



Department of Community Affairs



Division of Fire Safety

Bureau of Fire Department Services

TO: Fire Chief Andrew Simonsick Sr, Township Manager Susan Danson

CC: Director Richard Mikutsky, Division of Fire Safety
Supervising Planner Bruce Tynan, Bureau of Fire Department Services
Principal Planner Timothy Weiss, Office of Fire Department Preparedness

FR: Senior Planner Donald Nelsen, Office of Fire Department Preparedness

RE: Independent Volunteer Fire Co. No. 1 complaint; Maple Shade Township, Burlington County, Delaware River Region

DA: Thursday 5 January 2023

During the next to last week of August 2022, the Division of Fire Safety received a verbal complaint from the mutual aid fire departments surrounding Maple Shade, from both Burlington and Camden counties. Their collective complaint was they felt they were being abused as mutual aid partners for routine every day service calls such as fire alarms, carbon monoxide detector alerts, motor vehicle crashes, and the like. In short, they alleged the Maple Shade Independent Volunteer Fire Company was non-existent during regular business hours Monday through Friday and that they answer very, very few fire calls during that period.

Township Manager Susan Danson was contacted to set up a meeting with Fire Chief Andrew Simonsick Sr. A significant amount of historical background was obtained from both Mrs. Danson and Chief Simonsick. The relations between the Fire Company and Township Officials were obviously deeply strained. I requested my supervisor, Principal Planner Timothy Weiss, accompany me for the investigatory interview as the township was going to have a few Councilmen and some of the fire company Assistant Chiefs present.

On Tuesday 13 September 2022 we met in the early evening hours at the municipal center in Maple Shade. In attendance were Chief Andrew Simonsick Sr, Deputy Chief Alec Fleming, Battalion Chief Andrew Simonsick Jr, Township Manager Susan Danson, Councilman Nelson Wiest, Councilman Steve Schmidt, Principal Planner Tim Weiss, and me.

A broad range of topics were discussed, and Deputy Chief Fleming presented us with a seven (7) draft mutual aid response plans for Maple Shade to return to what was termed 'pre-suspension' service where this problem apparently did not exist. Last year, the elected officials of Maple Shade suspended service by the Independent Volunteer Fire Company and thus the fire call response plans were all changed so contiguous fire departments could appropriately respond to service the fire protection of the residents of Maple Shade.

That plan instituted after the suspension of the fire company continues at this time as even though the fire company had returned to service some time ago. At the heart of the matter is the reverting back to approved mutual aid fire protection run card or box alarms. There was a misconception of who approves these plans and then there is a bureaucratic issue with Burlington County dispatch reviewing same, then their data entry issues once the forms have been submitted in their approved manner.

Evidently, Burlington County dispatch says Maple Shade can have seven (7) different mutual aid run cards or box alarms given the geographical size of their town and other considerations. Deputy Chief Fleming presented us with those seven (7) different drafts run cards/box alarm plans. We then outlined our plan that we would like to return in a month's time and revisit all these plans as I needed to consult the county fire coordinators and local fire chiefs to ascertain what was most practical and then weigh them against what complied with the Deployment Act.

During this assessment phase, OFDP was referred another complaint about the Maple Shade Fire Department from our Codes Enforcement Bureau. Principal Planner Weiss and I returned to the Maple Shade fire station on 17 November 2022. While obtaining information of the referred complaint, additional detailed information was exchanged with Chiefs Simonsick Sr, Fleming, and Simonsick Jr.

The next day, I contacted Chief Carroll of Burlington County Central Communications and requested in writing that Lenola Volunteer Fire Co. No. 1 in neighboring Moorestown Fire District 2 be assigned immediate dual response to all fire calls in Maple Shade Mondays through Fridays from 6:00am to 6:00pm. Within a few business days, this was accomplished and put into practice.

I consulted Burlington County Chief Fire Coordinator Tim Pearson regarding the Maple Shade Chiefs' suggestions and to sort out who were contiguous fire companies as mandated in the Deployment Act.

