place you could smoke is in the spiral. And, obviously, the stadium itself is 90 percent concrete and steel. So we're pretty well prepared as far as that goes.

As far as the pyro, as Mr. Ryan stated, we do inspect it. They do stand by the inspectors all night when the pyro does go off. It's not like in one of these nightclubs. Our State inspectors do stand by with our fire department. And if, in fact -- and I've known of one occasion where they have stopped the pyro because they didn't feel it was proper. The State inspector has a lot of authority for that type of operation, and we do enforce it.

MR. RYAN: If you're looking for any recommendations -- just the little bit I've learned here in the last hour -- obviously, I think, your concern is, maybe, more towards the nightclub-type of activity. I would be concerned that -- maybe there is a way they could get the evacuation tape that they could play in these buildings. They have to have a sound system for the band or something. Maybe there is some kind of tapes they could have set to help evacuate people. And, also, check their staffing levels. Do they have any security people even working, when you might have 300, 400, 500 people in some of these nightclubs -- and one or two security guards, which, obviously, is not adequate? I'm not, again, asking to have some kind of legislation introduced, but it might be a do's and don'ts or a recommendation sheet, like, apparently, they've already made up. And maybe then you might want to consider putting something like that into it.

MR. ARAMINI: Obviously, one of the problems that happens is that everybody comes in the same entrance, and that's why people always go out the same exit. I don't know if it's available to other places to have more

than one entrance, obviously, to alleviate that, because it's human nature. We don't have that problem at the stadium and the arena, because we have, at least, six or eight different entrances and exits. But in the smaller places where people -- human nature -- going into one individual entrance, that's where they all go for when they're ready to leave, regardless of what other signs say, "Exit."

MR. RYAN: And that's so true. They will. "I came in Gate A, I want to go out Gate A. That's where my car is," or whatever. They don't realize they can go out Gate B and just walk along in the parking lot. It's hard to train people. There will be an emergency, and I can see people come up, "But I came in Gate A, I can't go out Gate A." No, you're going out this gate.

MR. ARAMINI: In addition, what we did after September--

ASSEMBLYMAN PAYNE: What happens a lot of times when people go out the other gate at Giant Stadium, they walk around there for hours trying to find their car.

MR. RYAN: Yes, sir.

MR. ARAMINI: Right.

ASSEMBLYMAN PAYNE: I mean, I've lost my car for a couple of hours. (laughter)

MR. RYAN: Assemblyman, I can tell you, at the end of every Giant and Jet game, we have at least five to seven, eight, 10 people come into our security office to report their car stolen. (laughter) The five to seven to 10 people we put in a van and ride them around and we find them. The cars are not-- And they're convinced that somebody towed their car, and it wasn't towed.

MR. ARAMINI: What we did after September 11 is, we had an outside firm come in, and we had a total threat assessment done -- for safety, security, including fire, for all three facilities -- by Buckley Peterson Company. In addition, the NFL conducted their own threat assessment. And Mr. Ryan has, for all three venues, a best practices done by the NHL, the NBA, and--

MR. RYAN: The NBA. All the major sporting leagues in the country have put together a best practices and procedures for their venues. It's not something you have to do. It's strong recommendations.

I sat on the committees of all three leagues to establish this best practices and procedures, and they are in place at the Meadowlands, I can assure you. They're in place in almost every facility, I'm sure, across the country. They have a real concern for safety and security.

In fact, I was on the phone yesterday with the director of security for the National Hockey League, who had just attended a meeting with the CIA and FBI, and had new information about threat assessment and things, and he was passing it along to me. He took it so serious, like rather than e-mail, he was calling every venue where the hockey teams play in the country to talk to the person in charge. So, believe me, we are aware, and we're, hopefully, on top of things there.

MR. ARAMINI: What we've done also, and we've handed out a handout, which was actually from a PowerPoint, which shows you what we do at Giant Stadium after September 11, if you would like to go through it. If you want it, we have a short video, also.

ASSEMBLYMAN PAYNE: How short is it?

MR. ARAMINI: About five minutes.

MR. RYAN: I believe it's -- the NFL came and videotaped our operation and Cleveland Stadium, football stadium, just for security reasons and showing different things, whether you're interested. It's not really fire-oriented.

MR. ARAMINI: But, basically, what you see on this handout would be sufficient. The other thing is, we prohibit bottles and cans from coming into the venues. It's not just -- obviously, originally, it was for projectiles, so people can't throw things at the players. But the reason we take the bottles and cans-- In fact, we have an alert now for even -- this may sound -- lightbulbs or somebody carrying a fire extinguisher, because they can carry flammable liquids in there or some type of chemical agent, besides. So we ban all of those items. People's packages are checked as they come in. They have to surrender those items.

What we did, as part of our threat assessment, we also have the FBI assigned to us at the stadium for all large events, and we get a threat assessment before every NFL football game and soccer game. And we will for all the concerts that are coming up.

MR. RYAN: Talking fire safety, we brought some items along that we confiscate at our gates. Here's a cigarette lighter -- however, it's a switchblade. These are the kind of things people are carrying into our venues. We're discovering these at the gates. A common writing pen in your pocket, pull it apart. It's a shiv. It's a small knife. Something like you would find in a prison. It's kind of scary. Actually, we got this from the Newark school systems. One of our guards is a school teacher in Newark, and they put a notice out to their school teachers to be alert for the kids with these things. Within a

week, we were getting these things at the arena. We saw a pen, you never checked it. Now we check pens.

We'll get comments, "Why are you checking all these things? Why can't I bring it in?" If you give me a second, I'd like -- two or three things that I'd like to show you that we have gotten at our gates, that you would find interesting, probably. Binoculars: You're allowed to bring binoculars in, but there's fake binoculars. You're allowed to bring binoculars in, but it's a fake binocular. It holds alcohol. Why could it not hold a biochem agent? So you might be coming in and the guard may grab your thing and shake it. If it swishes, it's full -- usually liquor. So we'd take that away. I have a whole handful of those.

Why do we not allow thermoses in? It's cold. It's December. We want to bring in hot chocolate. Well, you take the top off of this particular thermos-- No, nothing is coming out. Take the bottom off-- Excuse me. Take the bottom off, it holds the anisette for the hot chocolate or the coffee that's in the other thermos. Okay. (laughter)

Joe, you'll be selling these probably next week. (laughter)

But also, what else could it contain? I mean, it could contain a chemical agent.

MR. ARAMINI: Or a flammable liquid.

MR. RYAN: Or a flammable liquid. This is probably one of-- Well, a Pringles' can. I can't bring in my potato chips -- it holds two cans of beer. Okay. There are just two other ones I want to show you, if I can find it. Obviously, we get a lot of flasks; people bringing in a little hooch for the game.

ASSEMBLYMAN PAYNE: Can I pick it up after I come back out?

MR. RYAN: We really don't receipt things. I mean, we can get, like, 50 of these at a game, possibly--

ASSEMBLYMAN PAYNE: Is that right?

MR. RYAN: --and it's really tough to receipt. We give you the opportunity to return it to your vehicle, and usually they don't want to go back to the vehicle. This is probably one of the most--

ASSEMBLYMAN PAYNE: Some get through, by the way, every once in a while.

MR. RYAN: I'm not saying this stuff isn't getting in. Believe me, we can't do a real serious pat-down like you're under arrest, because it just wouldn't work. The lines would be a mile long, and they're long already.

ASSEMBLYWOMAN CRUZ-PEREZ: An IV?

MR. RYAN: This thing, how it works, was under a patrons clothing coming into a concert at the arena. The tube came up underneath the clothing and came out at the shirt collar, right here. The guard saw this person with this thing sticking out -- it was a female coming in -- confronted her, brought her back to our processing area, and we had female guards check her. It's actually like an IV bag out of a hospital. She had it full of beer. (laughter) That's the sophistication they'll go through to bring things into the venue.

Basically, all the other stuff-- We have a lot of different kind of weapons, and things that we've confiscated.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Plus their beer.

