

From: pages@uniontwp-hcnj.org
Sent: Monday, January 09, 2023 5:29 PM
To: page stiger
Subject: Fwd: Referral Inspection 1631440 - PVFC

Sent from my iPad

Begin forwarded message:

From: "Skelton, Paula D [DOH]" <Paula.Skelton@doh.nj.gov>
Date: November 21, 2022 at 3:39:11 PM EST
To: deputychief@pattenburgfireco.com, michael.sadusky@gmail.com
Cc: cheif25fire@yahoo.com, frankm@uniontwp-hcnj.org, Pages@uniontwp-hcnj.org, Akearns <akearns@kearnsrotololaw.com>, pattenburg25secretary@gmail.com, mggiannone@att.net, "Depczek, Stanley [DOL]" <Stanley.Depczek@dol.nj.gov>
Subject: Referral Inspection 1631440 - PVFC

Good Afternoon Deputy Chief Sadusky,

As promised, A summary of what will be needed from the PVFD and Union Township for the site visit on November 14, 2022, regarding the referral received by the NJDOH PEOSH Program. The potential violations are listed below. A notice of Order to Comply (OTC) will be issued by the New Jersey Department of Labor and Workforce Development (NJDLWD), PEOSH Program from the information. I will also need further information for the investigation.

Information needed:

1. Verification of the total number of employees that work for Union Township. In the opening conference, a total of 54 (10 from Township, 13 from PVFD and 31 Pattenburg EMS) was provided.
2. Identify the current firefighters for the PVFD on the November 2022 roster which was provided during the inspection. The roster was provided by Joselle Reasoner.

Standards covered during the inspection along with the potential citation items and days given to abate the items:

Occupational Injury and Illness Reporting Std (29 CFR 1904):

1. NJOSHA 300 Injuries and Illness Logs and 300A Summary forms reported for 2019 through 2021. Deputy Chief Sadusky will provide the documentation.

Hazardous Material Operations and Emergency Response (29 CFR 1910.120)

2. Emergency Response Plan or Emergency Operations Plan from Union Twp. Fire Department Annex. **30 days will be given to provide the documentation.**

3. HazMat First Responder Operations Level training. **60 days will be given to provide the training.**

Respiratory Protection (29C CFR 1910.134):

4. PVFD Respiratory Protection Program. **30 days to provide the program.**
5. Annual SCBA training records. **45 days to provide the training.**
6. Current fit test records for firefighters. Although records were provided during the site visit, 5 out of the 12 Firefighters did not get tested. **45 days to provide fit-testing.**
7. Medical Clearance for SCBA use by firefighters. Information was provided at the inspection. Will contact PVFD if a citation will be issued.

Bloodborne Pathogens (29 CFR 1910.1030):

1. Employer Exposure Control Program. The program provided during the site visit needed to be revised. **30 days to revise the program.**
2. Once the current firefighters have been identified from the roster, I will be able to determine if a citation will be issued for training, based on the training records provided.
3. Hepatitis B vaccination records or declination forms. **60 days will be provided the documentation.**

Hazard Communication (29 CFR 1910.1200):

1. The PVFC HazCom Program did not address the new Global Harmonization System (GHS) requirements of the revised HazCom Standard. This should be addressed in the Policy section of the program and in the Labeling System section of the program. You may visit the PEOSH website at <https://www.nj.gov/health/workplacehealthandsafety/peosh/peosh-health-standards/hazcom.shtml> for more information. **30 days will be given to provide the documentation**
2. Once the current firefighters have been identified from the roster, I will be able to determine if a citation will be issued for training, based on the training records provided.

If the information requested is provided before the OTC is issued, the abatement date will be reflected on the OTC.

If you or your staff have any questions, please contact me.

Thank you

Paula Skelton
Occupational Health Consultant
NJDOH-PEOSH Program
(609) 913-5168 (office)
(609) 947-8572 (cell)
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paula.skelton@doh.nj.gov

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Subject: List of membership

From: Joselle Reasoner <joselle8997@gmail.com>

Date: 7/21/2022, 5:11 PM

To: Ella Ruta <clerk@uniontwp-hcnj.org>, Grace Brennan <cfo@uniontwp-hcnj.org>, RICHARD LORDI <rlordi@uniontwp-hcnj.org>, Marc Strauss Strauss <mstrauss@ahco1.com>, jason narbonne <chief25fire@yahoo.com>, Dave Mayor DeGiralamo <ddegiralamo@uniontwp-hcnj.org>, Anthony Kearns <akearns@kearnsrotololaw.com>

Below is the list of the members discussed in the township meeting, meeting all requirements addressed by DFS and Twp;

There's members are the approved list:

Jason NARBONNE
Michael Sadusky
Tanner Mazewski
Jacob cregar
Charles Andersen
Brandon Rocha
Robert Wisnosky
Andrew Schneier
Brian Huff
Benjamin Horner
Shane Pierson

Michael Giannone- FF1 but will only operate special services

Junior members:

Tyler NARBONNE
Talan Petroski

Sent from my iPhone

Subject: Clarification

From: Richard Lordi <rlordi@uniontwp-hcnj.org>

Date: 5/21/2022, 5:15 PM

To: Chief Jason Narbonne-Pattenburg  <chief25fire@yahoo.com>

CC: David DeGiralamo <ddegiralamo@uniontwp-hcnj.org>, Marc Strauss-UT Public Safety Director <mstrauss@ahco1.com>, Anthony Kearns <akearns@kearnsrotololaw.com>, Michael Sadusky <michael.sadusky@gmail.com>, Trishka-UT Attorney <trishka@mgplaw.com>, "Ella M. Ruta" <clerk@uniontwp-hcnj.org>, Grace Brennan-UT CFO <cfo@uniontwp-hcnj.org>

Jason,

First and foremost, we 100% agree with the attached law you provided from the MEL and what I assume you mean PEOSHA (referred to as 'POSHA' in your email).

We also agree this MUST be adhered to in perpetuity.

