



Society of Fire Protection Engineers

New Jersey Chapter

Editor Fusible Link:
Brad Hart & Ana
Crisostomo
Tel. (212) 837-0827
Fax (212) 344-3060

President – Sarge Slicer – 973-993-5947
First V.P. – Rich Reitberger – 973-541-6776
Second V.P. - Glenn Deitz – 973-822-7396
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FUSIBLE LINK

www.njsfpe.com

<http://groups.yahoo.com/group/sfpenjchapter>

February 2003

NJ SFPE Membership Meeting Minutes January 6, 2003

1. President Sarge Slicer called the meeting to order at 6:00 PM.
2. There were approximately 30 attendees, as usual everyone introduced themselves.
3. Ed Armm read the minutes from the December 2nd meeting and a motion was made and carried to accept them.
4. Dave Gluckman read the Treasurer's Report and a motion was made and carried to accept it.
5. Rich Reitberger informed the membership that Module 4 "Sprinkler Systems Acceptance and Testing" was being offered by Sprinklers Fitters Local 696 in Millburn on the 22nd of January.
6. Chuck Gandy spoke briefly about the nominating committees search for two new directors and a treasurer. Chuck explained the process and asked for those interested to contact him.
7. Rich presented a program that National produced and offers on CD. The CD focuses on the role of the Fire Protection Engineer and is geared for recruitment. Alternative and cost effective solutions to the age old problems of fire loss and property protection were part of the presentation to show possible candidates for Fire Protection Engineering what it is we do. The bottom line was that FPE's make a difference to all stake holders when life safety was the concern. The chapter has two copies available to loan to members interested.
8. Ed Armm mentioned that the NY Chapter will be holding their annual Fire Service Meeting at the NY City Fire Museum on Spring Street, Tuesday January 14, 2003. Inviting those that have not been there to attend the meeting and spend some time in the museum afterwards.
9. Chuck introduced Ken Isman, P.E. Assistant VP of Engineering of the National Fire Sprinkler Association who spoke about changes to NFPA 20 (Fire Pumps) - 2003.
10. Ken informed us that the NFSA has professional memberships available for \$165.00 a year and can be reached at www.NFSA.org. Ken also

urged our membership to speak up as changes to the standard can be made in May at Dallas and in July during the Standards Council Meetings.

11. Ken who is one of the co-authors of the *Fire Pump Handbook* showed us a new copy of the soon to be released *Pumps for Fire Protection* of which he is also a co-author. Ken provided handouts which made his rather interesting and fast paced program easy to follow.
12. Some of the key points of Ken's presentation were low suction throttling valves, pressure reducing valves, secondary water supplies, pressure reducing valves, relief valves, sizing fire pumps, the use of variable speed drivers, MIC being discovered in fuel lines for diesel fuel, churn testing and retesting of fire pumps and related equipment.
13. A lively discussion followed Ken's presentation.
14. The meeting was adjourned at approximately 8:30 PM.

Next Month's Meeting At Siemens (Pyro) February 3, 5:30 Pm

Everyone should meet at the Siemens Building lobby at 5:30PM and follow the instructions to our meeting room.

We will have a hot buffet dinner and will conduct our usual Chapter meeting during the meal as we always do.

At 6:30pm we will then split into two groups one will have a tour while the other listens to a technical presentation on Siemens new "Fire Finder System".

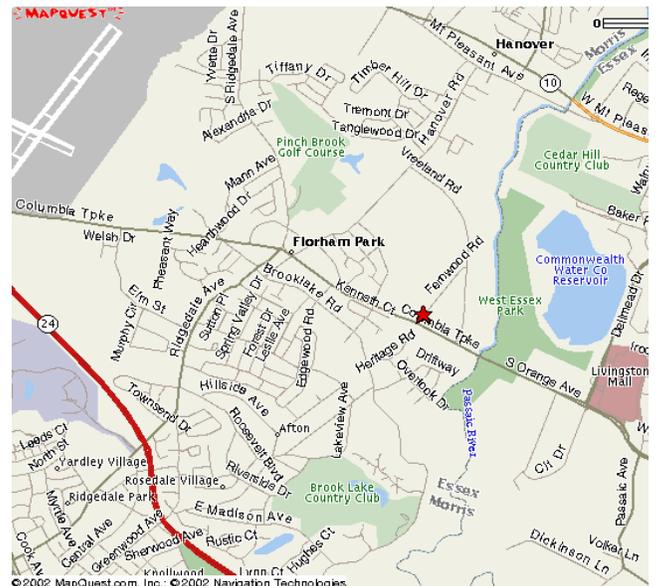
The meeting will adjourn no later than 8:00 pm.

