

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES

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December 17, 2008

Start: 2:19pm

Recess: 3:16pm

HELD AT: Committee Room
City Hall

B E F O R E: MIGUEL MARTINEZ
Chairperson

COUNCIL MEMBERS:
Tony Avella
Alan J. Gerson
Eric N. Gioia
James Vacca
Mathieu Eugene

A P P E A R A N C E S (CONTINUED)

Robert Sweeney
Assistant Chief of operations
Fire Department of New York

Robert Byrnes
Chief Fire Marshall
Fire Department of New York

Anthony Mancuso
Lieutenant, Fire Safety Education
Fire Department of New York

Jean O'Shea
Executive Direction
Fire Department of New York Foundation

Edward P. Boles
Treasurer
UFOA

Kevin Coenen
Resident

CHAIRPERSON MARTINEZ: All right,
good morning. Good morning? Good afternoon.
Calling the hearing of the City Council Fire and
Criminal Justice Services Committee to order.
Good afternoon. My name is Miguel Martinez, and I
am the Chair of the Fire and Criminal Justice
Services Committee. I want to thank the Fire
Department and my Staff for putting together this
important hearing and particularly Lieutenant
Mancuso of the FDNY Education Unit and Associate
Commissioner, Caroline Kraft [phonetic] for
bringing their Smoke House to City Hall to give
the fourth graders of PS 33 in Manhattan a
firsthand fire safety education. Thank you for
being here. Let's clap for them. I'm like Barron
now.

[Applause]

CHAIRPERSON MARTINEZ: Charles
Barron.

[Laughter]

CHAIRPERSON MARTINEZ: Thank you
for being here. And Hot Dog. Where's Hot Dog?
Let's give Hot Dog a big round of applause. Yeah.

[Applause]

CHAIRPERSON MARTINEZ: Hot Dog.

Before I proceed, I want to introduce the members of the Committee that are here. We have Council Member Tony Avella from Queens. We have Council Member Jimmy Vacca from the Bronx; and we have Council Member Eric Gioia, from Queens also, who have joined us. I also want to thank particularly Principal Lindy for allowing teachers Sara Koogleman [phonetic], Debora Bertingle [phonetic], and Mary Nicholas [phonetic], for bringing their fourth grade students to learn about fire safety and to attend our hearing. I want to thank all fourth graders for being here and welcome all of them to City Hall. We're here today to discuss the FDNY efforts to prevent fires started by children and fires started during the holidays and winter season. We are also going to hear a bill that I am sponsoring, along with my colleagues, to ban the sale of novelty lighters in the City, which other states and municipalities have done in the wake of serious injuries, and even death, being attributed to the use of novelty lighters that look like toys and attract children. While we all know the danger of fire, we sometimes

1
2 forget how to prevent a fire from being started
3 and what can we do to protect ourselves if there
4 is a fire. During the holidays and winter season,
5 we must be particularly careful. The FDNY has
6 reported that on average each year during the
7 winter months, civilian fire related injuries
8 increase by nearly 30% and fire fatalities more
9 than double. The winter season brings about many
10 changes in the home, including the heating system
11 being turned on and people preparing for the
12 holiday by decorating and cooking. More than one
13 third of home fires occur during the months of
14 December, January and February. In 2005 we passed
15 a local law, 115, which among other things require
16 the formation of the New York City Child Fatality
17 Review Team, which was formed in early 2006. The
18 Child Fatality Review Team is charged with
19 reviewing preventable causes of death among New
20 York City aged one through twelve. In May 2008,
21 the Child Fatality Review Team issued a Child
22 Fatality Report. According to the report from
23 2001 through 2006, there were 66 fire related
24 child deaths and four deaths due to burns among
25 children one to twelve years of age. While fires

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2 and burns remain the second leading cause of
3 unintended injury death among New York City, after
4 motor vehicle deaths, fire is the leading cause of
5 accidental death for children in their home.