The law clearly states: **"The employer shall not permit respirators with tight-fitting face pieces to be worn by employees who have facial hair that comes between the sealing surface of the face piece and face"**

With that said, member Wisnowski would be considered non-compliant based on his facial hair at the Union Hill fire (5/1), the Union Township Committee meeting (5/18) and could not currently pass a fit test as such.

Additionally, the law clearly states, **"employer shall conduct an additional fit test whenever the employee reports, or the employer, supervisor, or program administrator makes visual observations of, changes in the employee's physical condition that could affect respirator fit"**. Based on the physical change in member Wisnowski facial hair since the time of fit test, member Wisnowski would be required to submit to another fit test.

Also, Director Strauss has repeatedly asked for a hard copy of member Wisnowski's initial fit test certification and was provided a picture. Director Strauss has asked several times for a hard copy which he still has not received.

To be clear, member Wisnowski is currently non-compliant with his facial hair. Additionally, not having a hard copy of his fit test certification on file excludes him from being an interior firefighter.

While we agree having non-compliant facial hair does not remove Firefighter-1 status, it does however, make any member (Wisnowski) ineligible to be in or near a potential IDLH environment and precludes him from wearing a SCBA thus removing his ability to be an interior firefighter. Given the current low member count at PVFC, removing a Firefighter-1 from being able to be in or near a potential IDLH environment over non-compliant facial hair is not in the best interest of PVFC, it's members or the residents they are tasked to protect.

Finally, the Union Township Committee as well as PVFC have received both verbal and written directives from the New Jersey Division of Fire Safety (NJ DFS) clearly stating that non Firefighter-1 members are NOT permitted to ride on the apparatus or respond to any emergency calls (Wunder). Furthermore, Union Township Ordinance 2016-7 Section 2-14.2 Subsection G "Mandatory Requirements" (attached & below) states "any member failing to meet any of the requirements mandated by New Jersey Department of Community Affairs, Division of Fire Safety shall be cause for

immediate removal of the member from the Fire Company, and discipline, up to termination, of the Chief of the Fire Company". To be clear, the NJ DFS has weighed in on this matter multiple times. Union Township Ordinance 2016-7 Section 2-14.2 Subsection G reinforces NJ DFS requirements must be adhered to in perpetuity to remain in compliance. Conversely, PVFC has yet to produce any written directives to the Union Township Committee from the NJ DFS stating the contrary.

Stating that you have spoken to a 'POSHA' employee & past director (no names provided) is hearsay and regardless would have no bearing on our requirement to strictly adhere to Union Township Ordinance 2016-7.

REFERENCES:

G. Mandatory Requirements. Any member failing to meet any of the above requirements or any requirement mandated by the New Jersey Department of Community Affairs, Division of Fire Safety shall be cause for immediate removal of the member from the Fire Company, and discipline, up to termination, of the Chief of the Fire Company.

It is important to note that employees who must wear respirators in Immediately Dangerous to Life or Health (IDLH) environments, including firefighters who must wear Self-Contained Breathing Apparatus (SCBA), must be fit-tested annually. The fit-testing requirement includes testing whenever changes in the employee's physical condition that could affect respirator fit.

- OSHA 1910.134(g)(1)(i) states, "The employer shall not permit respirators with tight-fitting face pieces to be worn by employees who have facial hair that comes between the sealing surface of the face piece and face .."
- NFPA 1404 A.6.6.2(7) states, " Beards or facial hair that interferes with the face piece seal shall be prohibited for members required to use respiratory protection
- OSHA 1910.134(f)(3) further states, the "employer shall conduct an additional fit test whenever the employee reports, or the employer, supervisor, or program administrator makes visual observations of, changes in the employee's physical condition that could affect respirator fit". This places a responsibility on fire company officers to conduct fit testing at any point in the year if a firefighter presents with a beard, for example in No- Shave November. The firefighter may not be permitted to perform interior structural firefighting and other duties in an IDLH environment, including overhaul until fit-testing is passed.

Richard Lordi

Committeeman
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Hampton, New Jersey 08827
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908-447-6655 (Cell)
908-735-0591 (Fax)
www.uniontwp-hcnj.gov

On May 21, 2022, at 5:45 AM, jason narbonne <chief25fire@yahoo.com> wrote:

Firstly gentleman good morning, hope alls weekend is nothing short of great .

Here is the LAW on respirator / for test DIRECTLY from the MEL and POSHA .
This is what we MUST abide by nothing other .

Within its text it clearly states the requirements for anyone with facial hair regarding there fit testing and more so, what happens if they STILL POSESS facial hair their roll and capacity on the fire ground .

This still doesn't negate non fire fighter 1 personnel however we will converse over that at a later date it's paramount that we all understand that this is not a guideline it's a rule with the actual LAW AND CODE reference attached.

I have taken the time to talk to a POSHA employee as well as a past director of POSHA and they both stated that yes this is in fact there law and it is correct and currently the only action enforceable .

I really hope RICH that this provided clarity to you with the difference between LAW AND SUGGESTED GUIDELINES.

Again to all have a great weekend and be safe

Respectfully,
Chief Jason Narbonne
Pattensburg Fire Company

<https://njmel.org/wp-content/uploads/2019/01/MSI-Bulletin-Firefighter-FitTesting-Jan-2019.pdf>

<MSI-Bulletin-Firefighter-FitTesting-Jan-2019.pdf>

Chief JT Narbonne
Pattensburg Fire Co.
908-391-0079

— Attachments:

MSI-Bulletin-Firefighter-FitTesting-Jan-2019.pdf	265 KB
#2016-7 Fire Department - Amending Code of UT 7-28-16 - Clean Copy.docx	29.8 KB



January 2019

Facial Hair and Fit-Testing for Firefighters

Quantitative fit-testing is required by OSHA's Respiratory Protection Standard 29 CFR 1910.134(f), which has been adopted by NJPEOSH in its entirety. This Bulletin will discuss the regulatory requirements concerning fit testing firefighters with facial hair. The requirements are the same for career, combination, and volunteer fire departments, companies, or districts since fire and smoke present the same hazard to all firefighters.

