

STATE FIRE PREVENTION COMMISSION
MINUTES
December 10, 2020

Members Present: Edward S. Tochterman, Chairman
 Kevin Simmons, Vice Chairman
 Douglas Alexander
 Mark Bilger
 Emily Devan
 Michael Faust
 Daniel Stevens

Members Absent: K.C. Harrington
 Stacy Welch

The Fire Prevention Commission held a virtual public meeting on December 10, 2020, at 9:30 a.m. Vice Chairman Simmons chaired the meeting since Chairman Tochterman originally thought he would be unable to attend. The Pledge of Allegiance was recited.

FIRE MARSHAL REPORT

Fire Marshal Brian Geraci said a few words in memory of Deputy Chief State Fire Marshal Sander Cohen who died December 8, 2017, in the line of duty.

The Fire Marshal recognized Administrative Specialists Penny Doty and Linda Bounds for their outstanding work during the year. Ms. Doty compiles the fatality reports and Ms. Bounds handles the sprinkler contractor licensing program.

The Fire Marshal recognized Fire Safety Inspector Scott Mason for doing a great job handling the compliance engine program.

The Fire Marshal presented the Fire Protection Engineering staff with a unit citation for the outstanding job they have all done during COVID. Working primarily from home they have managed to keep up with plan reviews and other necessary duties.

Contractual Fire Safety Inspector Thomas Haden will be retiring from the agency today after 12 years in the Northeast Region.

To date there have been 47 fire fatalities, 29 of which occurred in residential properties. Two are pending cause of death from the medical examiner. These numbers have been updated since the Fire Marshal's previously distributed written report. Two deaths have occurred so far in December. The lack of working smoke alarms is a common denominator in fire fatalities. Baltimore County and Baltimore City have seen lower deaths and have been doing a good job getting smoke alarms installed in residences. The national capital area and Montgomery County have had more deaths but the Fire Marshal reported there is no significant reason. Overall, it is encouraging to see fire death numbers decreasing from previous years.

Regarding the fire death at Leisure World retirement community in Montgomery County, it was noted the building met code but was not required to be sprinklered at the time of construction. The fire started on a balcony and the firewall held up as designed to prevent further spread. The victim was in her 90's and had mobility issues. The cause has not been officially determined.

On an encouraging note, Chief Fire Protection Engineer (CFPE) Ken Bush reported there was a similar type fire in Easton in a three-story wood frame apartment building. The 3:00 am fire started in a living room by a person on oxygen smoking. The sprinkler system activated and the victim in the apartment of origin only sustained minor smoke inhalation. The fire was completely contained by the sprinkler with the first notification being from the water flow alarm prior to a 911 call even being placed. It is unfortunate the success of sprinklers saving lives does not get more media attention.

As a reminder, the Maryland Fire and Life Safety Information Exchange Program website is www.mdflifesafety.org.

Baltimore County had a three alarm fire at Jilly's Restaurant which is about a block from the OSFM Headquarters. Assistance was provided using the OSFM drone. ATF also assisted.

On October 30, 2020, Carroll County fire department units responded to a reported explosion involving a package with smoke coming from the attic of a residential dwelling. Upon arrival they observed damage which indicated a post blast scene with an injured 28 year old man. He was transported to York Hospital in critical condition. The OSFM Northeast Region, OSFM Bomb Technicians and EOD K9s were utilized to ensure there were no secondary devices. The Carroll County Sheriff's Office is the lead agency with assistance from ATF, FBI, and the Joint Terrorism Task Force. ATF is processing the evidence. There are no suspects at this time.

As requested by the Commission, Fire Marshal Geraci sent letters to Maryland colleges and universities regarding dormitory sprinklers. Four reported all its dormitories were sprinklered and others are planning or are in the process of getting them sprinklered.

With the change October 1st giving the OSFM enforcement authority for one- and two-family residential sprinklers, Commissioner Bilger inquired the status of Allegany County which had been lax in requiring sprinklers. Only one building permit application for a dwelling has been applied for since the change. The application was incomplete and has not been officially forwarded to the OSFM yet. Deputy Chief Mowbray, commander of the Western Region, has sent correspondence to the Allegany County Department of Permits regarding the requirements and process. The Western Region continues to monitor the permits to ensure new dwellings will be sprinklered. There is no enforcement action being taken for homes that were built prior to October 1st without sprinklers.

The Fire Marshal reported the budget meeting was positive. \$300,000 for new vehicles got cut but overtime funding and the turnover rate were restored. Several OSFM vehicles have more than 300,000 miles but are being retained as long as they continue to be in good and safe condition. State Police also will not be getting funds for new vehicles.