6 Studies suggest that children can be at high risk
7 for fire and burn related death if adults are not
8 present to supervise or, or rescuers, if a child
9 themselves creates and cannot escape the danger.

10 In the past 25 years, fire related fatality among
11 all age groups in New York City have decreased
12 dramatically by more than half. During the period
13 of 2001 and 2006 there were 43 separate
14 residential fires that resulted in the death of
15 children, in which 66 children between the ages of
16 one through twelve were killed and a total of 95
17 people perished. The report also incorporated
18 cases reviewed in the studies regarding the age,
19 gender, race, ethnicity, location of fatal fires
20 and the cause of death. Taking into account
21 population size, the report indicated fire death
22 related, were comparable across the boroughs, with
23 the exception of fewer child deaths in Manhattan.
24 Half of the 66 related child deaths occurred in
25 Brooklyn, followed by Queens with 13, the Bronx

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2 with 12, Staten Island with five and Manhattan
3 with three. According to the report, these
4 findings are consistent with the national studies
5 which shows that fire related deaths are largely
6 the result of smoke inhalation. According to the
7 report, only one in four residents were identified
8 as having a working smoke detector. Smoke
9 detectors were neither present or non-working in
10 44% of the homes. The presence of a smoke
11 detector could not be determined in 30% of the
12 cases. Nearly one quarter of all fire-related
13 child deaths were caused by a child playing with
14 matches or a lighter, the leading single ignition
15 source of fire resulting in child death. Of these
16 deaths most, 81%, were due to fire that began in a
17 child's bedroom. And almost all, 89%, of the
18 children who died in the fire, there was an adult
19 in the household. The report also recommends that
20 we take up legislation that bans novelty lighters,
21 and we're happy to do so. Again, I want to thank
22 the FDNY for being here today. I understand that
23 Chief Sweeney has an opening statement. But
24 before we go to the Chief's opening statement, I
25 just want to say again the importance of us as a

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2 body to take up the recommendation of the team and
3 the studies in terms of banning the sales of
4 lighters that particularly look like toys and are
5 very attractive for children. And we'll see some
6 pictures that are on the board there. For us to
7 take this step is significant, and I'm happy that
8 we're presenting this legislation here today.

9 Chief Sweeney, if you could just introduce the
10 individuals with you here and start your opening
11 statement.

12 ROBERT SWEENEY: Certainly, Mr.
13 Chairman. To my left is Chief Robert Byrnes, the
14 Chief Fire Marshall. He also has some testimony
15 he'd like to address regarding the proposed
16 legislation. I have Jean O'Shea, who is
17 representing the FDNY Foundation, a great
18 contributor and asset to the FDNY. And to my
19 right is Lieutenant Anthony Mancuso, head of the
20 Fire Safety Education Department. Good afternoon,
21 Chairman Martinez and Council Members. My name is
22 Robert Sweeney and I am the Assistant Chief of the
23 New York City Fire Department. Thank you for the
24 opportunity to speak with you today about the many
25 Fire Safety Education Programs offered by the

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2 FDNY. Fire safety education is an essential
3 mission of the New York City Fire Department.
4 Some may think we only fight fires and respond to
5 medical and other emergencies. But as a major
6 municipal fire department, it is absolutely our
7 mission to prevent fires. We do this through
8 inspectional work and we do all we can to educate
9 the public about safeguarding themselves, their
10 homes, their property, their family, friends and
11 neighbors from fire and other hazards. The FDNY
12 has a dedicated Fire Safety Education Unit that
13 offers many community based outreach programs to
14 provide fire safety education. Our offerings
15 include videos, lectures, educational
16 entertainment for children and fire safety
17 demonstrations as you've seen outside earlier
18 today. We offer our literature in many languages
19 including English, Arabic, Chinese, Korean,
20 Russian, Spanish, Indian, Urdu and Yiddish. The
21 FDNY Foundation is the official not for profit
22 organization of the FDNY. The Foundation assists
23 the Fire Department by raising funds for the
24 Department's fire safety programs and assisting us
25 in educating, informing and involving the public

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2 in protecting life and property. The foundation's
3 important mission can involve securing grants that
4 are not available to the Department directly.