It is important to note that employees who must wear respirators in Immediately Dangerous to Life or Health (IDLH) environments, including firefighters who must wear Self-Contained Breathing Apparatus (SCBA), must be fit-tested annually. The fit-testing requirement includes testing whenever changes in the employee's physical condition that could affect respirator fit.

- OSHA 1910.134(g)(1)(i) states, "The employer shall not permit respirators with tight-fitting face pieces to be worn by employees who have facial hair that comes between the sealing surface of the face piece and face . . ."
- NFPA 1404 A.6.6.2(7) states, "Beards or facial hair that interferes with the face piece seal shall be prohibited for members required to use respiratory protection"

The term "shall" means this is a required condition. Users' Manuals for several popular models of SCBA also state to not use the SCBA if facial hair is in the sealing surface of the face piece. As a reminder, NJPEOSH can also enforce conditions given by manufacturers of safety equipment in their Users' Manuals or Guides. Check your SCBA manual.

Fire departments must have a written Respiratory Protection Program (1910.134(c)1). NJPEOSH provides a Model Fire Department Written Respiratory Protection Program at

<https://www.nj.gov/health/workplacehealthandsafety/peosh/peosh-health-standards/resprotection.shtml>

The policy should clearly stipulate that fit-testing can only be conducted when the firefighter presents him or herself free of facial hair in the sealing surface of the SCBA face piece. Testing agencies or test administrators may be in violation with the OSHA Standard if they administer a fit-test on a subject with facial hair in the sealing surface. Appendix A is mandatory and states in Section (9), "The (fit) test shall not be conducted if there is any hair growth between the skin and face piece sealing surface, such as stubble beard growth, beard, mustache or sideburns which cross the respirator sealing surface."

OSHA 1910.134(f)(3) further states, the "employer shall conduct an additional fit test whenever the employee reports, or the employer, supervisor, or program administrator makes visual observations of, changes in the employee's physical condition that could affect respirator fit". This places a responsibility on fire company officers to conduct fit testing at any point in the year if a firefighter presents with a beard, for example in No-Shave November. The firefighter may not be permitted to perform interior structural firefighting and other duties in an IDLH environment, including overhaul until fit-testing is passed.

Firefighters with beards who respond to fires, hazardous material incidents, confined space rescues and other incidents where a SCBA must be worn, should be assigned only tasks outside IDLH, or potentially-IDLH, environments. There are many assignments outside the hazard area that must be completed to support the safe operations in the hot zone. Similarly, Incident Commanders and other fire ground officers should not allow mutual aid firefighters to perform interior operations on their fire ground.

This bulletin is intended for general information purposes only. It should not be construed as legal advice or legal opinion regarding any specific or factual situation. Always follow your organization's policies and procedures as presented by your manager or supervisor. For further information regarding this bulletin, contact your Safety Director at 877.398.3046.



Courts have heard a number of civil suits regarding facial hair on firefighters who must wear SCBA. These cases have often been based on two claims; reasonable accommodations for 1) medical conditions, such as for pseudofolliculitis barbae (a skin condition that makes shaving painful), and 2) religious freedom exemptions. Generally, courts have recognized the extreme hazards of firefighting, hazardous material responses and similar incidents do present an IDLH environment. For some fire departments, reasonable accommodations may be available to assign duties to a firefighter without operating in an IDLH environments. For many fire departments it would place an undue burden to honor a reasonable accommodation request and permit firefighters with facial hair and then have to monitor their actions at an emergency scene. Departments faced with a reasonable accommodation request on medical or religious freedom grounds should consult with a labor attorney who is educated on firefighting hazards and Equal Employment case law.

Fire department leaders who permit firefighters with facial hair are violating NJPEOSH laws, NFPA national standards, their SCBA operating instructions, and unnecessarily risking the health and lives of one of the community's most important resource, emergency responders. The fire service is an honorable and brave profession. Fire Chiefs and other leaders must have the integrity and fortitude to make a hard decision to protect the health of their men and women.

**TOWNSHIP OF UNION
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

NOTICE OF INTRODUCTION OF ORDINANCE

PLEASE TAKE NOTICE that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 3rd day of August, 2016. The Ordinance was then ordered to be published according to law. Notice is hereby given that said Ordinance will be considered for final passage at a public hearing to be held on the 7th day of September, 2016, 7:00 p.m., or as soon thereafter as the matter may be reached, at the Union Township Municipal Building, 140 Perryville Rd., Hampton, NJ at which time all interested parties will be heard.

Ella M. Ruta, Municipal Clerk

7/28/16

**ORDINANCE 2016 - 7
AN ORDINANCE AMENDING SECTION 2-14
OF THE CODE OF THE TOWNSHIP OF UNION,
HUNTERDON COUNTY NEW JERSEY
REGARDING THE UNION TOWNSHIP FIRE DEPARTMENT**

BE IT ORDAINED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that Chapter II, Article IV, Section 2-14, **Fire Department**, of the Code of the Township of Union is hereby deleted and replaced with following:

2-14 FIRE DEPARTMENT.

2-14.1 Establishment; Composition.

The Pattenburg Volunteer Fire Company, heretofore organized as a non-profit organization, is hereby authorized, established and continued as the official Fire Department for the Township of Union, along with such additional Companies of said Fire Department as the Township Committee may hereafter authorize and approve (hereinafter "Fire Company"). The Fire Company must comply with all the requirements of this Chapter and any rules or regulations promulgated thereunder to remain the designated Fire Company of the Township of Union.

2-14.2 Qualifications for Membership; Officers.

- A. **Regular officers and members.** Officers and members of the Fire Company shall be 18 years of age or more and shall be chosen and admitted to membership in accordance with the bylaws of the Fire Company, subject to approval and confirmation by the Township Committee.
- B. **Junior members.** Junior members shall be no less than 16 years of age nor more than 18 years of age and shall be chosen and admitted as junior members in

accordance with the bylaws of the Fire Company, subject to approval by the Township Committee. Junior members shall only do those activities allowed by law for persons of their age and shall be supervised at all times by active members of the Fire Company.