MR. RYAN: Yes. It's 6.50 for a beer. She saved 6.50, she thought, by bringing one beer in.

MR. ARAMINI: One of the other things that we've done since September 11: No vehicles are permitted under the buildings of the infrastructure during the event, including the owners of the teams and including the Governor. No one is permitted to park under the building anymore.

The team buses, themselves, with the team, are searched at the hotels by State Police, and they actually are wrist-banded, including their baggage that comes in, to prevent any type of vehicle from getting -- all large vehicles-- If a truck wanted to come in to do catering in the parking lot, it is stopped and searched to make sure that there's nothing close to the facility that could contain explosives.

ASSEMBLYMAN PAYNE: One of the things -- this is, we're aware of the heightened efforts since 9/11, etc., etc., and even before that. One of the major -- for instance, in some of the venues around the world, when you have soccer games and things like that, you've had people who were crushed in stampedes, etc. We don't have that kind of thing or, perhaps, there's some training that you guys have for that kind of thing. But we're concerned, obviously, about preventing that kind of thing. We haven't had that in any of our venues that I know about, and I don't know whether or not you have. That's, obviously, been taken into consideration.

For instance, with all doors opening out -- and I meant to ask the Commissioner before -- that I've gone to a number of places where the doors enter in, and people just always get crammed up behind them. But I guess those are the kinds of things that you have, and I thank you for it.

MR. RYAN: We've hosted the Men's World Cup and the Women's World Cup in Giants Stadium, and we are very aware of what you're

talking about -- the crushing of fans. Most of those incidents that occurred at soccer matches have occurred overseas or in South America. And they're at venues that have open seating, where there's just wooden benches that you go in, and there's no ticketed-- So there's 50 people sitting where there should be 20 people, probably. And all our major soccer matches are all ticketed seating. We have what we call *crash gates* on our perimeter fence line outside the stadium and arena, which are locked on entry -- and everybody goes through and has their ticket ripped at a certain point -- but once the event is almost over, within five to 10 minutes of the end of that event, we swing these big crash gates open to help the people exit faster out of the buildings.

ASSEMBLYMAN PAYNE: Thank you very much.

In the interest of time, I think we want to move on.

I thank you very much.

ASSEMBLYMAN CRYAN: Can I just say this one-- What about the cattle ramps? The cattle ramp at the Meadowlands?

MR. RYAN: The walk-over bridge?

ASSEMBLYMAN CRYAN: The walkover?

MR. ARAMINI: There's a new walk-over bridge now.

ASSEMBLYMAN CRYAN: Right. I've been on it. Any fire concerns there at all, for any reason? I mean, you're really packed in there.

MR. ARAMINI: No. That's a new construction from the last several years, and it's physically capable of taking a motor vehicle over it, and it's mostly constructed of concrete and steel. We have CCTV in there. We have video in there. We're monitoring the entire length of that bridge, from either the Stadium Security Office or the Arena Security Office. It's a concern --

you're right -- especially if it's a football game, and it's a close game and all 80,000 people stay until the end. There's a crush going over that bridge.

ASSEMBLYMAN CRYAN: Yes. That goes to the Chairman's point.

MR. ARAMINI: Yes.

MR. RYAN: We have people assigned to the bridge, security officers, and we do monitor that closely with the cameras.

ASSEMBLYMAN CRYAN: One other quick thing. The only other area of crowding that's been in there, that I've seen, is in the rest rooms. I noticed, like, if you go in the in door for the men's room -- like, if it's packed, if there was a fire, you can't go out the in door, unless-- You don't have a handle or anything like that. Is that a concern at all? I mean, just sitting here listening to you.

MR. RYAN: I never gave it a thought, but you just put a lightbulb off in my head. I'm going to look at that when we go back. You're right. That's true.

ASSEMBLYMAN PAYNE: You could cut down on the beer sales.  
(laughter)

ASSEMBLYMAN CRYAN: Well, no.

But the idea is that if you get a fire with smoke--

MR. RYAN: At least you can get into the men's room. Some events, the ladies are lined up outside trying to get in, because--

ASSEMBLYMAN CRYAN: I'm aware of that, yes.

MR. RYAN: We actually do events where we change men's rooms into ladies' rooms, just because there's more of a-- We know this particular event is going to attract more of a female crowd.

ASSEMBLYMAN CRYAN: Thanks.

ASSEMBLYMAN PAYNE: Thank you very much.

MR. RYAN: Thank you, sir.

MR. ARAMINI: Thank you.

ASSEMBLYMAN PAYNE: I'd like to call on Domenic Santana, owner of The Stone Pony.

One of the things about the Giants football games is that you have female women out there -- you have females searching people as they come in, and I see guys fighting to get into the line where the females are. (laughter)

MR. RYAN: That is very true. And they're instructed -- the females are supposedly only supposed to pat down other females, whereas the males, obviously, pat down the males. But, unfortunately, many of the people coming into the games have had a few beers in the parking lot or at Cryan's Restaurant before they got here, and they're all jumping to have that female pat them down, yes. (laughter)

ASSEMBLYMAN PAYNE: Thank you very much.

MR. RYAN: You're welcome, sir.

**DOMENIC SANTANA:** Good morning.

ASSEMBLYMAN PAYNE: Good morning.

MR. SANTANA: Good morning, Mr. Chairman.

ASSEMBLYMAN PAYNE: Identify yourself for the record, please.

MR. SANTANA: Domenic Santana. I'm the owner of The Stone Pony in Asbury Park, New Jersey.

Coming here today after the tragedy -- this really has hit home to us personally. Our whole staff has been emotionally affected. I, myself, for the loss that -- and the unknown, and the circumstances that when you run the risk with lives at stake, there is no dollar value that could replace one life.

We had the band that caused the tragedy over in Rhode Island a week prior. Just to see those vivid pictures -- those are something that I'll never forget, because that could have been us, Chairman. So it really hits home. So, I mean, we've looked at it hard, and we've changed our whole policies around, as far as our stage managers go. We hold people accountable. We should have been able to have detected that, going on our stage. So we are ultimately responsible, and just thank God that it wasn't us. I think in a situation like that, first and foremost, we do have a sprinkler system. And that's one of the things that we do check on periodically. We do have different systems in place. We do hire paramedics and off-duty fire volunteers. So we've gone through a whole process.

In 29 years of business, that place has a stellar reputation around the world. And just one incident, that's all it takes. I know in this business you're unrehearsed for an incident, and you don't have a second chance when you're dealing with people's lives. So it's a very serious situation, and I'm really proud to be here to share some of our personal -- what we've looked, and what--

Last night, I just made 10 bullet points in preparation for today, coming here before you. In the 20-somewhat years that I've been in business,

knock on wood (knocks on desk), not one insurance claim. I'm really proud of that, and I want to keep it that way.

First of all, in reference to sprinkler systems, I know that, right now, it's a national thing that says venues under 300 don't need them. I'll tell you what. If I had a venue with 100 capacity, I, personally, would put a sprinkler system. So that's from my own personal opinion.

As far as extinguishers, when I see those vivid pictures on TV, I say to myself, "Whoever shot those fireworks, pyros, whatever you want to call them, should have had a fire extinguisher on hand, and that would have prevented 98 lives-- Right now, I've driven three of my local fire extinguishers companies out of stock. I have fire extinguishers in my bathrooms. I have fire extinguishers now, personally, at home, because it has hit me personally. I have taken it personal. So, I mean, am I overexaggerating?

Those pictures, to me, when I see the flames rushing up, and I just think of a fire extinguisher, I couldn't have enough fire extinguishers right now in my own places of business and in my home. My wife thinks I'm nuts because I have five extinguishers, now, in every room. But it's not only the club, but I look at, personally, all the homes and all the fires. I do have kids. I have a family. So I think fire extinguishers are the greatest things that have come around.