Regarding COVID, the agency had two persons in quarantine. One was an on the job exposure from a 13D sprinkler contractor that tested positive. One person remains quarantined. There have been no major symptoms and no hospitalizations. Personnel are using personal protection equipment, conducting inspections virtually whenever possible, and teleworking from home.

CHIEF FIRE PROTECTION ENGINEER REPORT

CFPE Bush thanked the Fire Protection Engineering staff and expressed his appreciation to Fire Marshal Geraci for recognizing them with the unit citation. The low salaries has hampered recruitment for new engineers and the working arrangements during the pandemic have made it difficult for the current engineers. The administrative and engineering staff are doing a great job and should be proud.

CFPE Bush thanked Secretary Ritchie for her contacting previous Code Update Committee members and getting the list together for the 2021 review. The committee is well rounded with representation of building code authorities, state and local fire code authorities, and some retirees who desire to stay involved. No response has been received from Mr. Cade with NFPA regarding availability of the 2021 editions through the electronic subscription service. Currently only hard copies are available.

Fire Protection Engineer A.J. Linero and Fee Program Coordinator Allison Nicodemus have been reviewing the fee schedule in anticipation of the State switching to a different fee collection process. The current structure of fees charged by the OSFM based on cents per square foot, cost per sprinkler heads or fire alarm devices in systems, etc. may be difficult to incorporate into the new collection system. A preliminary proposal was forwarded to the Commission for its review. The Fire Marshal reported all fees collected go into the general fund. A discussion ensued on the origin of collecting fees and whether it was even necessary to charge fees. It was noted that State law under Public Safety Article (PSA) 6-206 mandates the Commission adopt a fee schedule and PSA 6-308 specifies how the Fire Marshal collects fees. The Commission's fee schedule is adopted as regulation 29.06.04. PSA 6-206 requires the Commission to review the fee schedule annually to ensure that fees collected cover the cost of administering plan review and conducting inspections. Assistant Attorney General Susan Baron advised the fees could be changed and the Fire Marshal could be given the authority to waive fees. Changing the regulation would need to go through the normal adoption process with a public comment period. A request could be made to change the law mandating fees but that would have to wait until the 2022 legislative session. Several members thought waiving fees seemed like a plausible idea. Commissioner Bilger noted that fees starting being collected during a period when State revenue needed to be enhanced so charging fees was favorably accepted. Depending on changing administrations and budget shortfalls, eliminating fees may not be a good idea. Chairman Tocherman will work with FPE Linero and Ms. Nicodemus on reviewing the matter further and present suggestions at the February meeting.

CHAIRMAN REPORT

Vice Chairman Simmons remarked he is pleased the State Fire Marshal and Baltimore City and Baltimore County are having more dialog.

To update old business, there is no news on Fire Marshal Geraci's reappointment; there has been no response to the Commission's request for a line item budget; the OSFM audit is currently on hold due to the auditor being out of the country; the Fire Marshal submitted an annual salary review for fire protection engineers with his budget request; and there have been no applications to fill Commissioner Harrington's seat—Commissioner Alexander reported a notice was posted on the State Firemen's Association's website to make the public aware of the vacancy and Commissioner Stevens reported he discussed the vacancy with a very eligible person but he was not interested.

OTHER BUSINESS

Commissioner Faust thanked the administrative and engineering staff for their efforts and hard work. Having conducted plan reviews during his career, Chairman Tochterman acknowledged the engineers are the unsung heroes of the Office of the Fire Marshal (OSFM).

Commissioner Bilger reported he is waiting to hear from Johns Hopkins Applied Physics Lab regarding use of the convention center for the 2021 Mid-Atlantic Conference. They will be reviewing their policy in January.

Commissioner Stevens acknowledged the good work Jason Adams with the Bay District Volunteer Fire Department has been doing. With schools being closed due to COVID, he continues to take fire prevention and education seriously by making fire prevention videos and distributing them to the schools in the Southern Maryland system.

Motion made, seconded, and unanimously carried to approve the October minutes.

Motion made, seconded, and unanimously carried to accept the list of 2021 Code Update Committee members.

Commissioner Alexander apologized for the meeting having to be cancelled at the Mt. Airy Volunteer Fire Department. The COVID restrictions are making it difficult to find venues to host public meetings. He has spoken to several fire and emergency services personnel and they have expressed interest in attending some meetings. Chairman Tochterman thanked him for his efforts. It was decided to hold the February meeting virtually.

Fire Marshal Geraci reported the legislative session will be virtual this year so everyone is having to deal with it. The only legislation related to the fire service pertains to the 911 telephone system. The fire service leadership intends to meet on Friday mornings during the session.

The next meeting will be virtual on February 18, 2021, at 9:30 a.m.

<https://meet.google.com/jeg-qeyo-cso>

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Respectfully submitted,



Heidi Ritchie, Secretary