

**STATE FIRE PREVENTION COMMISSION
MINUTES
October 24, 2019**

Members Present: Charles D. Davis, Chairman
Mark Bilger, Vice Chairman
Douglas Alexander
Emily Devan
Michael Faust
K.C. Harrington
Kevin Simmons
Edward Tochterman, Jr.

Members Absent: Stacy Welch

Chairman Davis called the meeting to order at the Laurel Municipal Center in Laurel, Maryland.

FIRE MARSHAL REPORT

Fire Marshal Brian Geraci reported the Office of the State Fire Marshal (OSFM) currently has one sworn deputy and four civilian vacancies—two engineers and two contract inspectors. John Yedinak from the Delaware State Fire Marshal's Office was recently hired as a Deputy State Fire Marshal (DSFM) for the Northeast Region. Tim McDonald, a fire inspector from the University of Maryland, has been hired as a DSFM and is attending the law enforcement academy in Carroll County. It is anticipated he will be assigned to the Lower Eastern Shore. George Hayden is a newly hired contract inspector assigned to the Southern Region.

Fire fatalities to date for the year are 44, compared to 54 for same period last year. A vehicle accident this morning most likely will be ruled as an additional fire fatality for the year. Baltimore City and Baltimore County have the most fatalities for 2019, with 11 and 10 respectively. In response to an inquiry from Commissioner Simmons, Fire Marshal Geraci advised the decrease in fire fatalities in Prince George's County from fourteen in 2018 to currently two in 2019 is because there were significant homicides by fire in 2018. The 10-year smoke alarms, residential sprinklers, and continued community outreach appear to be having a positive effect on reducing fire fatalities. Responding to Commissioner Faust's inquiry, the Fire Marshal stated he does not have information on yearly fire fatalities comparison for other states, few of which have residential sprinkler laws. It would be difficult to make comparisons with other states due to population differences and other factors, such as California which had 80 fire fatalities from one wildfire. Michigan and Tennessee have been seeing reduced numbers. Commissioner Faust emphasized the need to try to track smoke alarm and sprinkler saves. The OSFM Blog site has a means for people to report saves. An average of 100 sprinkler saves and 200 smoke alarm saves are reported yearly.

It appears legislation will be introduced next year to remove residential sprinkler requirements so the Fire Marshal has already begun to collect data and contact various organizations and persons to resist such efforts.

The Fire and Explosive Investigation Advisory Workgroup (FEIAW) has met twice. One sub-group of members will look at minimum training and certification standards and another sub-group will look at a curriculum and details to establish a Fire Investigator Academy without losing any law enforcement credentials the investigators currently have. Another meeting is scheduled in December.

The Fire Marshal has met with authorities of Prince George's and Baltimore Counties regarding the Commission's report on existing residential high-rise buildings. Baltimore County will seek to eliminate its opt-out clause for condominiums and require them to be fully sprinklered. Prince George's County also plans to take enforcement action based on recommendations in the report. Montgomery County authorities will meet with its Chief Administrative Officer prior to meeting with the Fire Marshal. In response to an inquiry from Commissioner Simmons, Fire Marshal Geraci has spoken to Baltimore City Fire Marshal Derek Redding but they have not yet had a meeting regarding residential high-rise issues.

The OSFM conducted 621 investigations during the first nine months of 2019—474 fire related and 113 explosive related. Forty criminal cases were closed with the arrest of 51 individuals. 8,502 inspections were completed and 1,331 plans reviewed. There are 252 plans backlogged for review.

The Bomb Squad has completed its review of Public Safety Article Title 11. Some minor updates were recommended. A new section to allow the authority having jurisdiction to regulate blasting times will be proposed. Blasting times became an issue as a result of a complaint of blasting operations for the purple Metro line. A Montgomery County delegate will sponsor the legislation to amend Title 11.

The Southern Region participated in the shop-with-a-cop program again this year and OSFM personnel participated in other community outreach programs at various open houses statewide.

CHIEF FIRE PROTECTION ENGINEER REPORT

Chief Fire Protection Engineer (CFPE) Ken Bush welcomed newly appointed Commissioner Faust.

Two interviews were conducted yesterday for the FPE vacancies, one in the Western Region and one in the Southern Region once that engineer transfers to HQ. One interview went very well with the applicant accepting a conditional offer of employment, so the process of conducting the background check and scheduling a polygraph test will proceed. She currently works for a private industry in northern Virginia and is seeking a position closer to her residence in Southern Maryland. The OSFM is looking at the other potential applicants who have been interviewed. Two part-time contract engineers are currently handling the work in the Western Region.

CFPE Bush has been working with NFPA to develop NFPA 1 and NFPA 101 Maryland versions of these code books. NFPA basically will take the Maryland amendments and modify these code books accordingly to reflect Maryland requirements. This will benefit the field inspectors who can then simply open a code book and have Maryland regulations readily available in one document. NFPA has done this in other states but this will be the first time for Maryland and it should be a worthwhile venture. There is no cost to the State for the development and printing of the code books. NFPA will recoup their costs from the sale of the books.

CHAIRMAN REPORT

Chairman Davis welcomed newly appointed Commissioner Michael Faust, the at-large industry representative on the Commission. Commissioner Faust stated he lives in Sudlersville on the Eastern Shore and is the current president of the Maryland State Firemen's Association (MSFA). He is honored to be on the Commission and is available should anyone have any questions.