The panic bars -- I know that panic bars, in situations in a lot of smaller -- because I do own a small Cuban restaurant in Jersey City, also. I know that when I first started in my business, that I had to take from my kids' piggy bank to open up the register the first day of business. I'll never forget that. And then for a fire marshal to tell me that it's \$400 for a panic bar, in situations

back then, it would have been real hard. I look at the situations now. What I'm facing is, those are the best investments that any business could have. If you're going to be in business, be prepared, because it's the safety and people's lives that come first.

The one thing as far as, personally, what we've looked at, because clubs -- nightclubs in specific -- they're dark. I mean, visually, for you to get the best effect theatrically from a stage, you need to have a dark environment. I've now-- And the house lights. In the case of an emergency, there is one main switch that turns on the house lights. I've called in my electrician to make sure that the main house light switches are available and accessible at different points of the club. For if there is an emergency that happens in one place, and no one has access to the one main switch, I'm going to have other main switches throughout the club to be able to access the house lights on.

In reference to exits -- right now we're just thinking from the top of our heads, and we're going to look into putting fire exit signs on the floors, by the exit doors. Because in case of a fire, smoke goes up -- smoke that you can't see those exit signs that are going to be blocked. We're looking at neon glow-in-the-dark signs that we will place by our doors. We're also thinking of putting the strips of lights around our doors that are, also, connected to a battery backup in case you lose all power, that the whole strip of lights around the door frame--

So, yes, we want to do more than are called by codes that are on the books, because it personally affected us. That we looked back and said, "This could have been us." And I wouldn't want to have 98 lives on my shoulder here today.

So beside those situations, I know that we are already doing the airline exit situation and focusing the spotlight on every exit at the beginning of a show. I think that a lot of venues need to do that, as well, prior to a show. It does make sense. Because as people have said, and the Commissioner said before, it is the common sense of the human nature for you to exit the door that you came in. So all our shows now, after the shows, we're blowing all our exit doors open, and we're redirecting and showing people that there are other exits, then, to educate them and to show them. That's one thing that people should really -- after all is said and done -- really notice that there are other points of exits.

Staff training, as far as staff, the volunteer paramedics, and the fire safety, we have retired personnel that assist us. And they are great with our staff, as far as training. We periodically talk about the situations. We always say, "What if, what would we do?" And that's what we constantly have to ask ourselves. If you're going to be in business, it's very serious, nowadays, with all that's going on that you take the preventative measures. I think that more people, after today, have realized, as small businesses, that we have to start thinking this way. We didn't back then. We have to now.

As far as first-aid kits. I know I've gone to places where I've gotten cut, and I haven't had a Band-Aid -- simple situations like that.

Radio communications -- that's one thing that clubs, depending on the size-- Once the pyros went off on our club on February 14, our stage manager reacted, rushed the stage, and we had a security alert -- all security to the stage. We reacted.

ASSEMBLYMAN PAYNE: Excuse me. I read where this same outfit, this entertainment group, had pyrotechnics in your club the week before that.

MR. SANTANA: Yes.

ASSEMBLYMAN PAYNE: And you said that when they went off during the show, your people rushed to the stage, etc.?

MR. SANTANA: Correct.

ASSEMBLYMAN PAYNE: The question I have is how did they get in, in the first place? I mean, this is a group, I would imagine, that uses this in their act, correct?

MR. SANTANA: Yes, correct.

ASSEMBLYMAN PAYNE: Is it usually the procedure that these groups are to notify the owners that they're going to use pyrotechnics and they get approval or not? I mean, in other words, why wasn't it checked before hand? As you say, you're very fortunate that this didn't happen in your place, but it could very well have happened in your place, I suppose. Why is it -- how is it that they were able to bring these into your club?

MR. SANTANA: Well, first and foremost, when you book a band, a national band, you sign the contract and in the contract is a rider. And in the rider, it stipulates everything as far as the stage plot, and who, what, when, where. And all of that, then, is in the advanced process when your general manager calls the tour manager and speaks about the accommodations, all the details, and everything. None of that was mentioned.

ASSEMBLYMAN PAYNE: All right. Did you pay them?

MR. SANTANA: The night of the show, yes we did. After the show, yes we did.

ASSEMBLYMAN PAYNE: They violated the contract. They brought in pyrotechnics. They fired -- they set them off. Why did they get paid?

MR. SANTANA: After we realized the circumstance, once we rushed to the stage and everything, and the tour manager just like, basically, shrugged it off -- that this is no big deal; we do this all the time; it doesn't hurt anybody -- we just let it go. At the end of the night, we did have words with them. They come from a good booking agency that we felt -- you don't want to endanger, with the agents, for future bookings of other acts.

ASSEMBLYMAN PAYNE: So the next week that 100 people died there, or whatever -- I don't know the number. So the next week these same group of people, who were not chastised at all for bringing this in, have the same thing and people lose their lives. In other words, what I'm saying is that there seems to me that we need to be a little bit more proactive on these things. That there needs to be, for instance-- Because this can happen, and it did happen in a situation like that. If these people had a contract that said they -- did not include that, and they did it, and there was nothing that kept them from going on to the next venue, they did it and then people lost their lives.

Let me ask you a question. I know you have some other points, but I want to move, on the interest of time. But have you ever had any instances where-- You've been in business how long?

MR. SANTANA: Twenty-six years.

ASSEMBLYMAN PAYNE: Twenty-six years. You own a place -- and you own a couple places, at least, right?

MR. SANTANA: Yes.

ASSEMBLYMAN PAYNE: Have you ever had any of the inspectors come in to look the other way or suggest that maybe they might look the other way? In other words, have you had any kind of experience like that?

MR. SANTANA: No.

ASSEMBLYMAN PAYNE: No. In the 20-some-odd years that you've been in business, you've never had an inspection?

MR. SANTANA: They haven't caught things that I knew were wrong.

ASSEMBLYMAN PAYNE: You never had an experience where an inspector, or somebody responsible for this, suggested that maybe they would, kind of, overlook something?

MR. SANTANA: No.

ASSEMBLYMAN PAYNE: Never?

MR. SANTANA: No.

ASSEMBLYMAN PAYNE: Okay. All right.

What about your security staff? For instance, we keep talking about fire. And I want to keep reminding people about the Chicago incident, where the people were trampled, not because of fire, but because of panic. What kind of training does security people have that, in quelling fights and things like that, that would prevent something like this from happening?

MR. SANTANA: As far as -- first of all, we do search, and there's no pepper spray on premise, not even by a head of security. So there's no weapons whatsoever on the premise, period.

As far as training, most of them have worked in prior club situations, but we always go the extra mile. We have training meetings every Thursday night, which will be tonight. And tonight we have a special one, with the Asbury Park Fire Department coming in and speaking on different evacuation situations and everything. So we've brought in special martial artists, as far as for pressure points, in case if you can't subdue someone or someone is really violent, and how to wrestle them before you call the authorities, to have, then, the police department, then, take over. So we've gone through different points as far as security.

ASSEMBLYMAN PAYNE: Thank you.

One question from the Assemblywoman.

ASSEMBLYWOMAN CRUZ-PEREZ: Mr. Santana, I want to commend you, because you're taking this very seriously, as every owner should be.

On the inspections, how often do you get the inspections? You've been in business for 20-something years. Are your clubs within the same city or do you have them in different places?

MR. SANTANA: Different cities.

ASSEMBLYWOMAN CRUZ-PEREZ: Okay. And both cities, who does the inspection and how often do they come?

MR. SANTANA: It's once a year. Usually, it's once a year.

ASSEMBLYWOMAN CRUZ-PEREZ: You don't see them before that?

MR. SANTANA: No. But now we're getting, periodically, spot checks nightly at The Stone Pony, which we feel very comfortable with that. I don't have a problem with that whatsoever.

ASSEMBLYWOMAN CRUZ-PEREZ: In the yearly inspection, you don't get notified ahead of time when they're coming.

MR. SANTANA: No.

ASSEMBLYWOMAN CRUZ-PEREZ: They will show up, and they will do the inspection?

MR. SANTANA: Yes.

ASSEMBLYWOMAN CRUZ-PEREZ: So prior to this incident, you only have the inspector walking into your places once a year?