5 Last year, for example, the FDNY foundation
6 secured a one million dollar grant to educate the
7 public on the importance of having working smoke
8 alarms with working batteries in every home. This
9 year the Foundation has been instrumental in
10 raising more than \$3 million for necessary
11 equipment and training. Our Fire Safety Education
12 Unit is augmented by a group of retired fire
13 fighters who use fire safety videos, literature
14 and exhibits such as our mobile fire safety
15 vehicle, which we demonstrated outside, to discuss
16 common fire hazards, installation and maintenance
17 of smoke alarms, and critical evacuation skills.
18 We also distribute literature on burn prevention
19 and first aid. Our fire safety speaking
20 engagements are structured to accommodate all ages
21 and learning abilities. Often we send
22 firefighters in turnout gear to schools to conduct
23 demonstrations for young children. Our mobile
24 fire safety vehicle is used most often at schools,
25 street fairs and large community events. In case

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2 you didn't get a chance to see it outside, the
3 fire safety vehicle is a scaled down version of a
4 house on a trailer that uses theatrical smoke to
5 simulate real life fire conditions. This allows
6 participants to practice effective fire evacuation
7 techniques in a realistic setting. It is also an
8 excellent tool for teaching the importance of
9 having a fire escape plan from your house or
10 apartment. We also have a smaller mobile safety
11 house and a stationary hazards house that we bring
12 to all events. In addition to our regularly
13 scheduled school and community events, when a
14 community experiences serious fire, especially one
15 resulting in a civilian fire fatality, a fire
16 safety response team immediately reaches out to
17 that neighborhood. Those communities will become
18 acutely aware of the dangers of fire and concerned
19 about fire prevention right after they have
20 experienced such a tragedy. We address the
21 contributing factors to the fire, for example a
22 missing smoke alarm or someone smoking in bed, and
23 explain the various measures that can be taken to
24 prevent such incidents from happening in the
25 future. In the immediate aftermath of the tragic

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2 Bronx fire in March 2007 that took the lives of
3 ten people, many of them children, our Fire Safety
4 Education Unit conducted numerous community
5 presentations in Mosques, in other locations and
6 blanketed that neighborhood and others throughout
7 the City to distribute almost 150,000 smoke
8 detector batteries, which were contributed by the
9 FDNY foundation. Throughout the year, especially
10 during the holidays, our message, first last and
11 always, is safety. If you understand the fire
12 hazards in your home, you can limit the risks to
13 yourself, your family, your neighborhoods and
14 first responders. During the holidays and winter
15 months, we see a variety of things in the home of
16 concern to us: Christmas trees, wrapping paper,
17 candles and space heaters. That's why we're very
18 happy to attend today's hearing at this time, to
19 help get the word out about holiday and wintertime
20 fire safety. According to the United State Fire
21 Administration, nearly 47,000 fires occur
22 nationally each year during the holidays, claiming
23 more than 500 lives, causing more than 2,200
24 injuries and costing \$554 million in property
25 damage. As I just said, of great concern during

1
2 the winter when temperatures drop is the use of
3 portable heating devices. Heating equipment is
4 the leading cause of home fires from December
5 through February. We urge anyone using these
6 heaters to make sure they take the necessary
7 precautions to ensure a safe, warm home. These
8 measures include pulling all furniture and other
9 combustible items at least three feet away from
10 any heating devices. We also caution that users
11 of space heaters to use them for a limited time,
12 never use extension cords or units with frayed or
13 damaged cords and to always unplug the unit when
14 it's not in use. In response to statistics that
15 show faulty or damaged electrical cords have been
16 the leading cause of fires in the past two years,
17 we developed an electrical safety bulletin we now
18 distribute to the public. With the ever-
19 increasing use of candles in and around the home,
20 especially at this time of year, we continue to
21 warn all New Yorkers about the hidden dangers of
22 candle use. It is extremely important to use
23 proper precautionary measures when using candles.
24 These measures include, never leave a lit candle
25 unattended, never leave a child or pet alone with