Resultant from this new detailed information of the second meeting with the Maple Shade Chiefs, I interviewed Chief Robert Grant of Lenola/Moorestown Fire Department, Chief Kramer of the Cinnaminson Fire Department, and Chief Burnett of the Mount Laurel Fire Department in Burlington County; as well as Chief Callan of the Cherry Hill Fire Department and Chief Palumbo of the Pennsauken Fire Department in Camden County. The wide-ranging discussions included operational responses, how the current box alarms/mutual aid protocols were set up, and concerns of safety, tactics, and strategy on the fire ground.

Collectively, these five municipal Fire Chiefs stated they would always send whatever mutual aid they could, whenever they could, for actual firefighting. However, all are very reluctant and overburdened to continue to send assistance for tens to hundreds of 'service' fire calls that a large number go unanswered by Maple Shade Fire Department. In our initial meeting in September, Deputy Chief Fleming provided us a very detailed response reporting package and the Chief Officers acknowledged there was no Maple Shade Fire Department response to 58 calls at that time up to that point in 2022.

Regarding fire call responses and staffing, there appears to be a major disconnect in compliance to the National Fire Protection Association (NFPA) professional consensus standard 1720 for volunteer fire departments. The standard stipulates what a minimum response in an urban community is. Maple Shade Township is an urban area under the standard based on resident population divided by land area (in square miles) per figures published by the federal Census Bureau. Maple Shade's listed figures were 18,642 residents and 3.83 square land miles, which resulted in a population per square mile of 4,867 residents thus placing it in the "urban" demand zone. The applicable standard

mandates a minimum of 15 firefighters responding and arriving on scene at a reported building or structure fire within 9 minutes, 90 percent of the time - then initiating fire suppression within two (2) minutes after arrival. This standard is for staffing and response to an actual or reported building or structure fire in an average 2,000 square foot, two-level, single-family dwelling without basement. Other higher or lower hazards could decrease requirements.

Maple Shade Fire Department appears to meet the standard for incident reporting (paragraph 4.4.1) requirements, as noted their provided reporting is very detailed, but has not performed an annual evaluation (paragraph 4.4.2) nor quadrennial report (paragraph 4.4.3) required in the standard. Ultimately, this same standard (paragraph 4.3.2) calls for the Authority Having Jurisdiction, the municipality of Maple Shade Township in this case, to reference the Staffing and Response Times (table 4.3.2) and determine their staffing and response time objectives.

Public Law 2003, Chapter 28, the Fire Service Resource Emergency Deployment Act, referred to simply as the Deployment Act, in section "C.52:14E-14 Preparation, adoption of local fire mutual aid plans" states in pertinent part each municipality or fire district shall prepare and adopt a local fire mutual aid plan. The plan shall set forth policies and procedures to coordinate the effective utilization of fire service resources. Each local fire mutual aid plan shall be based upon the planning criteria, objectives, requirements, responsibilities, and concepts of operation essential for the implementation of all necessary and appropriate protective or remedial measures to be taken in response to emergency incidents.

With 58 documented no responses to fire calls from January to September, and the collective complaint of the mutual aid fire departments, there is obviously a huge deficiency reference the NFPA 1720 staffing and response times within the municipality of Maple Shade Township. There is no local remedy being offered by the fire department although they have been and are researching solutions. The municipality has asked the Division of Fire Safety to intercede and make recommendations for correction so they may be guided accordingly. Even with Lenola Fire Department providing immediate dual response to fire calls during the work week, this is not sustainable long term and is not an answer to the staffing and response problem.

NJSA 40A:14-7, Creation and establishment of fire departments and forces gives the municipal governing body the authority to provide for the maintenance of, regulate and control thereof. This gives the powers, functions, and duties to adopt and promulgate rules and regulations toward that end as well as discipline its members. Maple Shade Township's governing power should take steps available to them under the statute to better protect the residents and businesses and their properties through uniform regulation of the fire department and forces.