MR. SANTANA: Correct.

ASSEMBLYWOMAN CRUZ-PEREZ: Okay.

Thank you so much.

MR. SANTANA: Thank you.

ASSEMBLYWOMAN CRUZ-PEREZ: And thank you for your honesty.

MR. SANTANA: Yes.

And, Chairman, I'd like to tell you personally, and I took that position the day that the tragedy happened when I saw the act say, on TV, that the club knew about it, and they were responsible. That's why I turned around and I said, "How dare you?" Because we didn't know about it, and you put us at harm's way, and we would have been responsible. As far as where -- I felt

that I could have, maybe, prevented that by making a call. And, yes, we have gotten, from different club owners, as far as maybe documenting on one master Web site, to document what fans -- to be able to say, "Hey, heads up on this." These guys got drunk. They started throwing bottles off the stage. Before I opened up The Stone Pony, I never knew what a mosh pit was. Have you ever seen the mosh pit? Very dangerous.

ASSEMBLYMAN PAYNE: I wouldn't admit it, anyway.  
(laughter)

MR. SANTANA: Well, there are certain things that-- They'll -- body surfing, and go grab your sprinkler systems, and hang from your sprinkler system. Right now, we've put Vaseline on all of our sprinkler systems so they could slip off, but--

ASSEMBLYMAN PAYNE: I wondered why I fell. (laughter)

The Assemblywoman has one more question.

ASSEMBLYWOMAN CRUZ-PEREZ: Mr. Santana, I didn't give you an opportunity to answer the question. Who conducts the inspection in your establishment? Is it the DCA, the department, or is it the local people, the municipality, who is responsible for the inspections?

MR. SANTANA: Now, currently, we've had everything. We've had -- from the Attorney General's office, the State agency. Because of the circumstance, we've had more than our fair call of spot checks. So it varies.

ASSEMBLYWOMAN CRUZ-PEREZ: Before?

MR. SANTANA: Before, no. It was usually one department, local municipal department.

ASSEMBLYWOMAN CRUZ-PEREZ: Thanks.

MR. SANTANA: No problem.

ASSEMBLYMAN PAYNE: Thank you very much.

MR. SANTANA: Thanks. Thank you.

ASSEMBLYMAN PAYNE: Mr. Tom Millar.

I want to thank you very much by the way, Mr. Santana, for coming here. I read about -- and I really appreciate your coming forward as you did. Thank you.

Mr. Millar.

**THOMAS MILLAR:** Good morning, ladies and gentlemen. My name is Thomas Millar, West Windsor Township Construction Official.

Everything that I was going to say has already been said. But I'm not sure if this Committee understands what the inspection process is. Maybe it's worthwhile telling you. I'm the construction official, and I am in charge of the Construction Department to make sure that all buildings are built in accordance with the laws.

Once a Certificate of Occupancy has been issued, we are out of the picture. We no longer go to these buildings. But the uniform fire code kicks in at that point, and they do their inspections. In a place like a nightclub, I believe it's four times a year. It's done quarterly.

This Committee seems to be looking for an assurance of, what happened in Rhode Island and in Chicago will not happen in New Jersey.

ASSEMBLYMAN PAYNE: As best we can. That's right.

MR. MILLAR: Yes. If you're only doing the inspections four times a year, it seems that four times a year they will be safe. The rest of the time they may not be safe. I have had occasion to issue a Certificate of Occupancy for a

building and had occasion to go back the next day for some matter, and the fire doors and the stair towers were wedged open. So we do our best, but that's not enough.

ASSEMBLYMAN PAYNE: The reason for this hearing, of course, is exactly that. We did not want to wait until we had a tragedy here. And the reason for this hearing is to bring people like you with suggestions and recommendations where we might be able to ensure, as much as possible, the prevention of a similar kind of situation.

You're the experts, and your opinion is that once you're finished with it, it's turned over to -- what -- the uniform fire code inspections, etc. And if it's once a year or four times a year, you're saying that we're only sure if -- those four times a year that they may be safe. What we're going to, hopefully, come out of this hearing is to review what we have in place and take the kinds of suggestions that people make on how we might be able to improve that.

You've heard me, also, make -- several times reiterate that we're not looking simply at fire violations or fire codes, but we're looking at other ways to protect people from panic situations. I think you've heard me say that. And, of course, some of the things that are coming out of this are, one -- is a suggestion that Assemblyman Cryan raised. And that is, would you expect us or do you think we should announce periodically throughout the night where the exits are, etc., etc, etc.? That's an idea that doesn't require legislation, but certainly there might be an association that these owners belong to where they could, kind of, pick up on this stuff and suggest to each other through, as Mr. Santana said, some kind of Web page or whatever, where they can inform each other of these things.

But the reason for this, of course, is to find out from people like you and others what are some of the suggestions that we might make to try to ensure that we can save people's lives here.

MR. MILLAR: Other than having an inspector there at every event, I don't see any way to do it.

ASSEMBLYMAN PAYNE: Well, I think you're kind of downplaying the integrity of the owners. For instance, what we heard, also here, is that there were 59 inspections over the last weekend, and 40 of them were fine. So I think what we have, and I think that we should keep in mind, is that we do have people in the business who are receptive to those kinds of ideas. I don't think that-- I would certainly hope that people are not as you, perhaps, are describing -- that the only times that they are going to be safe, and the owners are going to make sure that we have safety, is when there's inspections coming up.

There are people who are honorable people in this business. We have one here as a matter of fact. Mr. Cryan is a very honorable man.

ASSEMBLYMAN CRYAN: That's right. (laughter)

ASSEMBLYWOMAN CRUZ-PEREZ: Oh, he wouldn't say otherwise. (laughter)

ASSEMBLYMAN CRYAN: Is that on the record? Do we have that on the record? Okay. (laughter)

ASSEMBLYMAN PAYNE: Even though his place was severely overcrowded on St. Patrick's Day, and will be again--

ASSEMBLYMAN CRYAN: God willing. (laughter)

ASSEMBLYMAN PAYNE: --he is one of the honorable owners. But there are people, I'm sure, who are as concerned, as Mr. Santana expressed, concerned about the safety of people and will not need to be monitored on a 365-day-a-year-- It's my hope that we'll be--

MR. MILLAR: There's no question. I agree with you.

ASSEMBLYMAN PAYNE: Right.

Are you accompanying Mr. Millar, or are you-- Could you identify yourself, please?

**MICHAEL F. CERRA:** I'm Mike Cerra. On behalf of the League of Municipalities, I brought Mr. Millar in to represent the League and the Building Officials Association.

ASSEMBLYMAN PAYNE: Very well, thank you.

Does anyone have any questions for Mr. Millar? (no response)

Thank you very much for coming.

MR. MILLAR: Thank you.

MR. CERRA: Thank you.

ASSEMBLYMAN PAYNE: Mr. Joe Ardere, I believe. Please identify yourself and pronounce your name correctly for those of us who can't.

**JOSEPH ARDERE:** My name is Joseph Ardere. It's close enough.

ASSEMBLYMAN PAYNE: Okay.

MR. ARDERE: I'm Joe Ardere. I'm past president of the New Jersey Licensed Beverage Association. And also, I was Chairman of the New Jersey Licensed Beverage Fire Code Committee, during the time when most of the rules and regulations for the nightclubs were written. I believe Mr. Connolly was the director, or was the head of that, at DCA.

I have a small establishment, and I am an entertainer. I have entertainment in my place. I can tell you that New Jersey has one of the most stringent fire codes in the nation. We are inspected regularly. Fire inspectors are well-trained. All doors must open out. All exit signs must be lighted and have a battery backup in case of an electrical failure. There must be battery backup emergency lighting that must stay on for two hours. And as far as the New Jersey Licensed Beverage Association is concerned, the New Jersey Uniform Fire Code is strong and is being enforced fairly.