1 a lit candle or any open flame. Never use candles
2 near curtains, bedding or cabinets. Never spray
3 an aerosol can near an open flame. Make sure
4 candles sit properly in holders on flat surfaces.
5 While people use candles for many reasons, we do
6 recommend that they consider using flameless ones.
7 In 2007, a 43% increase in presentations and
8 information sessions for the public may have
9 helped contribute to an 81% drop in fatalities due
10 to candle fires, and a 50% drop in fatalities due
11 to children playing with matches. Throughout the
12 year, we caution homeowners to test their smoke
13 alarms and carbon monoxide detectors monthly. We
14 know how dangerous fire and smoke can be, but
15 carbon monoxide is a silent killer. It is
16 tasteless, odorless, invisible gas, which is
17 absorbed by the human body 200 times faster than
18 oxygen. If inhaled, it will cause someone to fall
19 into a deep sleep and possibly cause death. Gas
20 fireplaces, stoves, barbeques and furnaces as well
21 as cars, propane appliances and any other device
22 that produces a flame will produce carbon
23 monoxide. Some holiday tips we'd like to give out
24 to everybody; we have many pieces of literature
25

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2 for the Committee and any members of the public
3 here today. As you will see, our materials
4 include holiday safety tips about the selection,
5 care, location, decoration and disposal of
6 Christmas trees. We also had a recent campaign
7 with actress Keri Russell, where we urged the
8 public to carefully inspect electrical
9 decorations, to avoid using cracked sockets,
10 frayed or bare wires and loose connections.
11 Position your tree at least three feet away from
12 any heat source and make sure it doesn't block a
13 doorway or an exit. Connect no more than three
14 miniature light strings together. Light strings
15 with larger screw in bulbs should have no more
16 than 50 bulbs connected. Turn off electrical
17 lights, decorations and space heaters before
18 leaving home or before going to bed. Use the
19 holiday season to establish a fire escape plan
20 with your family. Never run electrical cords
21 under carpets, rugs or heavy items or bunch them
22 up behind a hot appliance or a radiator. We have
23 also asked to speak today about our work to
24 educate children about fire safety in New York
25 City. This work is extremely important to us.

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2 Home fires are one of the top five causes of
3 injury-related deaths for children and the leading
4 cause of injury-related deaths for children
5 between the ages of one and nine. More than 50%
6 of fire related injuries burns and smoke
7 inhalation to children in this age group, are
8 caused by their inability to properly respond to a
9 fire threat. Most fires that result in child
10 fatalities are started by unsupervised children.
11 Because of this, our educators visit schools
12 throughout the City daily. With the support of
13 the Fire Zone on the Road, we reach out to
14 elementary schools to remind them of the
15 importance and availability of fire safety
16 education. Our fire safety educators use a
17 classroom-to-classroom methodology rather than a
18 full school assembly so that children can have
19 direct interaction with the educators. To date in
20 2008, we have visited 762 elementary schools,
21 making presentations to more than 60,000 children,
22 ages five to eleven. A local firehouse in every
23 community is the ideal venue to promote fire
24 prevention and safety. Schools and other
25 children's group visit firehouses citywide.