- C. **Application Procedure.** Every person seeking to join the Fire Company shall make application to the Fire Company in accordance with this chapter and the by-laws of the Fire Company. Upon approval of his/her membership in the Fire Company, and appointment by the Union Township Committee, said person shall become a member in good standing of the Fire Company, and his/her name shall be entered on the Role of Active Firefighters kept by the Township Personnel Administrator.
- D. **Physical Examination.** As part of the application process, and prior to appointment every applicant for active or reserve membership in the Fire Company must pass a physical examination by a practicing physician in the State of New Jersey, certifying that the applicant is fit for firefighting duties. A copy of all certifications shall be provided to the Township Personnel Administrator.
- E. **Firefighter Certifications.** Every active and reserve member of the Fire Company shall, at minimum, be certified as a Firefighter-1 in the State of New Jersey. Every line officer must obtain an Incident Management Level 1 certification prior to assuming any line officer position. A copy of all certifications shall be provided to the Township Personnel Administrator.
- F. **NIMS Requirements.** All Members shall stay current with the National Incident Management System (NIMS) requirements.
- G. **Mandatory Requirements.** Any member failing to meet any of the above requirements or any requirement mandated by the New Jersey Department of Community Affairs, Division of Fire Safety shall be cause for immediate removal of the member from the Fire Company, and discipline, up to termination, of the Chief of the Fire Company.
- H. **Line Officers.** Appointment of line officers shall be subject to approval and confirmation by the Township Committee, with the exception of the appointment or election of the Chief of the Fire Company, which shall remain the prerogative of the membership of the Fire Company as set forth in the Company's Certificate of Incorporation or by-laws in accordance with NJSA 40A:14-68(a).
- I. **Qualifications of Members and Officers.** All active and reserve members of the Fire Company shall undergo medical and fitness evaluations in accordance with recommendations of the National Fire Protection Association (NFPA). Copies of all medical and fitness evaluation results, mandatory training documents and certifications for all active Fire Company officers and members shall be filed with the Township Personnel Administrator.

2-14.3 Amount of Duty Required.

Every active member of the Fire Company shall, in each and every year, perform at least fifty (50%) percent of duty to be composed of actual attendance and duty at fires and drills, in accordance with requirements of the New Jersey State Fireman's Association. A record shall be kept of such attendance and duty by the Chief of the Fire Company and reported to the Mayor and Township Committee annually.

2-14.4 Responsibility of the Fire Company.

- A. If at any time, the Fire Company becomes non-compliant with any section of this chapter, the Township Committee may remove the Fire Company from service as the Fire Department of the Township of Union.
- B. The Township Committee may choose one of its members to act as a liaison to the Fire Company, in conjunction with other appropriate Township officials such as the Public Safety Coordinator and the Personnel Administrator.

2-14.5 Exempt Fireman Certificates; Verified List of Nonexempt Members to be Filed with Municipal Clerk.

- A. Exempt Fireman Certificates may be issued to members of the Fire Company in accordance with NJSA 40A:14-56, its amendments thereto and supplements thereof.
- B. In accordance with NJSA 40A:14-57, the official in charge of the Fire Company shall annually file with the Municipal Clerk a verified list of all of the members not having exempt Fireman Certificates which list shall contain their names and residences and information relevant subsequently to their qualifications for such certificates.

2-14.6 Records.

- A. A copy of all certifications of every firefighter in the Fire Company shall be submitted to the Township Personnel Administrator. Any record of any firefighter's failure to obtain his/her proper certifications shall be immediately reported to the Personnel Administrator and Public Safety Coordinator by the Chief.
- B. Any and all records of equipment obtained and the testing thereof shall be submitted to the Township of Union. Any record of failing equipment shall be immediately reported, in writing, to Public Safety Coordinator and Township Committee Liaison.

2-14.7 Duties of the Chief.

- A. In addition to all of the requirements of this chapter, the Chief shall be in full

command and complete control at all fires and during the period of all alarms and shall be held accountable for his/her action to the Township Committee. The Chief shall make written reports to the Township Committee every month. The Chief shall be present at any Township Committee meetings by written request of the Mayor or Fire Company liaison.

- B. The Chief shall be responsible for obtaining the proper certification of every member of the Fire Company. Failure to do so may result in removal of the Chief.
- C. The Chief shall be responsible for all fire-related equipment. The Chief shall ensure that all equipment is properly licensed and operational. The Chief shall be responsible for obtaining the proper certification for every piece of equipment.
- D. By January 15 of each year, the Chief shall prepare and submit to the Township Committee an annual budget for the Fire Company, listing all anticipated expenditures and estimating prices thereof. The budget shall include an accounting of the previous year. No expenditure to be borne by the Township shall be submitted without prior approval by the Township Committee and Chief Financial Officer in accordance with law. Any expenditure request shall be submitted in writing.

2-14.8 Discipline

The Township Committee may reprimand, suspend, or remove from office or membership the Fire Chief, or any officer or firefighter of the Fire Company. The Township and the Fire Company shall be required to follow the following disciplinary procedure.

- A. Any and all charges shall be in writing, and shall set forth the factual basis for the charges, including the proposed penalty.
- B. If the charges are for a written or oral reprimand, the Fire Chief, officer, or firefighter may appeal the reprimand to the Township Committee.
- C. If the charges are for suspension or termination, the Fire Chief, officer or firefighter are entitled to a hearing, if one is requested within 5 days of receiving the charges.
- D. If a hearing is requested, the Township Committee or their designee will be the hearing officer.
- E. The hearing will be held within 30 days of the request, unless agreed to by both parties to be heard later than 30 days.
- E. If no written request for reconsideration is made or hearing requested, respectively, the discipline is final.

2-14.9 Insurance

- A. The Township may provide worker's compensation insurance coverage for all approved members of the Union Township Fire Department.
- B. The Township may provide insurance for all or certain of the Fire Company's vehicles, apparatus and equipment, covering liability and property damage.
- C. The Pattenburg Volunteer Fire Company shall be responsible to provide all insurance coverage not provided by the Township. If recommended by the Township's Insurance Risk Manager, the Township of Union shall be listed as an additional insured on all Fire Company insurance policies, and as loss payee on any Township owned vehicles and equipment, and the Fire Company shall supply the Township with insurance certificates evidencing same. The Fire Company shall also supply the Township with copies of all insurance policies covering the Fire Company, its equipment and its members.