That's our position. And I want to thank Mr. Connolly, because he was very instrumental in getting the nightclub category raised to 300 occupancy. And as you know, Mr. Connolly, at the time, we were in discussions. They wanted to put sprinklers in every establishment that had entertainment three nights a year and an occupancy of more than 49. Now, that was so far off the wall that we had places that had an occupancy of 75 people that put a sprinkler system in that cost \$35,000. And in some cases, the sprinkler systems were just impossible to do. So we were very fortunate that we were able to raise that to 300, plus you have to have enough doors, exits, or-- The main thing is exits.

The problem in Chicago -- you had 2,000 people on the second floor with one exit down a flight of stairs. That should have never been allowed to happen. The thing in Rhode Island happened because it was negligence on everybody's part. I recall that in the research that I did, and I was chairman for five years, that there has never been one person die in a nightclub fire in the State of New Jersey, in the history of the State of New Jersey. There was an illegal place, I believe, in Elizabeth. It was an unlicensed club that was on the

second floor. You recall that. And we got a lot of heat about that, said, "You guys--" Wait a minute. We're licensed. We're the most heavily licensed and policed industry in the country.

So, anyhow, I just would like to say that I think the New Jersey Fire Code Act is fine, and I don't have any problems with it.

ASSEMBLYMAN PAYNE: Before we get to you--

MR. ARDERE: Yes. This is Barbara McConnell. She's our lobbyist.

ASSEMBLYMAN PAYNE: Yes.

You say that you're pleased that we're able to raise the level to, what is it, 300 capacity for fire sprinklers?

MR. ARDERE: Right. With--

ASSEMBLYMAN PAYNE: Has there ever been a fire in a place with less than 300 people, that may have died? I mean, have we ever had a--

MR. ARDERE: I don't know of anybody that every died in a nightclub fire in the State of New Jersey.

MR. CONNOLLY: (speaking from audience) They won't, if it complies with all of the other permits.

MR. ARDERE: Right. The 300 occupancy is not just the only requirement. You have to have the proper exits to accommodate the people getting out of the buildings. And as far as sprinklers are concerned, if fire starts and people can't get out of the buildings before the sprinklers come on, and-- Sprinklers save buildings, you know. And now you get multiple floors, high-rise buildings and places like that, sprinklers are absolutely a requirement. But a

single floor where the exits are within 35 or 40 feet of everybody, sprinklers are not necessary. That was one of the things that they took into consideration.

ASSEMBLYMAN PAYNE: You say one of the requirements is that all doors have to open out.

MR. ARDERE: Absolutely. And unlocked.

ASSEMBLYMAN PAYNE: Have you ever heard of any places that -- where the doors open in?

MR. ARDERE: Nothing. Not since they passed that law, because I--

ASSEMBLYMAN PAYNE: I've been to places that -- there are bars, etc., clubs where the doors open in.

MR. ARDERE: Well, somebody is not doing their job.

ASSEMBLYMAN PAYNE: That's why I've asked several times today--

MR. ARDERE: Now, it may be the occupancy. Now, if the occupancy is under 49, the doors don't have to open. Right?

ASSEMBLYMAN PAYNE: Is that right?

MR. ARDERE: Now I haven't looked at my Fire Code book lately, but it's only about that thick. (indicating thickness) Section 518-,2:c -- you need to be a New York lawyer to figure the things out.

ASSEMBLYMAN PAYNE: That's why I've asked from time to time whether or not anybody has ever heard of any instance, wherever, an inspector has come and looked the other way. I mean, because I have from time to time gone into places -- what -- maybe they were a new use or something like that, where the doors don't open out the way they should.

MR. ARDERE: Well, when I first bought my place, Mr. Chairman, all the doors opened in. And when they passed the law, that's the first thing I did. I have all the doors open out, and panic bars. And not only panic bars, but-- You really don't have to have a panic bar if you don't have a lock on the door. So, if the door can't be locked from the outside, and you could push it out, you don't even need a panic bar. But it's the same principle, same principle.

ASSEMBLYMAN PAYNE: Thank you.

You do, I'm sure, understand the reason for this hearing today.

MR. ARDERE: Oh, absolutely.

ASSEMBLYMAN PAYNE: So we can be -- prevent this. You said we have a history of not having any problems, so we want to keep it that way.

MR. ARDERE: Right. And that's a tribute to the Fire Bureau.

ASSEMBLYMAN PAYNE: I want to make sure that we don't slip up a little bit. Just as the owner of The Stone Pony said, people did come in. They had fireworks in his place. He didn't know anything about it, etc., etc., etc. One instance like that can cost us lives. And I know what we're doing here today is to try to prevent that.

MR. ARDERE: No question.

ASSEMBLYMAN PAYNE: Let me ask Ms. Barbara McConnell, now, if you would identify yourself, also.

**BARBARA McCONNELL:** Thank you, Mr. Chairman, members of the Committee. I am Barbara McConnell, the legislative agent for the New Jersey Licensed Beverage Association. We represent about 6,000 licensees, some

of which are nightclubs, and many of which are restaurants that are, also, entertainment venues.

I want to praise you and this Committee for holding this hearing. Because although I feel, as Mr. Ardere has said, that New Jersey has got very strong fire codes, enforcement is good, our inspectors are well-trained-- But as Mr. Santana said, it could have been him. It could have been us. And so, we really welcome the opportunity to come and share with you our views.

It is our belief that throughout our membership, the 6,000 licensees, that they are doing their best to comply. Many of them are very small businesses -- to comply, certainly with the fire code -- and we welcome that. I think what we, as owners, can do and what our members are perfectly willing to do -- and I also was very impressed with Commissioner Levin's testimony, because it appears to me that the division, including Mr. Connolly and other officials, are being very proactive and logical in this. They have done a tremendous job in really reviewing what is going on out there, and doing spot checks of 1,500 nightclubs over this past weekend, and finding only just a few minor violations.

ASSEMBLYMAN PAYNE: Fifty-nine.

MS. McCONNELL: Well, they did 59, but I believe their target is to do the 1,500 at some point.

ASSEMBLYMAN PAYNE: Fifteen hundred. Yes, right.

MS. McCONNELL: And I'm just real confident that a very few violations are going to be found, and they will be minor. And I think that's a credit to the State and certainly to the Division of Community Affairs.

But I think there are things that we, as owners, can do -- I'm not an owner -- but our owners can do, and I believe they're doing that. When the fire in Rhode Island broke out, I don't think there is a license holder in this State that didn't shiver and think, "I need to take another look at what we're doing, because it could happen to us." And one of them is to do self-inspection yourself, periodically, to make sure that you're comfortable and confident with your compliance. Make sure your employees are trained. Make sure that your exit signs are visible and that your customers know where those exit signs are. Don't violate seating capacity or standing capacity, and make sure you know what your entertainment contracts are going to do and say, as Mr. Santana.

I believe that our Association members try diligently to follow those self-imposed rules, and we certainly want to cooperate with the Department of Community Affairs on any of their deliberations regarding this, and certainly with your Committee, Mr. Chairman.

ASSEMBLYMAN PAYNE: Thank you very much.

Are there questions?

ASSEMBLYMAN CRYAN: Just one. What did you think of the idea of announcing -- to either one, Barbara or Joe?

MR. ARDERE: I don't have any problem with that. Although my particular establishment is so small--

ASSEMBLYMAN CRYAN: Well, that wouldn't matter.

MR. ARDERE: --that they know where -- you could see it. In my place, I don't think anybody is more than 35 feet, 40 feet from an exit. But in a big venue -- there's where the catastrophes can happen, is in the big venues, where they got 300, 400, 500 people. I think they should announce where the

exits are, and like you said, that would be something we could do on our own. We don't need legislation to do that. Be a suggestion that we could suggest to our members.

ASSEMBLYMAN CRYAN: We'd appreciate that. I just want to say thanks and reiterate, again, that this situation in Rhode Island was clearly fire violations and that licensed establishments in the State of New Jersey don't have a history of problems here. We should reiterate that in the points that we make.

MR. ARDERE: Well, I guess it was in '86 or so, when they had the problem at Great Adventure.