NJSA 40A:14-68, Contracts with volunteer fire companies; states in pertinent art that any municipal governing body, by ordinance, may contract with a volunteer fire company or companies for purposes of extinguishing fires, upon such terms and conditions as shall be deemed proper. The members of any such company shall be under the supervision and control of said municipality and in performing fire duty shall be deemed to be exercising a governmental function.

In *Newfield Fire Co. No. 1 v. Borough of Newfield*, the Superior Court of New Jersey, Appellate Division upheld an ordinance adopted by the Borough of Newfield to regulate its volunteer fire company under NJSA 40A-14-68. This unambiguously permits a municipality to use the mechanism of an ordinance as the contractual basis to set forth provisions assuring municipal supervision and control of members of the volunteer fire company it designates as the official entity to perform the public function of extinguishing fires. Such a reading is consistent with prior interpretations of both the statute and a municipality's relationship with its volunteer fire company. However, the appointment or election of the chief of the volunteer fire company shall remain the prerogative of the membership of the fire company as set forth in the company's certificate of incorporation or bylaws, as is their day-to-day operations.

Maple Shade Township's governing body should utilize its authority under the statutes and case law to regulate the volunteer fire company by including it in a combination fire department of career and volunteer personnel as done in neighboring Mount Laurel, Cinnaminson, Cherry Hill, and Pennsauken. Doing so provides consistency and uniformity in the application of fire and rescue services to its residents and businesses and visitors. The volunteer fire company could maintain their selection of a chief and their constitution and bylaws for routine or daily business matters kept free from municipal interference as the Newfield decision noted.

The volunteer fire company and all its members are a vital fire protection component and should remain part of any new municipal combination fire department under the control of the municipality. Maple Shade should capitalize on their skill and experience that those members bring to the table.

It is unknown what the Insurance Services Organization (ISO) community fire protection rating of Maple Shade Township is. The last verification testing date was not provided. Given the status of staffing, response, and water supply at this current time – it is likely to be significantly downgraded at the next verification test. Resultantly, fire insurance premiums to businesses and homeowners alike can be expected to increase. Once a combination fire department is established and uniform guidelines and operational practices are solidified, ISO ratings usually increase – which has a corresponding decrease in those fire insurance premiums as a result. Based upon the complaint and the current operational tempo of Maple Shade Township’s volunteer fire company, a strong centralized department is needed to move the fire services forward with regulation in a uniform manner which can meet the applicable standards and hopefully increase their ISO rating, which would ultimately provide a cost savings to all.

The following certifications and training are required under the NJ Uniform Fire Safety Act, NJ Uniform Fire Code (UFC), NJ Fire Service Resource Emergency Deployment Act (Deployment Act), DFS rules or regulations and memoranda promulgated under the Deployment Act, Governor’s Executive Order #248, state Public Employees Occupational Safety and Health (PEOSH) Title 12 Subchapter 10 for Firefighters, as well as applicable federal Occupational Safety and Health Administration (OSHA) standards. These certifications are Fire Fighter level 1 (FF1), Hazardous Materials Awareness (HMA), Hazardous Materials Operations (HMO), Basic Incident Command Systems level 200 (ICS 200), Introduction to the National Incident Management System (IS 700), National Response Framework (IS 800), and Hazardous Materials On Scene Incident Commander (OSIC).

Upon inspection of the Division of Fire Safety’s updated training and certification roster of 5 December 2022, the Maple Shade Independent Fire Company has the deficiencies noted in the table. Any certification highlighted in yellow, and training highlighted in blue must be obtained.