2-14.10 Prohibited Uses of Fire Department Vehicles

- A. The use of Fire Company vehicles, apparatus, or equipment for private use, profit, benefit or advantage is prohibited, except in case of fire or other emergency which shall be immediately reported to Hunterdon County 911. Violation of this section shall be cause for discipline as provided in this chapter.
- B. Only certified active, reserve or junior firefighters shall be permitted to ride on or in fire apparatus, engines or vehicles. All other members of the Fire Company, such as EMTs, paramedics and first responders should respond in the designated first response vehicle, unless otherwise ordered by the Fire Chief or officer in charge. Violation of this section shall be cause for discipline as provided in this chapter.

2-14.11 Notifications to Township

The Union Township Public Safety Coordinator, or if unavailable, the Township Committee Liaison to the Fire Company shall be notified by the Chief, or in his absence his designee, of any emergencies, incidents, alarms, mutual aid, stand-bys or any non-emergency responses, violations, apparatus leaving Union Township or any other circumstances affecting the operation of the Fire Company or the public health, safety or welfare.

Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Repealer. All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Effective Date. This Ordinance shall take effect after final passage, adoption and publication according to law.

Attest:

Ella M. Ruta, Municipal Clerk

Frank T. Mazza, Mayor

First Reading:	8/03/16
Publication:	8/11/16
Public Hearing/Adoption:	9/07/16
Published by	9/15/16

Subject: RE: [EXTERNAL] FW: Fire Companies failure to respond
From: Matthew Giacobbe <mgiacobbe@cgajlaw.com>
Date: 8/26/2022, 5:39 PM
To: "Weiss, Timothy [DCA]" <Timothy.Weiss@dca.nj.gov>
CC: "Iandolo, Eugene [DCA]" <Eugene.iandolo@dca.nj.gov>, Mary Athenas <mathenas@cgajlaw.com>, Grace Brennan <cfo@uniontwp-hcnj.org>

Perfect. I will coordinate and be in touch next week.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Weiss, Timothy [DCA]" <Timothy.Weiss@dca.nj.gov>
Date: 8/26/22 5:36 PM (GMT-05:00)
To: Matthew Giacobbe <mgiacobbe@cgajlaw.com>
Cc: "Iandolo, Eugene [DCA]" <Eugene.iandolo@dca.nj.gov>, Mary Athenas <mathenas@cgajlaw.com>, Grace Brennan <cfo@uniontwp-hcnj.org>
Subject: Re: [EXTERNAL] FW: Fire Companies failure to respond

Sir

The 6th works after 1pm

Tim Weiss

Get [Outlook for Android](#)

From: Matthew Giacobbe <mgiacobbe@cgajlaw.com>
Sent: Friday, August 26, 2022 2:25:16 PM
To: Weiss, Timothy [DCA] <Timothy.Weiss@dca.nj.gov>
Cc: Iandolo, Eugene [DCA] <Eugene.iandolo@dca.nj.gov>; Mary Athenas <mathenas@cgajlaw.com>; Grace Brennan <cfo@uniontwp-hcnj.org>
Subject: RE: [EXTERNAL] FW: Fire Companies failure to respond

Dear Tim – I am on vacation next week. Do you have availability in the afternoon on 9/6 to meet with PVFD?

Matthew J. Giacobbe, Esq., Partner
Cleary | Giacobbe | Alfieri | Jacobs, LLC
169 Ramapo Valley Road
Upper Level 105
Oakland, New Jersey 07436
(973) 845-6700 Office
(201) 644-7601 Fax
email address: mgiacobbe@cgajlaw.com

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Matthew J. Giacobbe

Cleary Giacobbe Alfieri Jacobs, LLC
Partner

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Upper Level - Suite 105
Oakland, New Jersey 07436
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From: Weiss, Timothy [DCA] <Timothy.Weiss@dca.nj.gov>
Sent: Wednesday, August 24, 2022 3:42 PM
To: Matthew Giacobbe <mggiacobbe@cgajlaw.com>
Cc: landolo, Eugene [DCA] <Eugene.landolo@dca.nj.gov>
Subject: [EXTERNAL] FW: Fire Companies failure to respond

Sir

See the email below and the letter attached.

I will report to my supervisor that the township has reached out and that you are working on setting up a date for the fire department review. I also understand that the Clerk is on vacation and will return at the end of the month.

I look forward to hearing from the township once the Clerk returns to set up a date to meet.

Stay Safe

Timothy Weiss

New Jersey Division of Fire Safety
Supervisor
Office of Fire Department Preparedness
609 947-7526

From: Weiss, Timothy [DCA]
Sent: Tuesday, August 16, 2022 4:53 PM
To: Ella Ruta <clerk@uniontwp-hcnj.org>
Cc: ddegiralamo@uniontwp-hcnj.org; Richard Lordi <rlordi@uniontwp-hcnj.org>; publicsafety@uniontwp-hcnj.org; Narbone 25 <chief25fire@yahoo.com>; landolo, Eugene [DCA] <Eugene.landolo@dca.nj.gov>; Tynan, Bruce [DCA] <Bruce.Tynan@dca.nj.gov>
Subject: Fire Companies failure to respond

Township Clerk Ruta

Attached please find a letter that was sent on July 9, 2022. This letter was sent to you, the mayor, the council public safety liaison, the public safety director and the fire chief. The letter outlines a discussion between the township officials, the fire chief, fire company members and myself held on June 30, 2022. In this letter issues that still needed to be addressed were identified.

To date these items have been ignored and not addressed. I am notifying you that the New Jersey Division of Fire Safety will need to do a complete review/audit of your fire departments operations. This will include operating procedures, organization policies, response plans, training records, certification records and other information.

Please reach out to me, by email, within 5 business days, to set up an appointment during regular business hours.