ASSEMBLYMAN CRYAN: Right.

MR. ARDERE: Now, that was neglect there. They never should have allowed those-- They were containers, so to speak, to connect one to another. That was a fire trap. Apparently, somebody got penalized on that. Great Adventure certainly did; they paid.

ASSEMBLYMAN PAYNE: Yes.

Ms. McConnell, your association, do you represent all 6,000 establishments that have liquor licenses, I suppose?

MS. McCONNELL: That's correct.

ASSEMBLYMAN PAYNE: Is there some way your owners can have a -- oh, I don't know -- network to inform them? For instance, now, a couple of times I've asked about security -- training for security people, etc., etc. Again, I go back to the panic, the stampede in Chicago. A lot of the discos that we have here, I suppose you represent them, as well, if they serve liquor, I suppose.

MS. McCONNELL: Could, yes.

ASSEMBLYMAN PAYNE: It would seem to me that there might be some kind of uniform training as a result of what happened out there, or what have you, that maybe your association -- because I've been trying to find what kind of an association does represent, across the board, these owners of places like this.

MS. McCONNELL: Right.

ASSEMBLYMAN PAYNE: It might be helpful if, in fact, some kind of uniform training or how to do things-- I see the Commissioner has put out some do's and don'ts. But something like that, that can get out to all of the owners to -- how to handle situations such as this, would be really very, very helpful. The Commissioner also said something about, the inspections may not necessarily be uniform in all the municipalities. I think they should be. I think that there should be more uniformity with the inspections that go on. And so, it would be helpful if your association, somehow, could help to get the word across, to all of the members, of some of the do's and don'ts -- even what was put out today by the Commissioner would be very helpful.

MS. McCONNELL: We certainly will. And I thought, again, that was a good idea for the department to put out those do's and don'ts, and it's something that this association would be very happy to disseminate among our membership. But also, I think, as an association, we also have the ability to continue to raise the consciousness among our members about the need to be self-vigilant, as I pointed out in some of my comments, to be self-regulated.

ASSEMBLYMAN PAYNE: Sure.

MS. McCONNELL: And certainly to work with the department on any proactive ideas that we can do.

MR. ARDERE: Mr. Chairman, I don't know whether you're aware of this, but we are issued a hazardous use certificate. And unless our premises pass the inspections, they will not issue us a hazardous use inspection certificate, which costs me about \$400 a year. And that doesn't include the price of inspection. My inspections are done by my local municipality.

ASSEMBLYMAN PAYNE: Right.

MR. ARDERE: The towns that don't have fire officials, then the State does those inspections.

ASSEMBLYMAN PAYNE: Right.

MR. ARDERE: But unless you pass the tests, you don't get your hazardous use-- If you don't get your hazardous use certificate, you don't get your liquor license renewed.

ASSEMBLYMAN PAYNE: Mr. Cryan.

MR. ARDERE: So, I mean, we have some checks and balances out there.

ASSEMBLYMAN CRYAN: I'm having a mind blank here.

Who prints that journal every month?

MS. McCONNELL: We did.

MR. ARDERE: We did.

ASSEMBLYMAN CRYAN: You do.

MR. ARDERE: *Over the Bar Report*.

ASSEMBLYMAN CRYAN: So we can put the prices and all that stuff, we can put the do's and don'ts in there. Can we just do that?

MR. ARDERE: Sure, we could do that, definitely.

MS. McCONNELL: Sure.

ASSEMBLYMAN CRYAN: Kind of a fundamental thing. And that touches every license holder.

MR. ARDERE: Right. We could do that. We send a monthly newsletter.

ASSEMBLYMAN CRYAN: I think, on behalf of the Committee, that would be something that would be greatly appreciated.

MS. McCONNELL: Definitely.

MR. ARDERE: We can do that. We'll send you a copy.

ASSEMBLYMAN PAYNE: You get it anyway.

ASSEMBLYMAN CRYAN: Thank you.

MR. ARDERE: Oh, yes. Well, he gets a copy.

ASSEMBLYMAN PAYNE: Let's see, the Licensed Beverage Association and the New Jersey Restaurant Association, do you cover the same organizations, the same--

MS. McCONNELL: Basically, the Restaurant Association, Deborah Dowdell is here, and I'm sure she--

MR. ARDERE: No, she left.

MS. McCONNELL: No, she had to leave. But the Restaurant Association might also represent nonlicensees, for instance. The New Jersey Licensed Beverage Association was the old Tavern Association. So traditionally, our membership consisted of small bars and taverns throughout the State.

ASSEMBLYMAN PAYNE: It sounds so much better.

MS. McCONNELL: I know. But now we do have larger restaurants. We do have entertainment venues. Some nightclubs are our members. Both the Restaurant Association and the Licensed Beverage Association -- there are some overlapping memberships. I think licensees are eligible for membership in both of those organizations. But we tend to represent more the bars and taverns.

MR. ARDERE: And licensees.

MS. McCONNELL: And licensees.

ASSEMBLYMAN PAYNE: Thank you. Thank you very much.

For the record, I would just mention that Ms. Deborah Dowdell, the Executive Vice President of the New Jersey Restaurant Association, was here, and she left a statement for this hearing.

Thank you. Thank you very much.

MR. ARDERE: Thank you.

MS. McCONNELL: Thank you, Mr. Chairman.

ASSEMBLYMAN CRYAN: Discotheques? Did I hear you say discotheques? Did I hear you say discos?

ASSEMBLYMAN PAYNE: Well, whatever.

ASSEMBLYMAN CRYAN: They haven't been discos since the '70s. (laughter)

ASSEMBLYMAN PAYNE: Well, what's the names of those things. Well, whatever. In my day, they were-- Oh, what the heck.

Rich Buck, please, the Mercer County Improvement Authority.

**R I C H A R D B U C K:** My name is Richard Buck, and I'm Deputy Executive Director with the Mercer County Improvement Authority. We

oversee the operation of the Sovereign Bank Arena. I can't get you tickets to Bruce Springsteen, but I can get you tickets for Big Bird and Elmo next month.  
(laughter)

ASSEMBLYWOMAN CRUZ-PEREZ: I'd take that. (laughter)  
That's okay.

MR. BUCK: See me after.

This is Patrick Cane. He's my Chief of Enforcement. He's actually the director in charge of implementing our plans. I know that the Chairman has spoken about not just fire, but how do we respond to crowd control and incidents such as that.

What I've passed out to you is the Emergency Response Plan that we put together with the Trenton Police force, Sovereign Bank Arena staff, and the Trenton Fire Department. That will outline for you how we've interpreted some of the local regulations, and some of the goals we seek to achieve in responding to an emergency.

There are a couple of areas -- again, a lot of things have already been said by the professionals from the Meadowlands Association -- but I think key is-- Let's talk about what we do. Key, internally, with the Sovereign Bank Arena staff themselves, they are trained. They all get a copy of the plan that you see in front of you. Every new employee is briefed on this plan.

As a matter of fact -- Patrick can talk about it at length, if you wish. This January, before these incidents occurred, our arena management team met with the Trenton Police and Fire Company. And we are going to be doing regular drills with the arena staff so that they can direct crowds. As was mentioned earlier by the Meadowlands staff, is that, when people come in, they

generally come in the same exits. And so, during an event, they tend to stampede all in that one direction. And so, one of the things that's going to be addressed in some of the staff training is how to get people out in other exits.

The other thing is that, because we do over 160 events a year at the arena, the Police and the Fire Chiefs know and are familiar with all of our staff people, so, not only do they know each other personally, but they're very aware of the building. They know where the exits are, and during an event, before an event happens, they do an inspection of the arena and go over any issues that look suspicious with arena staff.

Again, the details of what happens during each type of an emergency, and what preparations are made, and what staffing levels are required at each event have been laid out for the Committee, in that plan. I'll be happy to take any questions on that.