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2 Additionally, communities often request the fire
3 company to participate in a community based
4 outdoor event such as street fairs. These
5 Operation Sidewalk, as we refer to them, visits
6 not only strengthen their relationship between the
7 local fire company and the community, they foster
8 a commitment to reduce fires and fire fatalities.
9 From January through November 2008, firehouses
10 citywide hosted 548 visiting student groups and
11 participated in 362 Operation Sidewalk events.
12 All State Insurance Company recently awarded a
13 \$25,000 grant through the FDNY Foundation for the
14 creation of Firehouse Safety Presentation kits.
15 This initiative provides each firehouse with a
16 Fire Safety Presentation Kit to help firefighters
17 expand their current in-house education program.
18 We also conduct a teacher's training program, an
19 innovative initiative that is based on the idea
20 that our teachers can effectively teach fire
21 safety education to their students. We work with
22 the Department of Education to organize teacher-
23 training sessions that familiarize teachers with
24 student orientated fire safety education. We
25 provide them and familiarize them with our

1 literature on basic fire safety. The FDNY
2 Foundation operates the Fire Zone in Rockefeller
3 Center. It is a state of the art fire safety
4 learning center. There, children and adults can
5 learn about the power of fire, climb on a real
6 fire truck, try on bunker gear, meet a
7 firefighter, feel a hot door and learn to crawl
8 through a smoke-filled hallway. We provide
9 visitors with materials to take home to learn
10 about eliminating fire hazards in their home and
11 creating an escape plan for their home. Our fire
12 safety educators are available for fire safety
13 demonstrations or lectures at schools or community
14 events. We encourage the public to call them at
15 718-281-3870 during business hours to schedule a
16 presentation. Finally, in the past seven years,
17 the City has experienced the lowest number of
18 civilian fire fatalities in history. We know our
19 prevention work is contributing to this success.
20 But even one fire fatality is too many, and we
21 will continue to do everything possible using all
22 available resources to educate the public on how
23 to stay safe. Again, I thank you for the
24 opportunity to speak with you and I think after
25

1
2 Chief Fire Marshall Byrnes speaks, we'd be happy
3 to answer any questions that you have at that
4 time.

5 ROBERT BYRNES: Good afternoon
6 Chairman Martinez and Council Members. My name is
7 Robert Byrnes. I'm the Chief Fire Marshall of the
8 New York City Fire Department. Thank you for the
9 opportunity to speak with you today to offer our
10 support for Intro 884, which seeks to ban the sale
11 or distribution of novelty lighters in New York
12 City. As you may know, the FDNY's Bureau of Fire
13 Investigation investigates the cause and origin of
14 all suspicious fires, multiple alarm fires and all
15 fires with fatalities or serious injuries within
16 New York City. We also perform criminal
17 investigation into all arson fires and fire
18 related crimes. Intro 884 defines novelty
19 lighters as a mechanical or electrical device that
20 is designed to appear to be a toy, feature a
21 flashing light or make musical sounds.
22 Unfortunately, a toy-like lighter can attract a
23 child's interest. When children play with
24 lighters they endanger themselves and the safety
25 of others. This play often leads to burns of the

1
2 child and the ignition of a fire. The smaller
3 lighters are also a choking hazard. We see the
4 effect of child-started fires every year. The
5 2008 inter-agency Child Fatality Review Team
6 determined that between 2001 and 2006, 85% of
7 child fire deaths were accidental with one quarter
8 of them caused by a child playing with matches or
9 a lighter. These devices are the leading single
10 ignition source of fires resulting in child deaths
11 in New York City. In 2007 alone, 71 juveniles
12 were involved in fire play in New York City,
13 causing 19 serious injuries and two fatalities.
14 To the extent we can bring these numbers down by
15 enacting laws to address juvenile fire-starters,
16 we support this bill. We also believe that the
17 violations and penalties provision adequately
18 addresses the seriousness of this activity. For
19 these reasons we support this bill. However, from
20 our discussions with several agencies, we know
21 that there are some remaining concerns about the
22 bill that we would be happy to work with the
23 Council to resolve. First, we believe the
24 Department of Consumer Affairs should have the
25 responsibility for enforcement rather than the

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2 Department of Health and Mental Hygiene. Second,
3 we do not think the bill should provide for a
4 working rather than a fine for violations
5 occurring within the first 30 days following the
6 enactment of the law. Finally, we look forward to
7 working with the Council to ensure that the
8 definition of a novelty lighter adequately
9 describes all the varied types of lighters this
10 bill seeks to prohibit. Thank you for the
11 opportunity to speak with you. I'd be happy to
12 take any questions at this time.