Siemens' address is 8 Fernwood Road, Florham Park, NJ.

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TOXIC MOLD – PART III

The following is the third article on this subject. Sprinkler leakage or normal system operation require appropriate and rapid cleanup.

Lawsuits

There are obviously lots of examples in the U.S.

One good example of what can happen is Centex Rooney Construction v. Martin County, 706 so. 2d 20, Florida Ct. 1997. This courthouse was three years old when the employees started to complain of health issues. There were continuous complaints since the building opened with water leakage through windows and walls. When they investigated they found mold growth and excessive humidity. Who got sued?

1. Building contractor
2. Architect
3. Masonry subcontractor

Early investigations showed extensive mold growth in the building. This resulted in a demand for the building to be demolished and replaced at an estimated cost of \$26 million. The end result of protracted litigation was a settlement of \$17 million which included interest, costs, etc. The contractor paid about \$14.2 million of this settlement and the Architect and Masonry contractor paid \$2.8 million. The final numbers included costs for architects and engineers and extra expense items related to temporary relocation during renovation. This example demonstrates the types of situations you can find yourself in.

In Hartley v. Century National Insurance Company Arizona Superior Court – November 2001, the court awarded US \$4 million punitive damages against the insurer. The insurer was found to have failed to properly deal with a \$72,000 remediation claim. Their failure to do the “right thing” allegedly exposed a 7-year old child to mold toxins and resulted in such a high award.

In Canada the case of MacDonald v. Dufferin-Peel Roman Catholic School Board, Ontario Superior Court, 2000. A class action lawsuit was started on behalf of 22,000 children who were allegedly exposed to toxic mold while taking classes in Portable school classrooms. The trial judge decided against certifying the class action for a variety of reasons including the difficulty that he felt the plaintiffs would have in proving common causes. The lawsuit, however, included actions against the:

1. Architect
2. Contractors
3. Suppliers

The class action was dismissed but consider the legal costs involved. In addition, consider the added expert costs that might have been involved if this matter was certified and there was a full trial. Experts would have included:

1. Microbiologists
2. Environmental engineers
3. Chemists
4. Mold experts
5. Architects and engineers on remedial work needed
6. Construction experts
7. Air quality specialists
8. Ventilation experts
9. Industrial hygienists
10. Medical experts in neurology, immunology, and pulmonology

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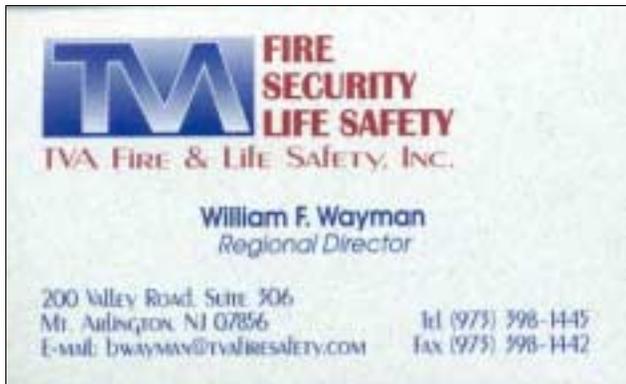
Things to Consider

In this article, we are not going to address issues relating to “coverage” of toxic mold losses. There are a number of things that loss adjusters and insurers should be considering:

1. The first step is to acknowledge that there is a problem that must be addressed. The Insurance Bureau of Canada formed an Advisory Group in May 2002. This group will be looking to address many of the concerns raised in this article. This will include addressing claims, coverage and policy language concerns.
2. It is fundamental to recognize that any time water penetrates a building there is the potential for a mold problem. Experts say that a proper drying out process must get underway within 24-48 hours in order to mitigate against problems. Given that much of the storm activity occurs on weekends, consideration has to be given to the 24/7 intake and triaging system that is in place. The retention of experienced and educated adjusters and contractors is critical to both the remedial process and the gathering of information to protect all parties. If a contractor or adjuster is not able to get the site quickly, what instructions are being given to policyholders to assist in the drying out process?
3. Not only must the location of the source of water and the drying out process be handled immediately but also there must be an awareness of what concealed damage exists, such as wetting.
4. Are your processes different in dealing with "clean water claims" versus "contaminated water"? To what extent should allowances be made on the scope of damage? In other words, how far do the adjuster and/or the contractor go?
5. If the "colony" is exposed it can become airborne. Renovations to a building as well as improper mold removal/clean-up can stimulate migration into plumbing, heating, and ventilation systems. Are your contractors aware of this?
6. What are the insurer's "due diligence" protocols in the management of water damage claims? Can you really afford to "telephone adjust" this class of claim?
7. Do you or your adjusters have a protocol that will deal with mold prevention? Does that protocol ensure a proper inspection for previous or existing damage from earlier intrusions.
8. How are you going to deal with those tricky areas where you are not sure of coverage? Use of Proofs of Loss, Critical Path Letters, Reservations or Rights letters, Non-waiver Agreements, etc., are critical to keep yourself out of trouble in creating an estoppel.
9. How will you protect any subrogation cases?
10. If you do have a claim and the insured wants to "cash out," what should you be putting in writing to the insured? Do they know about the mold issues? Should you be warning them?
11. If you have a catastrophic loss (CAT) can you afford to "cash and run" on your claims? If you do, do you have protocols to ensure you've released yourself properly with an informed consent? Do you need to customize new release forms?
12. Do your contractors have their CGL policies endorsed to provide mold coverage? Are the contractors you've "approved" certified for handling mold losses? Is your contractor properly versed in mold clean up if any exists? Keep in mind that there are many contractors that profess knowledge in this highly skilled area and very few that actually have the proper skills and training. Someone not trained can "push" the mold spores through an entire building if they don't know what they are doing.
13. If you do run into a problem, do you know how to utilize the "Appraisal Process" pursuant to the Insurance Act? This is a key method to identify the "amount of loss" without necessarily accepting coverage for the loss. It is also effective to limit legal costs.
14. Do you have a mold or microbial investigation protocol including sampling of air, surfaces, and wall cavities? Is there a management plan for conducting such investigations?
15. Have you pre-approved the properly qualified experts you will use on your mold cases such as Forensic engineers, Architects, Industrial Hygienists, Microbiologists, Toxicologists, Allergists, Immunologists, and Medical Doctor's specializing in Environmental and Occupational Health or Pulmonary diseases?

16. Are you familiar with the various myths regarding mold claims?

Part of this article were reprinted from Crawford Adjusters Canada, August 2002.



opportunity@theregentgroup.com and use reference #TRG6322. or write to

The Regent Group
3960 Howard Hughes Parkway
Suite 500
Las Vegas, Nevada 89109

Phone: 702.892.3740
Fax: 702.892.3741

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Aerotek Engineering is currently seeking a Fire Protection and Sprinkler Designer. The opportunity is located in the Philadelphia Region. This individual needs at least 5 years experience and will be responsible for the design and layout of Fire Alarm systems, Fire Protection Design, and fire detection system layout. They will be using Autocad 2000. The projects range from Pharmaceutical plants to commercial buildings.