All full-time event staff are certified in CPR and first aid. The arena bears the expense of sending all event staff to national conferences on security and crowd control issues. Anything that they learn there they review with the city of Trenton Police and Fire Department, and implement any new best practices. Also, post 9/11, there were a host of security changes made. One of the most significant is that we installed a \$150,000 video security system that monitors every entranceway, and outdoors and the parking area as well, that we monitor for suspicious activity. All of event staff and police are able to communicate on the same radio frequency, so that staff can contact either fire officials or police, who are both inside the facility or outside the facility. So, if an incident starts to get beyond control, they can contact the police directly at that instance.

We had opportunity, during last Earth Day -- there was a bomb threat where we had a significant size event at the arena, and this plan was executed, I'm happy to say, without incident or injury.

So we look forward to working with the Committee and looking to implement any new suggestions that come out of here. But we have been pretty proactive in working, again, with the city of Trenton Police and Fire, who we have very good relationships with, and even going beyond some of what the regulations require.

A couple of recommendations: Again, we have the resources at the arena to be able to train staff on a fairly regular basis and do those drills. And I'm aware that with some of the local supporting clubs, like the Conduit or the Urban Word -- may not have those resources, one and two, because, generally, in those types of businesses you tend to have high staff turnover. You probably need to make more capital investments as opposed to staff training, but that would be one recommendation.

And I'm wondering if the Committee would consider maybe going the other way. The Commissioner spoke about highlighting the fact that you have satisfactorily implemented best practices, but, maybe, on some certain serious violations you post something prominent at their entranceway. Because that's going to prevent people from coming in the facility and hitting them in the wallet. But, again, that would be something--

ASSEMBLYMAN PAYNE: Sure. Like Megan's Law. Put it on TV.

MR. BUCK: --and the DCA would have to determine. It wouldn't be a minor violation, but serious violations, so that the patrons are aware.

ASSEMBLYMAN PAYNE: Well, that's an idea. And if they have serious violations, they should be closed down. That inspector who finds these violations, if they're serious enough, should close them down until the place is--

MR. BUCK: Right.

ASSEMBLYMAN PAYNE: --until they're corrected. And that way, they won't be getting in there to begin with.

MR. BUCK: Right.

ASSEMBLYMAN PAYNE: Again, it takes me back to this business about whether or not these inspections are as thorough, in all cases, as they should be, or whether or not there are some places where they slip through the cracks.

MR. BUCK: The other thing that we do, depending on the type of issue: If there are pyrotechnics, we have a licensed pyrotechnic technician there. The staff are trained in use of fire hydrants, and the fire inspectors, also, on site during the show. Again, if an event where there might be an injury, we have additional EMT staff as well. If we think that there might be a rowdier crowd, we do bring in a private security firm (*sic*) that supplements the significant amount of trained police officers that we already have on site.

ASSEMBLYMAN PAYNE: Security force.

MR. BUCK: Yes. Private security force that supplements the staffing that we pay for, to the city of Trenton, for police protection.

That's all I have for the Committee. I'll take any questions.

ASSEMBLYMAN PAYNE: Thank you.

Assemblywoman.

ASSEMBLYWOMAN CRUZ-PEREZ: Just a quick one. Did you provide the Fire Department and the Police Department, like, a schedule of events ahead of time?

MR. BUCK: I believe they get a weekly schedule events package.

**PATRICK CANE:** A weekly schedule, and actually speak pretty much on a daily basis about codes and up-and-coming events and any changes. Both the sheriff's department, Trenton PD and Fire Department are all, on a daily basis, discussing about the events.

MR. BUCK: It's almost like they're on our part-time staff, anyway. But there's a very good relationship between the Sovereign Bank Arena staff and the local law enforcement officials. And again, we're only a stone's throw away, so I invite you all to come out. We do have a Mid-Atlantic Conference Basketball tournament going on for the next few days. So come on out.

ASSEMBLYMAN PAYNE: What's going on tonight after this hearing?

MR. BUCK: We have, again, basketball, the Mid-Atlantic Conference. We think it's only three bucks a beer at Sovereign Bank. So a little cheaper than the Meadowlands.

ASSEMBLYMAN PAYNE: Thank you very much.

The representatives are here, still -- someone from DCA, and I think there are some recommendations that are coming out and will be in our printed testimony -- that some of the suggestions that are being made here, some are -- seem to be very logical and elementary that we could, kind of, adopt. One being, to share this information throughout the industry. You mentioned CPR and first aid training, etc., for people. I'm sure that's very important and that's

something that, perhaps, should be done. Security and crowd control training, etc., those are very important things, I think. And possibly, it probably is different from each venue -- not, probably. There can be some kind of uniform suggestions or recommendations that would be very helpful throughout this industry.

Thank you for your testimony.

MR. BUCK: Thank you very much.

MR. CANE: Thank you.

ASSEMBLYMAN PAYNE: Dominick Zarrillo.

**MATTHEW S. HALPIN, ESQ.:** Thank you, Mr. Chairman.

My name is Matt Halpin. I'm with Hodes Shaw Bodman Gluck. I'm joined by Dominick Zarrillo, who is from Loews Cineplex Theaters, who offers some testimony this morning, or I should say this afternoon, on behalf of the New Jersey Chapter of the National Association of Theater Owners, to offer a perspective on that.

We thank you for inviting us here today. And just to assure you and the members of the Committee: As this becomes an ongoing discussion, we'd be more than happy to serve as a resource for all of you.

At this point, I'll turn it over to Dominick for some remarks.

**DOMINICK ZARRILLO:** Thank you, Matt.

Again, my name is Dominick Zarrillo. I'm a Regional Director representing Loews Theaters, NATO -- National Association of Theater Owners -- that are out in Las Vegas. So I'm going to do the best I can here. I was asked yesterday at 5:00 to come out and give you guys some suggestions on what we do at Loews Theaters. And more specifically, two things, two things that we do-

- Let me first preface this by saying that the biggest thing we need to do with our theaters is staff and management training and development. We need to make sure they're aware for our guests' safety. And there's two things that we do. We have bimonthly staff meetings that go over several different issues in the theaters -- safety, or whatever. But more specifically, at the end, we conduct fire drills for the staff.

ASSEMBLYMAN PAYNE: How often is this?

MR. ZARRILLO: This is bimonthly, usually the third or fourth Saturday every other month, in the auditoriums.

We've also had occasions to bring in the local fire department, inspector, supervisor, that would come and address the staffs. Actually, we haven't done that lately -- but in sitting here and listening to all these suggestions, in light of everything that happened, I'm going to recommend that we go back and maybe talk to the managers of the facilities and see if, at one of the next meetings, if we can get somebody from the local fire departments to come in and actually address the staff. Because the managers -- we can sit there and talk to them, but we're not as trained as somebody out there in the fire department. So we're going to do that.

We have a Safety and Security Department, as well, in the corporate office, that issue monthly security posters that we put in the employee training and/or break rooms. We put them in frames, and we keep the yearly poster up. Each month that we get one, we keep the whole year up. And as the new year comes out, January, we put the new January poster up and take the old one down. So there's always a set of 12 posters up, and they highlight anything from hazardous conditions in the parking lot to conditions in the theater,

whether it's the aisle lights that need to be kept lit, exit signs, wet floor signs in the theaters. So each month there's something that's highlighted -- security and safety related in the auditorium -- that we keep posted.

We also have smoke detectors, routine fire inspections once a year, sprinkler system tests, fire alarm panel tests. Crowd control is a big thing in the theaters. The staff is trained, typically, to supervise. Down our corridors, we have stanchions or ropes that we only keep up in times of high-volume movies that come out. We keep people lined up in a certain area. Once the crowd is let in, we take the poles down, and we just put them up in times that they're needed.

We used to -- I'm not sure if we do at all locations now -- I think it's mandated by different municipalities, but exit trailers used to be run before the movies started, where we would give the guests a perspective on, "Exits are located in the front and the rear." As somebody was stating earlier, most people come in the same way -- or leave the same way they come in. So, we, at least, highlight where the exits are. We make sure we keep them well lit. That's a recommendation I'm going to bring back to our corporate office and maybe say, let's be more proactive. Maybe we don't have to just do it selectively. Maybe we should just do it.