13 CHAIRPERSON MARTINEZ: Thank you.

14 We've been joined by Council Member Mathieu Eugene
15 from Brooklyn. I want to thank you for your
16 testimony. I must say also that the Unit has been
17 very visible in my district. I think we had them
18 last weekend, this weekend that just passed,
19 Sunday. We had a large fair. I want to thank the
20 Foundation also, for helping us put that together.
21 And I believe we were together last night also
22 with the Unit in terms of giving out information
23 in terms of fire prevention and fire safety. I
24 think it's very important that particularly New
25 Yorkers are aware during the holiday season,

1 particularly when we have the natural trees, the
2 pines in the apartment. In fact that could be--
3 it's highly flammable. Sometimes we forget that.
4 I want to talk a little bit about the bill in
5 terms of the rationale for having the Consumer
6 Affair enforce rather than the Health Department.
7 Is there a particular reason why the Department
8 feels...
9

10 ROBERT BYRNES: Consumer Affairs is
11 generally responsible for enforcing all laws
12 relating to the retail sale of various goods and
13 services in the City. That's their
14 responsibility.

15 CHAIRPERSON MARTINEZ: And you also
16 mentioned the fact that you don't believe that
17 there should be a warning, rather just a fine
18 issued? Is that-- did I confuse your statement?

19 ROBERT BYRNES: Right. Within the
20 first 30 days, yes.

21 CHAIRPERSON MARTINEZ: Within the
22 first 30 days?

23 ROBERT BYRNES: Right. There's
24 adequate time for the bill to be placed into
25 enactment, so that is the warning.

CHAIRPERSON MARTINEZ: And you're in agreement with the fines that the bill calls for?

ROBERT BYRNES: Yes, we are.

CHAIRPERSON MARTINEZ: You have a question from Council Member Mathieu Eugene.

COUNCIL MEMBER EUGENE: Thank you. Thank you very much, Mr. Chair. Thank you. And gentlemen, I just want to congratulate you and to thank you.

CHAIRPERSON MARTINEZ: Gentlemen and ladies.

COUNCIL MEMBER EUGENE: I'm sorry. Ladies and gentlemen. I'm sorry about that. Thank you, Mr. Chair. Ladies and gentlemen, I just want to thank you and congratulate you for the wonderful job that you are doing in the community, because before-- you know, being elected as a City Council Member, I used to be a community man, a community activist and leader. I used to organize ever year the Health Fair and you know, the Street Fair, and the Fire Department usually sent the truck and the van to show the children how to escape in case of fire. That's a

1
2 very, very important educational program that you
3 have. That's a wonderful event. Usually we have
4 a bunch of children benefit from that. And I
5 thank you. I congratulate you for that. And
6 besides that, I know that you are the saviors of
7 life in our community and you put your life in
8 danger. This is wonderful. And I want to
9 congratulate you also, congratulate the children
10 over here. Children, I want to congratulate you,
11 to commend you. This is a wonderful thing, to
12 learn about safety. Because most of the time the
13 fire comes from, you know, playing with the
14 lighters and electricity. You are doing a
15 wonderful job. You are doing a wonderful thing.
16 I congratulate you for that. And thank you. So
17 let me ask you one thing. I know that you have
18 the education program. Is there anywhere also we
19 can-- I don't know if you spoke about that before
20 I came, I'm sorry to be late, a way to reach out
21 the parent and to educate also the parents to let
22 them know the different steps or measures they
23 should take to prevent the young children to get
24 involved in starting, you know, fires, especially
25 in terms of at the time of holidays. Is there any

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2 outreach program or educational program for
3 parents also and terms of the safety of the
4 children? I don't know if you spoke about it
5 before I came.