Stay Safe

Timothy Weiss

New Jersey Division of Fire Safety
Supervisor
Office of Fire Department Preparedness
609 947-7526

Re: DOH / PEOSH

From Jason Narbonne <chief25fire@yahoo.com>
To Marc Strauss <mstrauss@ahco1.com>, David DeGiralamo <ddegiralamo@uniontwp-hcnj.org>, Michael Sadusky <michael.sadusky@gmail.com>, Anthony Kearns <akearns@kearnsrotololaw.com>
Date 2022-06-15 12:54

Good afternoon to all ,

I have taken it upon myself as the Chief to further look into the facial hair current enforcement and potential up and coming adopted law.

Through Edward Burdzy , a former director at,PEOSH , I got in contact with a representative at PEOSH and have finally been able to actually get a semi straight answer buy our governing authority.

According to Mr. Bobrowski @ NJPEOSH , there currently is not a exact law that dictates what a trained firefighter with facial hair can and can't do , however there is one in the works from the New Jersey division of fire and safety, department of community affairs and at present time even though there is not a specific law as noted above they are enforcing any type of facial hair that will interfere with a positive Seal on a SCBA system.

The Mel/ bulletin at this time is to be ignored as to not conflict with there enforcement.

To avoid further arguments or issues I am taking this gentleman on his word and I have restricted any of my members choosing to have facial hair that Will come in contact with SCBA seal to no longer respond to calls involving a IDLH environment requiring them to DON SCBA .

Both members that have been in question in regards to this have been notified in writing .

This places my entire company in full compliance now with the new understanding of what exactly the governing body of PEOSH is in fact enforcing

Furthermore, I'll be writing a facial hair policy in coordination with the current one issued by the NFPA as a part of my fire company's SOG/SOP & respirator plan .

Any further questions please feel free to ask

Respectfully,

Chief JT Narbonne
Pattensburg Fire Co.
908-391-0079

Fire Company Review

From Weiss, Timothy [DCA] <Timothy.Weiss@dca.nj.gov>
To Marc Strauss <mstrauss@ahco1.com>, rlordi@uniontwp-hcnj.org <rlordi@uniontwp-hcnj.org>
Cc landolo, Eugene [DCA] <Eugene.landolo@dca.nj.gov>
Date 2022-06-15 22:31

 IMS level requirements 2021 (002).pdf (~83 KB)  Respiratory Protection Reg.pdf (~406 KB)

Director Strauss

As you are aware Robert Tharp has been discussing issues that have been raised about the Pattenburg Fire Company. Planner Tharp has met with you and others from Union Twp. Planner Tharp has left his employment with the Division of Fire Safety for a new position. As the supervisor of the Office of Fire Department Preparedness I have been working with you and Mr. Lordi to explain the requirements of a firefighter. At our recent meeting I explained the NJ PEOSH requirements for a Firefighter and the requirement for the fire service from The NJ Division of Fire Safety. During our review of the regulations I believe that it is clear what is required. We discussed the following and you were provided copies of the referenced statutes.

Duties of the employer 34:6A-33

Subchapter 10 Standards for Firefighters – Definitions 12:100-10.2 to include : Employee, Employer, Fire Department, Firefighter, Fire Service, Volunteer Firefighter and Volunteer Fire Service

Organization, training and education 12:100-10.3 This requirement clearly identifies the type of training that is required of a firefighter and that it is the responsibility of the employer to provide for this training.

We also discussed the federally required respiratory protection regulation that includes medical evaluations, fit testing of members and the requirement to have no facial hair at the seal of the SCBA facepiece. I will attach a copy of this requirement.

During our discussion both you and Mr. Lordi had concerns about the fire company meeting these standard. I have gone back and reviewed the information that was provided to Planner Tharp. This information included a list of Pattenburg Fire Company members as of 1/1/22, A certification list from my office as of 1/25/22, By-Law copy of the Pattenburg Fire Company and township ordinance 2016-7 (fire department). All the referenced material was reviewed along with all the items we discussed at our meeting and the following has been identified.

Chief Narbonne has FF-1 and IMS Level 2 certification but no haz-mat certifications from the DFS

Deputy Chief Sandusky Has FF-1 and IMS Level 1 but no IMS Level 2 or haz-mat certification by the DFS

Lt. Huff has FF-1 but no IMS certification – Lt. Huff can not operate as a fire officer and must be removed from this position until he is certified

Engineer Cregar has FF-1 but no IMS certification – If the position of Engineer may be required to take command, he would also need to be removed from this position until he is certified

Neither the ordinance or the company by-laws address the duties and responsibility of the Engineer.

Both the Township Ordinance and the Company By-Laws requires that firefighters be NJ DFS FF-1 certified.

The fire company membership list identifies 33 members

The fire company list identified 21 members that have NO certifications

The fire company list identifies only 12 members that have FF-1 certification.

Of the 12, 1 is listed as inactive, 1 is listed as Reserve Firefighter. This leaves only 10 FF-1 certified firefighter to respond. You also stated that some of these certified FF-1

members have facial hair that is a direct conflict with the requirements of the respiratory protection policy. These members can not operate as firefighters (see the definition

of a firefighter in 12:100-10.2) and must be removed from the list of available firefighters. This leaves less than 10 FF-1 certified members. Of these 10 you would need to look at

the response records of these members to get an actual number of members that respond and operate as firefighter.

Based on this information it appears that the fire company has a grave staffing issue and would not be able to meet the staffing recommendations of NFPA 1720.

I would like to meet with you and your Chief on June 28 or 29 in the afternoon. The purpose of this meeting will be for the chief to identify the corrective action he has taken to rectify these certification issues and for him to identify what corrective action he will take to increase staffing in his response plans to address this staffing issue.

Please let me know what date and time works for you, Mr. Lordi and the chief

Stay Safe

Timothy Weiss

New Jersey Division of Fire Safety

Supervisor

Office of Fire Department Preparedness

609 947-7526

Re: [EXTERNAL] Tuckerton Borough Special Council Meeting Ruling

From Weiss, Timothy [DCA] <Timothy.Weiss@dca.nj.gov>
To Richard Lordi <rlordi@uniontwp-hcnj.org>
Date 2022-06-13 20:43

PVFS

Sir

I am on vacation. I will be preparing a letter in the next few days.

