

Resolution No. 2010 - 1

TO OPPOSE THE ADOPTION OF SENATE NO. 1080 AND ASSEMBLY NO. 1463 THAT WOULD REQUIRE A DESIGNATED FIRE COMMAND STRUCTURE INCLUDING DEPUTY CHIEFS AND BATTALION CHIEFS IN MUNICIPAL EMERGENCY OPERATIONS PLANS INVOLVING MUTUAL AID RESPONSES TO FIRES

WHEREAS, the Legislature found that it was appropriate to establish a mechanism for the coordination of fire service resources throughout the State to facilitate a quick and efficient response to any emergency incident or situation that requires the immediate deployment of those resources in order to protect life and property from the danger or destruction of fire, explosion, or other disaster; and

WHEREAS, the Fire Service Resource Emergency Deployment Act (P.L. 2003, c.28) was adopted March 10, 2003; and

WHEREAS, Homeland Security Presidential Directive-5 (HSPD-5) was signed February 28, 2003 directing, among other things, the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS) which system is to provide a consistent nationwide approach for Federal, State, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

WHEREAS, Governor Richard J. Codey signed Executive Order 50 on August 5, 2005, establishing an incident management system in New Jersey which is the National Incident Management System (NIMS) to be used for all emergency incidents in this State, including those first responders at the departmental, agency, county, and local levels; and

WHEREAS, the Fire Service Resource Emergency Deployment Act and the rules adopted by virtue of the law are consistent with HSPD-5 and Executive Order 50; and

WHEREAS, the National Training Curriculum developed by the National Wildfire Coordinating Group is the program adopted (N.J.A.C. 5:73-6) as the Incident Management training for the New Jersey Fire Service; and

WHEREAS, the Common Terminology described in the I-200 module of that curriculum includes the term "Position Titles," the definition including, "Those charged with management or leadership responsibility in ICS are referred to by position title such as Officer, Chief, Director, Supervisor, etc. This is done to provide a way to place the most qualified personnel in organizational positions on multi-agency incidents without confusion caused by various multi-agency rank designations;" and

WHEREAS, Senate No. 1080 and Assembly No. 1463 have been introduced in the current session of the Legislature; each requiring that deputy chiefs and battalion chiefs be included in the local and county fire mutual aid plans to respond to any emergency, to supply command support, or to be assigned to the command structure; and

WHEREAS, the designation of deputy chiefs and battalion chiefs to fill specific positions in the Incident Command System is contrary to NIMS and in some areas of the State the organization of local fire departments is structured so that there tends to be few deputy and battalion chiefs that would be available to fill the positions.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State Fire Chiefs' Association at its annual membership meeting in Wildwood, NJ, this 16th day of September, 2010, that, for the reasons set forth in the preamble of this Resolution, this Association opposes the adoption of Senate No. 1080 and/or Assembly 1463; and,

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to Senators Anthony R. Bucco, Donald Norcross, Steven V. Oroho, Assemblymen John S. Wisniewski, David P. Rible, David C. Russo, Thomas P. Giblin, Angel Fuentes, Vincent Prieto, Assemblywomen Alison Littell McHose, sponsors of the bills; Senator John Girgenti, Chair of the Senate Law and Public Safety Committee; and Assemblyman Frederick Scalara, Chair of the Assembly Homeland Security and State Preparedness Committee

Resolution No. 2010 - 2

TO OPPOSE THE ADOPTION OF ASSEMBLY NO. 1453 THAT
WOULD EXEMPT EXPERIENCED FIREFIGHTERS FROM A
CERTIFICATION REQUIREMENT

WHEREAS, Assembly No. 1453 which would ensure that firefighters with five or more years experience would be able to engage in fire suppression, fire fighting, or fire rescue regardless of whether they have the proper certification was introduced on January 12, 2010 and referred to the Assembly Law and Public Safety Committee; and

WHEREAS, many fire departments have ordinance requirements, standing rules, or by-laws that require members to obtain New Jersey Division of Fire Safety Firefighter I Certification before engaging in fire suppression, fire fighting, or fire rescue; and

WHEREAS, local laws and rules cannot contradict State law and if Assembly No. 1453 becomes law, a fire department could not deny active membership, only based on its local requirements, to a firefighter who wishes to join it who does not have State certification but does have five years experience in another fire department; and

WHEREAS, the adoption of this bill would create an unsafe situation for firefighters who must work in crews and, therefore, rely of the training as well as the experience of each member of the crew when operating under unusual and dangerous conditions, and

WHEREAS, the firefighter certification standards in the Division of Fire Safety provide a process for members of the fire service who were members prior to the effective dates of the standards to obtain certification by an equivalency process,

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State Fire Chiefs' Association at its annual membership meeting in Wildwood, NJ, this 16th day of September, 2010, that this Association opposes the adoption of Assembly No. 1453; and,

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to Assemblymen John S. Wisniewski, Frederick Scalera, Craig J. Coughlin, and Vincent Prieto sponsors of the bill; and Assemblyman Gordon M. Johnson, Chair of the Assembly Law and Public Safety Committee.