<u>FF #</u>	<u>Name (Last, First)</u>	<u>Title</u>	<u>FF1</u>	<u>HMA</u>	<u>HMO</u>	<u>ICS200</u>	<u>IS700</u>	<u>IS800</u>	<u>OSIC or Fire Police</u>
* 198343	Booth, Kenneth	Probationary FF	FF1	HMA	HMO	ICS200	IS700	IS800	
195004	Callahan, Ben	FF				ICS200	IS700	IS800	
	Chester, Eric	Probationary FF	FF1	HMA	HMO	ICS200	IS700	IS800	
* 191243	Cisco, Kathryn	Fire Police							Fire Police
111526	Clifford, Michael	FF		HMA	HMO		IS700	IS800	
192315	Curci, Cameron	FF		HMA	HMO	ICS200	IS700	IS800	
146118	Davis, Brian	FF		HMA	HMO		IS700	IS800	
	Davis, Matthew	FF	FF1	HMA	HMO	ICS200	IS700	IS800	
127824	Desjardins, Sean	FF					IS700	IS800	
170697	Dillon, Richard	FF					IS700	IS800	
141692	DiNiglio, Nicholas	Engineer					IS700	IS800	
182180	Fleming, Alec	Deputy Chief					IS700	IS800	OSIC
111527	Fox, Steve	FF		HMA	HMO		IS700	IS800	
185299	Grace, Daniel	FF					IS700	IS800	
176124	Grace, Michael	FF					IS700	IS800	
135906	Greenfield, Kevin	FF					IS700	IS800	
111516	Heisler Jr, James	FF					IS700	IS800	
174065	Herrmann, Jeff	FF				ICS200	IS700	IS800	
	Johnson, Aaron	Probationary FF	FF1	HMA	HMO	ICS200	IS700	IS800	
114454	Kennedy, Michael	Fire Police		HMA	HMO	ICS200	IS700	IS800	Fire Police
111502	Leary, Cliff	FF		HMA	HMO		IS700	IS800	
176134	Marshall, Anthony	FF					IS700	IS800	
190428	Marshall, Thomas	FF		HMA	HMO	ICS200	IS700	IS800	
193098	Miller, Timmy	FF				ICS200	IS700	IS800	
114453	Mullen, Steve	FF		HMA	HMO		IS700	IS800	
187557	Noonan, Miles	FF		HMA	HMO	ICS200	IS700	IS800	
	Nusspickel, Justin	FF	FF1	HMA	HMO	ICS200	IS700	IS800	
* 184738	Pappas, Nicolette	Fire Police							Fire Police
141770	Parks, Christopher	Captain					IS700	IS800	
184568	Pike, Justin	FF				ICS200	IS700	IS800	
111495	Rangnow, William	Fire Police		HMA	HMO	ICS200	IS700	IS800	Fire Police
111492	Schroeder, Lee	Lieutenant					IS700	IS800	
193107	Sherman, Denzel	Probationary FF		HMA	HMO	ICS200	IS700	IS800	
122462	Simonsick, Andrew	Chief					IS700	IS800	OSIC
185311	Simonsick Jr, Andrew	Battalion Chief					IS700	IS800	OSIC
160433	Socha, Ron	FF					IS700	IS800	
170728	Stevens, Michael	FF		HMA	HMO		IS700	IS800	
174081	Tunney, Daniel	FF					IS700	IS800	
	Vallen, Daniel	Probationary FF	FF1	HMA	HMO	ICS200	IS700	IS800	
* 135503	Voiro, Vincent	Fire Police							Fire Police
111482	Workman, Jeremy	Assist. Engineer		HMA	HMO		IS700	IS800	

The Maple Shade Fire Department Chiefs did raise concerns about actions of mutual aid fire companies on responses into their jurisdiction. In particular was a reported structure fire on the Mount Laurel border area which turned out to be a brush fire. Battalion Chief Simonsick stated a fire company member was on scene with a radio and confirmed a brush fire yet the Mount Laurel responding apparatus refused to take a cancellation and proceeded into the scene.

I spoke with Deputy Chief Evans of Mount Laurel as to what transpired, as he was the officer ordering the continuation of his unit to the scene. Deputy Chief Evans provided documentation that his asset was dispatched to a reported structure fire and would have been first due, thus in an abundance of caution he ordered his company to continue in. The fact that there may have been a Maple Shade FD member on scene with radio communication was not relayed to him or the apparatus officer at that time. Further, he stated he previously spoke with them (Maple Shade Chiefs) and explained himself with resultant actions.