The Commission has not gotten a reply from the Attorney General's Office regarding the letter sent April 25th concerning the lack of residential sprinkler enforcement in Allegany and Worcester Counties. Worcester County ultimately withdrew its proposal for new home builders to opt-out of installing sprinklers. Susan Baron advised she will follow up with the Attorney General's Office as she has not receive anything in her capacity as the Commission's legal counsel.

With Chairman Davis' second term coming to an end in June 2020, he entertained motions to nominate a new Chairman to facilitate a smooth transition of leadership. Prior to entertaining any motions, Vice Chairman Bilger reported that although he previously indicated he would be interested in the Chairmanship, some changes in his personal life with his parents will require him to relocate and he may need to resign from the Commission at the end of the year. Commissioner Alexander nominated Commissioner Tochterman for consideration as Chairman, second by Commissioner Simmons, and unanimously carried. Vice Chairman Bilger stated he will step down as Vice Chairman so Chairman Davis entertained motions for a new Vice Chairman. Motion by Vice Chairman Bilger to nominate Commissioner Simmons for consideration as the new Vice Chairman, second by Commissioner Alexander, and unanimously carried.

OTHER BUSINESS

Vice Chairman Bilger requested Chairman-elect Tochterman make a presentation to Chairman Davis. Chairman-elect Tochterman presented Chairman Davis with a proclamation from the State of Maryland for his service and leadership to the Maryland State Fire Prevention Commission. The citizens of Maryland are indebted to Chairman Davis for the excellent job he has done for the present administration and the state. Chairman Davis thanked everyone for their kind words and feels the Commission leadership is in capable hands moving forward.

Vice Chairman Bilger thanked all the Commission members for their support and friendship during his tenure with both the Fire Marshal's Office and the Commission. He looks forward to serving until the end of the year when he will submit his letter of resignation.

Commissioner Harrington inquired if there was any news on his replacement. He has served 2 years since his second term expired and with his current employment and family responsibilities it is difficult to make some meetings. Secretary Ritchie has previously forwarded interested persons to the Governor's Appointments Office but no official replacement has been named.

Commissioner Alexander, who serves on the FEIAW as the Commission representative, elaborated on the workgroups efforts. As previously reported by Fire Marshal Geraci, the workgroup has been divided into two sub-groups. The groups are looking at various things other states are doing which is very interesting. It may take some time to develop a reasonable training baseline for all fire investigators to meet once they are deployed to conduct investigations, and then expand on further professional development.

Commissioner Alexander thanked Chairman Davis for his leadership and all that he has taught him over their many years they have known one another. He has known several other Commissioners for many years and some only recently but has found working with everyone on the Commission and in other endeavors to be very rewarding.

Commissioner Devan congratulated the new Chairman-elect and Vice Chairman-elect on their nominations. She also expressed her enjoyment working on the Commission and all the new things she is becoming aware of since her appointment.

Vice Chairman-elect Simmons thanked everyone for their support. He looks forward to the challenges ahead.

As a follow up to discussions in June, the Commission sent congratulatory letters to newly appointed Fire Chiefs of Baltimore, Howard, Anne Arundel, and Prince George's Counties, all of whom are women. Vice Chairman-elect Simmons thanked the Commission for showing its support by doing so. Douglas Remaley is Annapolis City's new Fire Chief and it was recommended a congratulatory letter also be sent to him.

Chairman-elect Tochterman stated he is honored to be elected Chairman. He recalled when he testified before the Commission on several occasions in the 1970's and has always held it in high esteem, little knowing that decades later he would be appointed to it and serve as its Chairman. He promised the Commissioners, Fire Marshal Geraci, and CFPE Bush he will do his best.

Regarding the Maryland Building Rehabilitation Code Advisory Council, Chairman-elect Tochterman, reported they have had two meetings but he was unable to attend either. He has received a copy of the code and has read most of it. Since the Council does not distribute minutes he is unsure of the current topics being discussed.

Chairman Bilger reported that the Mid-Atlantic Life Safety Conference had 215 attendees this year but 40 of them were committee or non-paying guests so it lost money again. Fortunately Underwriter's Laboratory and the National Sprinkler Association gave substantial donations to offset the loss. It basically takes 200 paying attendees to break even. Moving forward the Commission will need to decide if a Commission member will chair the conference steering committee or turn it back over to the committee. The committee will meet November 21st at MFRI College Park, 10:00 a.m. to critique the conference. He thanked the Fire Marshal and his staff for all their support with the conference.

Chairman Bilger reported the MSFA will update and print the Fire Laws book which will be distributed to the OSFM and Commission members.

Regarding the circuit court appeal filed by Blackwater Distilling, Assistant Attorney General Baron advised that she is unsure of the current status of the case. She is no longer involved in the case because the Queen Anne's County Attorney is handling the appeal to circuit court. She checked the docket entries, and it appears that a motion to dismiss was filed and granted. However, the case is still listed as being open. She believes that perhaps the petitioner did not file a required memorandum, and the Queen Anne's County Fire Marshal moved to dismiss the appeal. Typically, though, when a motion to dismiss is granted, the docket entries should show that the case is closed.

Motion by Vice Chairman Bilger, second by Chairman-elect Tochtermann, and unanimously carried to approve the August minutes.

MEETING SCHEDULED

The next meeting is scheduled for:

Thursday December 19, 2019 – 10:00 a.m.
North Point-Edgemere Volunteer Fire Company
Training Room
7500 North Point Road
Sparrows Point, Baltimore County

There being no further business, the meeting was adjourned.

Respectfully submitted,
(as summarized from transcript provided by Hunt Reporting),



Heidi Ritchie, Secretary