Resolution No. 2010 - 3

TO SUPPORT THE ADOPTION OF CODE CHANGES REQUIRING THE INSTALLATION OF FIRE SPRINKLERS IN TOWNHOUSES AND ONE- AND TWO- FAMILY DWELLINGS

WHEREAS, data compiled by the National Fire Protection Association shows there were 2900 civilian fire deaths in structural fires in the United States in 2008; and

WHEREAS, home fire sprinklers are a proven way to protect lives and property against fires at home; the risk of dying in reported home fires decreases by about 80 percent when sprinklers are present; and

WHEREAS, in the report, *Home Fire Sprinkler Cost Assessment*, released by the Fire Protection Research Foundation, the cost of installing sprinkler systems averaged \$1.61 per sprinklered square foot including design, installation, permits, additional equipment, and increased tap and water meter fees; and

WHEREAS, in a recent study conducted by Newport Partners, it is reported that the enactment of sprinkler ordinances does not cause any detrimental effect on housing supply and costs; and

WHEREAS, Fire sprinklers are a life-safety device that must be mandated by the government to keep up with 20-plus years of homebuilder-led code changes, allowing houses to be built out of "lightweight" building materials, which are so flammable that firefighters have only three minutes after a fire starts to enter a burning structure, make any rescues and then retreat before risk of collapse of the structure. Twenty years ago, before the use of these lightweight materials, that time for rescue was 20 minutes; and

WHEREAS, the 2009 edition of the *International Residential Code (IRC)*, combined all building, plumbing, mechanical, fuel gas, energy, and electrical provisions for one- and two-family residences and townhouses into one comprehensive code that is compatible with all I-Codes. New safety features in the 2009 IRC include: Fire sprinklers required in all new one- and two-family residences beginning January 1, 2011 and Fire sprinklers in all new townhomes when the code is adopted; and

WHEREAS, Proposal Number PRN 2009-280 to amend the New Jersey Uniform Construction Code to include the 2009 IRC provisions including a requirement for fire sprinklers in townhouses and one- and two-family dwellings was published in *The New Jersey Register* on September 8, 2009; and

WHEREAS, the adoption of these requirements would (1) meet a safety need for the residents and emergency responders, (2) offer a common sense response to the increased dangers from using lightweight construction, and (3) be business friendly by providing employment for sprinkler designers and contractors, and

WHEREAS, on August 12, 2010, DCA Commissioner Lori Grifa announced that the Department will adopt the Proposal (PRN 2009-280) with the exception of the requirement for sprinklers in one- and two-family dwellings although the Department is adopting the technical requirements for the installation of automatic fire sprinkler protection systems in new one- and two-family dwellings in order to give those who choose to install such systems the benefit of using the most current technology in system design, and

WHEREAS, sprinklers do more than save lives; they also protect property from destruction by fire, offer residents valuable time to get to safety, and offer protection to firefighters from major structural failures like collapsing beams and floorboards; and

WHEREAS, notwithstanding the national average costs for installing sprinkler systems, there is a concern that some water utility companies are charging connection fees and annual standby fees for fire sprinklers in townhouses and one- and two-family dwellings, none of which are justified, by reason of costs to the utility above a normal water service connection.

NOW THEREFORE, BE IT RESOLVED, by the New Jersey State Fire Chiefs' Association at its annual membership meeting in Wildwood, NJ, this 16th day of September, 2010, that this Association urges the Commissioner of the Department of Community Affairs to publish a new Proposal to amend the New Jersey Uniform Construction Code to include a requirement for fire sprinklers in townhouses and one- and two-family dwellings and to prohibit connection fees and annual standby fees for fire sprinklers in townhouses and one- and two-family dwellings; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Honorable Lori Grifa, Commissioner of the Department of Community Affairs, and to the Fire Safety Commission; and

BE IT FURTHER RESOLVED that the members of the Association and their Fire Departments are encouraged to submit letters to support such a Proposal.