Tim Weiss

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From: Richard Lordi <rlordi@uniontwp-hcnj.org>
Sent: Thursday, June 9, 2022 11:01:40 PM
To: Weiss, Timothy [DCA] <Timothy.Weiss@dca.nj.gov>
Cc: Marc Strauss-UT Public Safety Director <mstrauss@ahco1.com>; Ella Ruta <clerk@uniontwp-hcnj.org>
Subject: [EXTERNAL] Tuckerton Borough Special Council Meeting Ruling

Mr. Weiss,

Hope all is well.

Thanks again for taking the time to meet with Director Strauss and myself.

After listening to the audio from the Tuckerton Borough Special Council Meeting and the reading of the letter from the NJDFS, it is strikingly similar to the current deficiencies we are experiencing with Pattenburg Volunteer Fire Company (PVFC).

Specifically but not limited to:

- Insufficient manpower.
- Continually using members who do not possess FF1 certifications.
- Continually using members without proper fit test certifications.
- Continually using members with non-compliant facial hair.
- Continually not meeting the 2-in 2-out standard.
- Delayed response times.
- No apparatus responding to calls.
- 1-2 members responding to calls in PVFC pick-up trucks and no apparatus.

This is the same type of investigation Chief Tharp was conducting prior to leaving for Florence Township. Do you anticipate his replacement completing this investigation? Should an investigation into the PVFC be completed, we anticipate the same findings as that of the investigation into the Tuckerton Volunteer Fire Company.

Here is a link to the reading during the Tuckerton Borough Special Council meeting:

<https://www.facebook.com/TuckertonBorough/videos/723084982076496/>

Thanks!

Richard Lordi
Committeeman
Union Township, Hunterdon County
140 Perryville Road
Hampton, New Jersey 08827
908-735-8027 (Office)
908-447-6655 (Cell)
908-735-0591 (Fax)
www.uniontwp-hcnj.gov

Marc

Re: [EXTERNAL] FW: Letter copy

From Weiss, Timothy [DCA] <Timothy.Weiss@dca.nj.gov>
To Matthew Giacobbe <mgiacobbe@cgajlaw.com>, publicsafety@uniontwp-hcnj.org <publicsafety@uniontwp-hcnj.org>
Cc Mary Athenas <mathenas@cgajlaw.com>, landolo, Eugene [DCA] <Eugene.landolo@dca.nj.gov>, Anthony Kearns <akearns@kearnsrotololaw.com>, frank Mazza <frankm@uniontwp-hcnj.org>, Grace Brennan <cfo@uniontwp-hcnj.org>
Date 2022-09-16 10:18

Sir

I have no issue with the move to 1pm

Tim Weiss

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From: Matthew Giacobbe <mgiacobbe@cgajlaw.com>
Sent: Friday, September 16, 2022 9:53:42 AM
To: Weiss, Timothy [DCA] <Timothy.Weiss@dca.nj.gov>; publicsafety@uniontwp-hcnj.org <publicsafety@uniontwp-hcnj.org>
Cc: Mary Athenas <mathenas@cgajlaw.com>; landolo, Eugene [DCA] <Eugene.landolo@dca.nj.gov>; Anthony Kearns <akearns@kearnsrotololaw.com>; frank Mazza <frankm@uniontwp-hcnj.org>; Grace Brennan <cfo@uniontwp-hcnj.org>
Subject: RE: [EXTERNAL] FW: Letter copy

Can we move the start time from 2pm to 1pm on Wednesday September 21, 2022? Please let me know. Thanks

Matthew J. Giacobbe, Esq., Partner
Cleary | Giacobbe | Alfieri | Jacobs, LLC
169 Ramapo Valley Road
Upper Level 105
Oakland, New Jersey 07436
(973) 845-6700 Office
(201) 644-7601 Fax
email address: mgiacobbe@cgajlaw.com

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Matthew J. Giacobbe
Cleary Giacobbe Alfieri Jacobs, LLC
Partner

(973) 845-6700 Work
mgiacobbe@cgajlaw.com
169 Ramapo Valley Road
Upper Level - Suite 105
Oakland, New Jersey 07436
cgajlaw.law

From: Matthew Giacobbe
Sent: Wednesday, September 14, 2022 5:18 PM
To: 'Weiss, Timothy [DCA]' <Timothy.Weiss@dca.nj.gov>; publicsafety@uniontwp-hcnj.org
Cc: Mary Athenas <mathenas@cgajlaw.com>; landolo, Eugene [DCA] <Eugene.landolo@dca.nj.gov>; 'Anthony Kearns' <akearns@kearnsrotololaw.com>; frank Mazza <frankm@uniontwp-hcnj.org>; 'Grace Brennan' <cfo@uniontwp-hcnj.org>
Subject: RE: [EXTERNAL] FW: Letter copy
Importance: High

I spoke to Anthony Kearns – who represents the PVFD – and he is available to meet at 2pm on Wednesday, September 21, 2022. The meeting will take place at the Municipal Building. Mr. Kearns will arrange to have the Fire Chief present. Below is the list of items that Chief Weiss has requested for the meeting:

The reason for this meeting is to do a complete review of the fire department. We will need the following for this review.

List of members
List of officers
All FD SOPs / SOGs
FD policies and procedures
FD response plans
FC By Laws
Township Ordinances relating to FD

I will have copies of the relevant ordinances and request that the Fire Chief bring copies of the other requested items listed above.