Anyone who may be interested should call:
Sarah Scarlata
800-813-2353 x4754
Aerotek Engineering
www.aerotek.com

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Allianz, an insurance company with premium income in excess of one billion dollars is currently actively and aggressively pursuing hiring an experienced (minimum 2 years) HPR (Highly Protected Risk) Property Loss Control Account Consultant for their Chicago Office. Salary is negotiable dependent upon experience level. Anyone interested can contact:

CAREER OPPORTUNITIES

More detailed information is contained in previous Fusible Link issues and on www.njsfpe.com

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**Loss Control Consultant
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P&C carrier in NYC is seeking a Loss Control Consultant to service accounts in the NYC area. Candidate will provide comprehensive risk assessment and technical risk control services. Conduct extensive research, data collection, evaluation and analysis in order to make recommendations to control customer's source of risk. Maintains effective partnerships with Underwriting and Claims teams by providing quality risk consultative services. Ensures accurate, concise communication and completes negotiated services and all customer requirements in a timely manner. The successful candidate must possess a minimum of 5 years experience with a national Property and Casualty insurance company. Knowledge and expertise in property with an emphasis on fire protection evaluation is essential. Excellent marketing, communication and analytical skills are a must. A proficiency in the Microsoft Office Suite software and Lotus Notes is desirable. Applicant should possess a Bachelor's degree, technical/engineering degree is preferred, and professional designations (CSP, CFPS, PE) are a plus. Candidates may contact the Regent Group at

Kevin Morris
Engineering Manager
Allianz Risk Consultants
PO Box 747
Warrington, PA 18976-0747

Phone 215-491-4272
Email kmorris@aic-allianz.com

Joe Janiga, one of the Chapter's past presidents, is recuperating from surgery and will be away from work at FM Global for a number of weeks. Get well soon Joe!



Robert E. Murray, P.E.
President

1910 Oak Tree Road, Suite 2B, Edison, New Jersey 08820
(732) 205-9440 FAX (732) 205-9442 Email rmurray@cs.e
Fire Protection/Life Safety Systems/Security/Code Consulting/Loss Cont.

FPE IN NEW JERSEY

In a continuing effort to push the need of the state of New Jersey to recognize the FPE, a number of the Chapter's Board members will be attending a reception hosted by:

- American Society of Civil Engineers
- New Jersey Consulting Engineers Council
- New Jersey Society of Municipal Engineers
- New Jersey Society of Professional Engineers

It is expected that many NJ state legislators will be present for this reception which will be held after the governor's budget address on February 4. A good time to be visible and vocal on this important issue.

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MEETING NOTICE

Date: Monday, February 3, 2003

Place: Siemens (Pyro)
8 Fernwood Road,
Florham Park, NJ

Price: In Advance - \$22 At Door - \$25

Dinner: Hot Buffet

Siemens Lobby 5:30 pm sharp

Topic: Tour of Siemens/Pyro - State of the Art Fire Equipment Mfg. Plant

All officers, directors, and committee chairman are requested to attend a meeting at 4:00 p.m. at the Willis office on Vreeland Road, Florham Park

Please note for this meeting:

**PLEASE COMPLETE AND RETURN WITH YOUR CHECK PAYABLE TO
"SFPE N.J. CHAPTER" TO:**

Michael Newman
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933

NAME: _____

COMPANY: _____ TELEPHONE _____

ALL RESERVATIONS SHOULD BE RECEIVED BY **FRIDAY, January 31, 2003**. TELEPHONE RESERVATIONS OR CANCELLATIONS SHOULD BE RECEIVED BY NOON OF THE MEETING DAY.

DIRECTIONS TO 8 FERNWOOD ROAD, FLORHAM PARK

FROM ROUTE 80

- Route 80 to exit 43A (287 South)
- Take Route 287 South to Route 24 East
- Take Route 24 East to Exit 2B (approx. 1.6 miles) Route 510 East / Columbia Turnpike
- Take Route 510 East / Columbia Turnpike (for 2.9 miles) to Fernwood Road
- Take a left onto Fernwood Road.

FROM ROUTE 280

- Route 280 to Exit 4B (Route 609 South / Eisenhower Parkway)
- Take Route 609 South / Eisenhower Parkway (4.1 miles) to Route 510 West / Columbia Turnpike
- Go right onto Route 510 West / Columbia Turnpike and follow for 1 mile.
- Take right onto Fernwood Road

FROM ROUTE 287

- Take Route 287 to Route 24 East
- Take Route 24 East to Exit 2B (approx. 1.6 miles) Route 510 East / Columbia Turnpike
- Take Route 510 East / Columbia Turnpike (for 2.9 miles) to Fernwood Road
- Turn left onto Fernwood Road.