Resolution No. 2010 - 4

**TO SUPPORT THE IMPLEMENTATION OF THE HIGHWAY
INCIDENT TRAFFIC SAFETY GUIDELINES FOR EMERGENCY
RESPONDERS**

WHEREAS, The Office of the Attorney General issued the Highway Incident Traffic Safety Guidelines for Emergency Responders on June 1, 2010; and

WHEREAS, in the Introduction to the Guidelines it states, "...it is important that emergency responders have an awareness of expected behavior from other responding agencies. All emergency responders should make every effort to increase communication and cooperation at a highway incident to reduce points of conflict and to better understand each agency's concerns;" and

WHEREAS, a number of questions had been presented before the Guidelines were issued including development of a training program to accompany the Guidelines; and

WHEREAS, one provision in the Guidelines is the creation of the Statewide Highway Incident Traffic Safety Guidelines for Emergency Responders and Feedback Committee. The New Jersey State Fire Chiefs Association is one of the named members of the Committee, and

WHEREAS, there are rumors that agencies representing various classifications of first responders may be developing separate training programs which could jeopardize the interagency cooperation that is an object of the Guidelines;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State Fire Chiefs' Association at its annual membership meeting in Wildwood, NJ, this 16th day of September, 2010, that this Association encourages the Office of the Attorney General, New Jersey State Police, and the Division of Fire Safety to organize the Feedback Committee as soon as possible; and

BE IT FURTHER RESOLVED that once the Feedback Committee is organized, it be encouraged to establish a common training program, including appropriate charts and diagrams, for all emergency responders to State Highway Incidents; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Office of the Attorney General, the Superintendent of State Police, and the Director of the Division of Fire Safety in the Department of Community Affairs.

Resolution No. 2010 - 5

TO SUPPORT AN INCREASE IN AWARENESS PROGRAMS TO
PROMOTE THE "MOVE OVER LAW"

WHEREAS, Governor Jon S. Corzine signed Senate No. 180, the "Move Over Law," as P.L. 2009, c.5, on January 27, 2009; and

WHEREAS, a public awareness campaign to educate the state's drivers on the legislation was initiated at a press conference at the State Police's New Jersey Turnpike Headquarters on March 25, 2009; and

WHEREAS, there appears to be limited implementation of that campaign by utilization of such things as, but not limited to, the Department of Transportation overhead message signs, the installation of permanent advisory signs along the roads, and public safety announcements;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State Fire Chiefs' Association at its annual membership meeting in Wildwood, NJ, this 16th day of September, 2010, that this Association encourages the New Jersey State Police, the Department of Transportation, and the Division of Highway Traffic Safety specifically, and any other agencies that have an interest, to establish programs as listed in the preamble of this resolution; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Superintendent of State Police, the Commissioner of the Department of Transportation, and the Director of the Division of Highway Traffic Safety in the Office of the Attorney General.

Resolution No. 2010 - 6

**TO REQUEST THE MEMBERS OF CONGRESS FROM NEW JERSEY
TO COSPONSOR BILLS THAT WOULD ALLOCATE THE D-BLOCK
SPECTRUM TO PUBLIC SAFETY**

WHEREAS, for too many years, state and local first responders have sought to build a nationwide interoperable communications network that allows for real-time communications and information sharing via high-speed video, voice, and data. This requires a sufficient, appropriate, dedicated, and contiguous band of spectrum that is able to accommodate the everyday needs of firefighters, law enforcement, and emergency medical personnel, as well as provide maximum capacity during times of emergency, special events, and critical incidents. The 700-MHz D-Block spectrum provides this immediate one-time opportunity; and

WHEREAS, the allocation of the D-Block spectrum and funding to public safety is critical to building a nationwide wireless broadband network that provides the capacity needed to transmit mission critical real-time high-resolution video, voice, and data; and

WHEREAS, unless Congress passes legislation this year to allocate the D-Block spectrum to public safety, the FCC will auction the spectrum early next year for commercial services; and

WHEREAS, H.R. 5081 – Broadband for First Responders Act of 2010 – would allocate 10 MHz of spectrum, known as the D Block, to public safety and direct the FCC to develop technical and operational standards to ensure nationwide interoperability; and

WHEREAS, S. 3756 – The Public Safety Spectrum and Wireless Innovation Act – would allocate the D Block to public safety; direct the Federal Communications Commission (FCC) to develop technical and operational standards to ensure nationwide interoperability and build-out (including in rural areas); direct the FCC to establish standards that allow public safety officials, when not using the network, to lease capacity on a secondary, but preemptive basis to non-public safety entities, including other governmental users and commercial users; and provide the FCC with incentive auction authority, which allows existing spectrum licensees to voluntarily relinquish their airwaves in exchange for a portion of the proceeds of the commercial auction of their spectrum. The funds from these incentive auctions, in conjunction with funds from the auction of other specified spectrum bands, and funds earned from leasing the public safety network on a secondary basis, will be used to fund the construction and maintenance of the nationwide interoperable wireless broadband public safety network;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State Fire Chiefs' Association at its annual membership meeting in Wildwood, NJ, this 16th day of September, 2010, that, for the reasons set forth in the preamble of this Resolution, this Association supports the legislation that would allocate the D Block to public safety; and

BE IT FURTHER RESOLVED that the Secretary is directed to send letters to all members of the New Jersey Congressional delegation encouraging them to become cosponsors of the respective bills.