Matthew J. Giacobbe, Esq., Partner
Cleary | Giacobbe | Alfieri | Jacobs, LLC
169 Ramapo Valley Road
Upper Level 105
Oakland, New Jersey 07436
(973) 845-6700 Office
(201) 644-7601 Fax
email address: mgiacobbe@cgajlaw.com

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Matthew J. Giacobbe
Cleary Giacobbe Alfieri Jacobs, LLC
Partner

(973) 845-6700
mgiacobbe@cgajlaw.com
169 Ramapo Valley Road
Upper Level - Suite 105
Oakland, New Jersey 07436
cgajlaw.law

From: Weiss, Timothy [DCA] <Timothy.Weiss@dca.nj.gov>

Sent: Saturday, September 10, 2022 10:03 AM

To: Matthew Giacobbe <mgiacobbe@cgajlaw.com>; publicsafety@uniontwp-hcnj.org

Cc: Mary Athenas <mathenas@cgajlaw.com>; landolo, Eugene [DCA] <Eugene.landolo@dca.nj.gov>; Matthew Giacobbe <mgiacobbe@cgajlaw.com>

Subject: Re: [EXTERNAL] FW: Letter copy

Sir

The reason for this meeting is to do a complete review of the fire department. We will need the following for this review.

List of members

List of officers

All FD SOPs / SOGs

FD policies and procedures

FD response plans

FC By Laws

Township Ordinances relating to FD

The fire chief should attend in order to respond to questions during this review.

Tim Weiss

Re: [EXTERNAL] Re: [External Email] - Re: PVFC Fire Boxes for UT

From Weiss, Timothy [DCA] <Timothy.Weiss@dca.nj.gov>
To publicsafety@uniontwp-hcnj.org <publicsafety@uniontwp-hcnj.org>, Daniel Schulze <dschulze@co.hunterdon.nj.us>
Cc chief25fire@yahoo.com <chief25fire@yahoo.com>, frankm@uniontwp-hcnj.org <frankm@uniontwp-hcnj.org>, Matthew Giacobbe <mgiacobbe@cgajlaw.com>, Akearns <akearns@kearnsrotololaw.com>, bfahey@county.hunterdon.nj.us <bfahey@county.hunterdon.nj.us>
Date 2022-09-24 14:36

All

I have recieved them. I am currently reviewing the SOPs and other documents.

Tim Weiss

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From: publicsafety@uniontwp-hcnj.org <publicsafety@uniontwp-hcnj.org>
Sent: Saturday, September 24, 2022 8:28:28 AM
To: Daniel Schulze <dschulze@co.hunterdon.nj.us>
Cc: chief25fire@yahoo.com <chief25fire@yahoo.com>; frankm@uniontwp-hcnj.org <frankm@uniontwp-hcnj.org>; Matthew Giacobbe <mgiacobbe@cgajlaw.com>; Akearns <akearns@kearnsrotololaw.com>; Weiss, Timothy [DCA] <Timothy.Weiss@dca.nj.gov>; bfahey@county.hunterdon.nj.us <bfahey@county.hunterdon.nj.us>
Subject: [EXTERNAL] Re: [External Email] - Re: PVFC Fire Boxes for UT

Thank you Dan for your assistance!

On 2022-09-23 12:11, Daniel Schulze wrote:

Al,

Please find attached a copy of Pattenburg Fires boxes for Union Twp. Please let me know if you need anything additional.

Dan

Daniel Schulze

CAD Administrator

County 9-1-1 Coordinator

Hunterdon County Department of Public Safety

Division of 9-1-1 Communications

908-788-1205 Office | 908-782-0057 Fax

dschulze@co.hunterdon.nj.us

cadadministrator@co.hunterdon.nj.us

From: jason narbonne <chief25fire@yahoo.com>

Sent: Friday, September 23, 2022 11:33 AM

To: publicsafety@uniontwp-hcnj.org

Cc: Daniel Schulze <dschulze@co.hunterdon.nj.us>; frankm@uniontwp-hcnj.org; Matthew Giacobbe <mgiacobbe@cgajlaw.com>; Akearns

<aakearns@kearnsrotololaw.com>; Timothy Weiss <timothy.weiss@dca.nj.gov>; bfahey@county.hunterdon.nj.us

Subject: [External Email] - Re: PVFC Fire Boxes for UT

[EXTERNAL EMAIL] DO NOT CLICK links/attachments or respond to requests unless you recognize the sender, the email address properly identifies the sender, and you know that the content is safe.

Good morning Dan ,

I asked mark to help me out and reach out to provide boxes for union township to Tim Weiss

Thank you in advance

Chief JT Narbonne

Pattenburg Fire Co.

908-391-0079

On Sep 22, 2022, at 5:51 AM, publicsafety@uniontwp-hcnj.org wrote:

Dan,

I hope this email finds you well.

Can you please email me a copy of the Union Township Fire Boxes for the Pattenburg Volunteer Fire Company? This information is being requested by Tim Weiss (copied on this email) from the NJ Division of Fire Safety.

Fire Chief Jason Narbonne is also copied on this email and is aware of this request.

Thank you,

Marc Strauss

Marc H. Strauss, Director

Township of Union - Department of Public Safety

140 Perryville Road

Hampton, NJ 08827

(O) 908-735-8027 x.20

publicsafety@uniontwp-hcnj.org

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Subject: Re: November meeting

From: frank mazza <ut140fm@gmail.com>

Date: 11/10/2022, 6:24 AM

To: page stiger <pagestiger@gmail.com>

CC: Ella Ruta <clerk@uniontwp-hcnj.org>, Grace Brennan <cfo@uniontwp-hcnj.org>, Marc Strauss <publicsafety@uniontwp-hcnj.org>

On Thu, Nov 10, 2022 at 12:26 AM page stiger <pagestiger@gmail.com> wrote:

Sent from my iPad

Begin forwarded message:

From: frank Mazza <frankm@uniontwp-hcnj.org>

Date: November 9, 2022 at 5:51:16 PM EST

To: Page Stiger <pagestiger@gmail.com>

Subject: Fwd: November meeting

FYI

Sent from my iPad

Begin forwarded message:

From: jason narbonne <chief25fire@yahoo.com>

Date: November 9, 2022 at 5:27:49 PM EST

To: frank Mazza <frankm@uniontwp-hcnj.org>, Marc Strauss <mstrauss@ahco1.com>, Akearns <akearns@kearnsrotololaw.com>

Subject: November meeting

Please excuse me from this evenings meeting I am at work .

I'll email a report over tomorrow am .

Respectfully,

Chief JT Narbonne
Pattensburg Fire Co.
908-391-0079