FROM ROUTE 10 EAST

- From intersection of Route 10 and Route 287 South, follow Route 10 East for 3.8 miles to Mt. Pleasant Avenue. (Mt. Pleasant Ave is on the right after the Ford Dealership and before the Burger King).
- Take a right onto Mt. Pleasant Avenue and follow 4/10 mile to Hanover Road.
- Take a right onto Hanover Road and follow for 6/10 mile to Vreeland Road
- Take a left onto Vreeland Road and follow for ½ mile.
- Take left onto Fernwood Road

MEETING DATES/PROGRAM

(Programs Subject to Change)

Watch web page concerning cancellation In case of possible inclement weather conditions

Feb. 3	Tour of Siemens/Pyro – State of the Art Fire Equipment Mfg. Plant – Florham Park, NJ
Mar. 3	“Setting Sail on the PBD Ship: Navigating the Morass of Design Liability” - Christopher B. Wood, Senior Fire Specialist from ARUP
April 7	Seminar
April	Officer Nominations due to Secretary – Ed Armm Chapter Anniversary 4/4/77
May 5	Malden Mills Loss, John Cholin, PE
June 2	Gaseous Suppression Systems Update (NFPA 2001 – Phil DiNunno, PE, Hughes Associates Annual/Election

*Watch Web Page for Weather Announcement

POSITIONS TAKEN BY SPEAKERS ARE NOT NECESSARILY THE POSITION OF THE NJ S.F.P.E.

All meetings are held at the Hanover Manor, Eagle Rock Road, Hanover, NJ (approximately 1/2 miles west of Eisenhower Parkway). Get Acquainted Hour 5:00-6:00 p.m. Adjournment is usually before 8:30 p.m. The Executive Committee meets at 4:00 p.m.

Editors Note--If you would like to advertise your company and help offset the cost of this publication, as well as having your business card in front of over 150 Fire Protection Professionals please call John Cholin at (201) 337-8621 for further information. The cost is \$100 for 10 issues.

COMMITTEES 2002-2003

Standing Committees

Program:

Mike Newman, Peter Rullo, Co-Chairs, with input from all members
Consulting – Nick Chergotis & Chuck Gandy

Arrangements:

Mike Newman, Peter Rullo, Co-Chair

Membership:

Rich Reitberger, Chairman

Nominating:

Chuck Gandy, Chairman
Glenn Deitz
Bob Murray

Scholarship Fund:

Rich Reitberger, Chairman
Robert Hall
Mike Machette

Auditing:

Joe Janiga

Archivist:

Rich Reitberger (FM Global Library)

Historian:

Jim Tolos

Communications:

Fusible Link: Brad Hart, Editor

Dave Gluckman, Asst. Editor
Ana Crisostomo, Publishing
Vicky Serafin, Mailing/Automation

Special Committees

Bylaws: Jim Tolos, Chairman

Joe Janiga – Co-Chairman

Career Recruitment:

Al Dopart, Chairman
Tom Brereton
Joe Stavish
Glenn Deitz
Dave Gluckman

Golf Outing:

Richard Reitberger, Chairman

Awards: John Ed Ryan

Jim Tolos
Frank Savino

NY Chapter Liaison:

Rich Reitberger (Pat Egan back-up liaison)

PE Examination:

John Cholin, Chairman
Joe Janiga
Mike Newman
Chuck Gandy

Joint Seminar/Chapter Seminar

Richard Reitberger, Chairman
Nick Chergotis
Pat Egan
Dave Gluckman

Legislative:

Rich Reitberger, Chairman

Special Executive Assistant to the Board:

Vicki Serafin

Fusible Link Editors NJSFPE
C/o Rich Reitberger
Affiliated FM Ins. Co.
400 Interpace Parkway
Parsippany, NJ 07054