That's pretty much-- Those are the suggestions that I wanted to bring up. I'd be more than happy to answer any questions. If not, I can get the answer and get back to you.

ASSEMBLYMAN PAYNE: Mr. Cryan.

ASSEMBLYMAN CRYAN: Exit trailers and the prevention. How are they produced?

MR. ZARRILLO: We have -- it's a company called Cinema Concepts. It's a separate company. They can make anything from gift certificate advertisements to exit trailers to movie trailers. They're usually a 30-second spot, and they're just attached to the front of the movie.

ASSEMBLYMAN CRYAN: And is it a policy of Loews to have those?

MR. ZARRILLO: I don't think, right now, it's a specific policy. Like I said, I think it's mandated in certain townships, by the fire departments, that we have to run the exit trailers. I'm in charge of 13 locations, and I think, right now, we may only have one location that's required to run them.

ASSEMBLYMAN CRYAN: That's something, without speaking for everybody, that you generally feel might be--

MR. ZARRILLO: I think that would be something, as speaking proactively and addressing-- We don't have intermissions in the movies. So you press the start button, and it runs for two, two-and-a-half hours. The most you can do is make an announcement at the beginning of the movie. It's not feasible, really, to stop the movie. We'd get things thrown at us. But at the beginning of the movie, whether it's an announcement, personally or on screen, it's something that we can definitely look at.

ASSEMBLYMAN CRYAN: Do you mind me asking if you have any idea of the cost of something like that?

MR. ZARRILLO: The trailers -- they're not very expensive. I would say each trailer produced would probably be \$30 to \$40. And if you have 10 screens, you're talking about \$300, \$400.

ASSEMBLYMAN CRYAN: The actual--

MR. ZARRILLO: It's a 30-second spot. It comes on 35 millimeter film. And each, to get produced, is probably around \$40. And if you wanted to put that on every screen, you're talking \$40 per screen.

ASSEMBLYMAN CRYAN: But, I guess what I want -- there are some situations that seem like these trailers would be applicable. Like, suppose tomorrow we passed a law that said every movie theater should have a trailer. What financial burden would we--

MR. ZARRILLO: Minimal.

ASSEMBLYMAN CRYAN: Minimal. Okay.

Thanks.

ASSEMBLYMAN PAYNE: Thank you very much.

You say you don't have intermissions in the movies, etc., etc., unless it's one of those three- or four-hour ones.

MR. ZARRILLO: We have one out now -- *Gods and Generals* -- that's four hours, and there is a 15-minute break.

ASSEMBLYMAN PAYNE: Yes, I haven't seen it. I've been missing so many of these movies. I haven't seen any in a long time.

But anyway, these subliminal kinds of messages-- I know that there's, sometimes -- you can flash almost imperceptible kinds of messages, that people are prone to go out to buy popcorn, etc., for instance. I mean, movies have used these kinds of things to get people to go-- All of a sudden they're walking out wondering why they're going, because there's something that's been flashing there. They could probably do something like that as well. Maybe it might be some kind of subliminal message flashing where the exits are, as well.

I don't know. Maybe that's something that works for these people coming out with cartons of popcorn. They can't even finish them; these buckets of popcorn.

MR. ZARRILLO: Right.

ASSEMBLYMAN PAYNE: Anyway, I guess that's what--

MR. ZARRILLO: Keeps the extras in business. (laughter)

ASSEMBLYMAN PAYNE: My son is an extra.

Well, I thank you.

Does anyone have any--

Yes, Assemblywoman Nilsa Cruz-Perez.

ASSEMBLYWOMAN CRUZ-PEREZ: Yes. You'd be happy to hear that I am one of the best patrons that you have. I have teenagers, and I go to the movies almost every week.

MR. ZARRILLO: All right.

ASSEMBLYWOMAN CRUZ-PEREZ: My son, as a matter of fact, was working during the holidays. It wasn't at the Loews Theater; it was at the other one. And he did -- never receive any kind of training on evacuation, training in case of something happened. He did not. He was there just for the holidays. But it was interesting that you mentioned that you do it. So how often did you do it, and is it as soon as you hire someone? Because I know you're very good at hiring college students, high school students -- which I really appreciate that -- because you give them an opportunity. But how often did you provide the training? Because to me, that's the key. If you have the people who are working the theater have the proper training, and you mentioned that you do it-- My son, in the other theater, did not receive any kind of training.

MR. ZARRILLO: Right.

ASSEMBLYWOMAN CRUZ-PEREZ: So you do it as soon as they get aboard or--

MR. ZARRILLO: There's a training tape -- and forgive me, I'm not sure if it's exactly on fire safety or what -- but we have orientation tapes that they watch as the employees get hired. There is a security/safety tape that they watch at the orientation. So that's even before they sell their first ticket or popcorn. So there is some type of training. It's probably two, two-and-a-half hour training orientation that's held once a week when we do our hiring. And then it's reinforced as a fire drill, or so forth, bimonthly -- six times a year.

ASSEMBLYWOMAN CRUZ-PEREZ: Okay. So you do have the drills?

MR. ZARRILLO: Oh, yes. At the end of the tape that they watch, it says, "Please stay put. See your manager for -- we're going to conduct a fire drill." We have a fire evacuation plan that's kept in the manager's office in a binder. It's a floor plan of the theater, the exits, where the fire extinguishers are located. And there are several positions in the theater -- whether it's a ticket taker, usher, cashier -- and each one of those positions are required or responsible for a certain function in the event that there's an emergency situation.

And that's the other thing. We train the staff, if there's a fire or something. We don't want to run into the theater and say there's a fire. We just make an announcement that there's an emergency situation, can you please exit this way or something. We try to keep the staff calm and cool so they can reinforce that to the guests that are there. So there are several positions in the

theater, and each one would be responsible for a certain task in the event that there's a situation.

ASSEMBLYWOMAN CRUZ-PEREZ: Great.

Thanks.

ASSEMBLYMAN PAYNE: Thank you very much for your testimony.

Have you had any experiences where there have been any kinds of serious emergencies, fires, etc., in any of the places that you monitor?

MR. ZARRILLO: Back in 1992, in Bricktown -- I don't know if anybody was familiar with that -- now we have a 10-plex in Brick, 10 screens. Back in the early '90s, we had two, five-screen complexes and a twin. And one of the five-plexes did burn, not totally to the ground, just inside. And it was closed for almost a year.

ASSEMBLYMAN PAYNE: Well, thank you very much for your testimony, and for all who have testified today.

I think what we found today is that, it's been mentioned that, we have -- it's very strict regulations in the State of New Jersey, for the protection of our citizens. I think this hearing has prompted a new look at and a review of what's in place, and, also, have underscored some of the few areas that we need, perhaps, to have some improvement. I truly hope that we have served the purpose, and that what we've done today will help to save lives and prevent any kind of catastrophes that we have seen in other parts of the country.

Hopefully, those who have been here, and others, will share the information that we've learned, so that the industry and those who operate in these businesses will be able to share those kinds of positive recommendations

that were made, and that we will continue to be vigilant in seeing to it that the citizens of New Jersey are protected, and that entertainment venues will be just that, will be venues for entertainment and relaxation for the citizens of New Jersey. And perhaps New Jersey can serve as a paradigm for other states, so that we can, in fact, have the kinds of leisure time that we all deserve and then have them in safety.

I would just like to, also, say that we've learned that the majority of people in this business are people who are respected and respectable citizens, who are responsible citizens, and are, also, those who are trying to see to it that, in addition to having a successful business, will also have a venue or a place that will be safe for the citizens and for the patrons that they entertain. I'm very pleased that we are able to, for the benefit of those in that business, to indicate that they are the majority. The vast majority of people in this business are respectable and are looking forward to trying to see to it that the citizens of New Jersey have a decent and better quality of life.

Thank you all for coming. This meeting is adjourned.

**(MEETING CONCLUDED)**