Battalion Chief Simonsick also raised concerns about free lancing and failing to follow orders on the fire ground by mutual aid companies. Supervisor Weiss and I explained to document such an occurrence with a report and have the Chiefs discuss it afterwards. If that did not solve the problem, then he was asked to send us a complaint and we would investigate the matter and help them solve the problem.

Battalion Chief Simonsick raised concerns over Chief officers from mutual aid companies responding to their incidents. He said they unnecessarily interject themselves into the decision making and sometimes contradict Command's directions. Supervisor Weiss and I noted they should be reporting to the Liaison Officer as an Agency Representative and that if the ICS framework had not been established that far then to assign the Chief officer to a task.

All five Mutual Aid Chiefs of Departments spoken with after our second meeting stated that most all responses into Maple Shade will have a Chief Officer accompany the apparatus crew. They expressed concerns over safety of their members on the fire ground due to exhibited strategy and tactics failures and their collective lack of confidence in the Maple Shade Chief Officers decision making abilities.

With regard to box alarms or mutual aid run cards, the Division of Fire Safety will be altering the previous and current box alarms and mutual aid runs cards to make them Deployment Act compliant by utilizing contiguous fire departments first. Currently the proposed seven (7) plans submitted by the Maple Shade Fire Department Chiefs are not compliant and there are legitimate concerns with the current practice.

Under the authority promulgated to the State Fire Coordinator by the Deployment Act, the interim local fire mutual aid plan shall comply with the contiguous fire departments' order of deployment as follows: There shall be a box alarm mutual aid run card for both the North and South sections of the municipality of Maple Shade. The dividing line shall be West and East Main Streets. The Maple Shade Fire Department shall be dispatched to all fire calls. The Lenola Fire Company shall continue to be dispatched to all fire calls Mondays through Fridays from 6:00am to 6:00pm. Outside of those immediate dual response designated days and hours, the Lenola Fire Company shall be part of the 1st alarm assignment on both North and South sides.

North of West and East Main Streets

Maple Shade FD (ALL fire calls)

Moorestown Lenola VFC#1

(ALL fire calls Mon-Fri 6am-6pm)

South of West and East Main Streets

Maple Shade FD (ALL fire calls)

Moorestown Lenola VFC#1

(ALL fire calls Mon-Fri 6am-6pm)

1st Alarm:

Moorestown Lenola VFC#1

Moorestown Relief Engine Co.

Cinnaminson FD

Pennsauken FD

1st Alarm:

Moorestown Lenola VFC#1

Moorestown Hose Co.

Mount Laurel FD

Cherry Hill FD

2nd Alarm:

Moorestown Hose Co.

Mount Laurel FD

Cherry Hill FD

Burlington County Fire Coordinators

2nd Alarm

Moorestown Relief Engine Co.

Cinnaminson FD

Pennsauken FD

Burlington County Fire Coordinators

3rd Alarm:

Riverton FD

Palmyra FD

Merchantville FD

Collingswood FD

Delaware River Region Fire Coordinator

3rd Alarm:

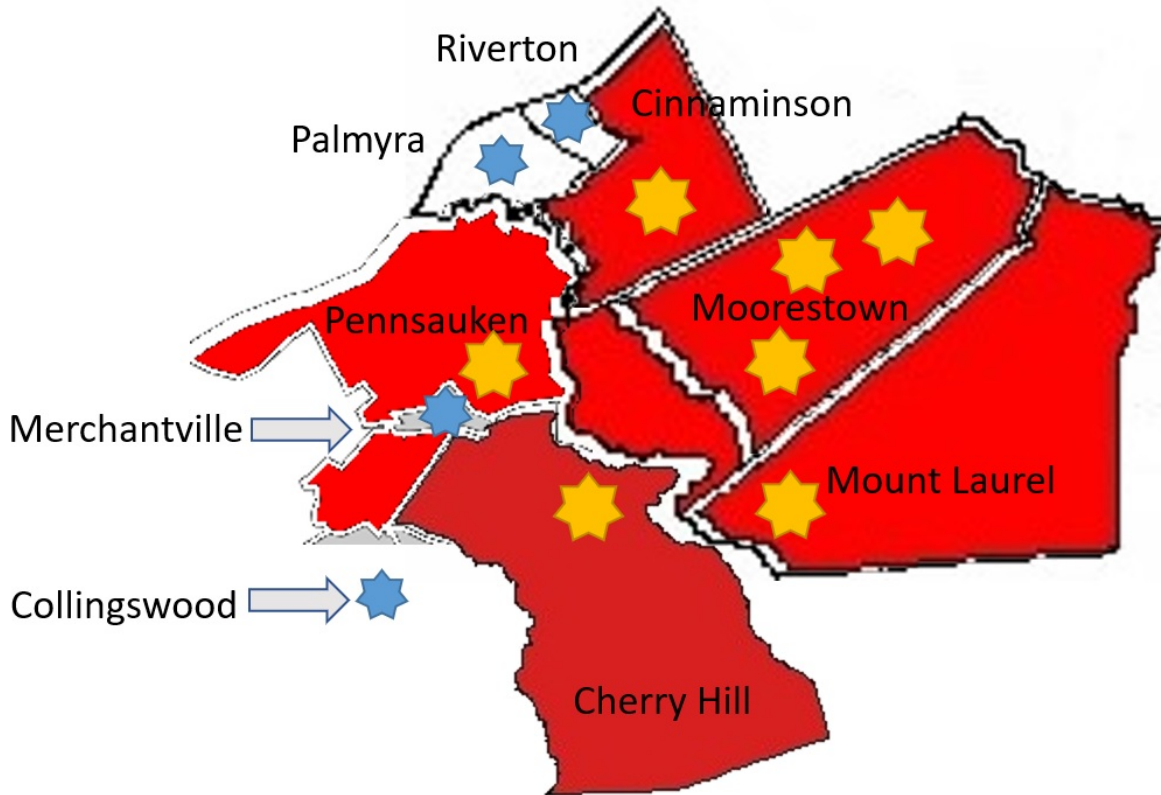
Riverton FD

Palmyra FD

Merchantville FD

Collingswood FD

Delaware River Region Fire Coordinator



If and once the Maple Shade Fire Department leadership has submitted a draft plan which is ultimately approved by the Division of Fire Safety on the advice and consent of the Burlington County Fire Coordinators, then the local fire mutual aid plan may be amended as such at that time. Until such approval, this local fire mutual aid plan shall remain in full force and effect. The Maple Shade Fire Chiefs shall work with the Burlington County Fire Coordinators to establish whether an Engine Company or Ladder Company should respond from the contiguous then mutual aid fire companies. Special calls for hazardous materials, technical rescue, etc. services are not covered under this plan and should be called for as historically practiced. The necessity to designate a dedicated Rapid Intervention Company from distant mutual aid companies is not required or mandated. What is required and mandated is that a Rapid Intervention Team commensurate to the size and scope of the incident be established at the scene. This could be done utilizing certified firefighters from the jurisdiction and/or mutual aid responders.

It is incumbent upon the Maple Shade Independent Volunteer Fire Company to ensure its members receive the appropriate required training courses and

certifications in the afore noted table. The Officers of the fire company must engage with their public officials and work towards a solution to the common problems affecting fire protection to all residents and businesses.

It is incumbent upon the governing body of the municipality of Maple Shade Township to take whatever corrective actions it deems appropriate to meet the NFPA 1720 standard for staffing and response as soon as practical. Doing so will not only better protect the residents and businesses within the municipality, but it will also alleviate the complaints of the mutual aid fire departments.

This report is not a mandate for any proscribed action. Required staffing and response could be reached through shared services agreements with surrounding municipalities, a volunteer duty crew, a per diem or part time paid staff, a full-time career fire department or force, a combination volunteer and paid fire department or force, etc. Maple Shade has paid/career police and emergency medical services. Contiguous municipalities previously mentioned have combination fire departments with career and volunteer personnel which meets their needs. Having a strictly volunteer fire company as the sole provider of fire protection is not working in today's day and age in Maple Shade Township. It is up to the municipal elected officials to provide fire protection meeting recognized standards.