6 ROBERT SWEENEY: Yeah. Our program
7 is not only the children, but we take calls from
8 PTAs. Matter of fact, when we compile information
9 about elementary schools, we also put in the
10 elementary school if we're seeing parents in those
11 schools. So we do PTAs. We do senior programs.
12 We do, of course, the school program, that's a
13 continuing thing that we're always working on.
14 And then of course when we do these special
15 events, like we were at Councilman's group up in
16 Inwood, we do certain special events, if it's a
17 safety program or if it's a health fair. So it's
18 not only the children, it's also the parents. And
19 we also specify when people call us is that-- do
20 they need any particular language, we do have
21 about eight languages that we do print our
22 material in. And if it's a particular area that
23 they're looking for, like they say something like,
24 well, we find the community has a lot of problem
25 with cooking or kitchen situations where people

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2 are having problems where they have fires in the
3 kitchen. So we try to-- not only do we have
4 literature about that, but we will target that and
5 bring props so we can show people how to be safe
6 in whatever the situation is.

7 COUNCIL MEMBER EUGENE: In terms of
8 safety also, we know that fire is a big issue, but
9 carbon monoxide also is another one. Do you have
10 any type of education to educate the children and
11 the parents about, you know, knowing exactly that
12 carbon monoxide is something, you know, is a
13 silent killer, that-- you know, some type of
14 education?

15 ROBERT SWEENEY: Right. Well we'll
16 go over smoke alarms and carbon monoxide. As a
17 matter of fact the house that we have behind us,
18 this was set up and it's a hazard house that's not
19 only about fires, but it has carbon monoxide
20 problems. So if you take a look at just some of
21 the scenarios there, they show what can happen
22 about carbon monoxide. We try to tell the
23 children if they come home and other people in the
24 home don't look right and are not feeling well, we
25 try to explain to them what could the

1
2 possibilities be. You have to have a carbon
3 monoxide detector, but a lot of times people have
4 them, they're not working or they were never put
5 up. So we try to talk about what the signs are,
6 like sometimes people have flu symptoms and no
7 fever. That could be a big problem, and that
8 often is a carbon monoxide situation. The major
9 thing that we try to stress is, is that people
10 don't use their stoves for heat; they never use
11 their oven or stovetop for heating the apartment
12 or home. That's a big carbon monoxide problem.

13 COUNCIL MEMBER EUGENE: Thank you
14 very much. Or let me say that to finish, you
15 know, before I get elected as a City Council
16 Member, I used to use your resources to inform the
17 community, and I still want to continue to do
18 that. I'm going reach out to you, for I believe
19 we can partner and continue in educating the
20 community. Thank you very much. Thank you, Mr.
21 Chair. Thank you.

22 CHAIRPERSON MARTINEZ: Thank you.
23 I just want to ask a couple of questions back to
24 the bill. Does the Fire Department keep any
25 records on fire caused by the novelty lighters?

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2 ROBERT BYRNES: We keep records on
3 fires caused by juveniles who engage in fire play.
4 Sometimes it's very difficult to recover the
5 lighter and determine specifically if it was a
6 novelty lighter.

7 CHAIRPERSON MARTINEZ: If the
8 Department comes across a novelty lighter that are
9 not child resistant, do you confiscate them? Does
10 the Fire Department confiscate these items?

11 ROBERT BYRNES: If we recover a
12 lighter that's involved in causing a fire, we will
13 take that lighter and take it.

14 CHAIRPERSON MARTINEZ: But not if
15 it's-- only if it's related to the fire, correct?

16 ROBERT BYRNES: That is correct.
17 In the course of a fire investigation where we
18 determine that a juvenile was involved in fire
19 play, we will take that lighter.

20 CHAIRPERSON MARTINEZ: But I'm
21 trying to get at, do you have any authority to
22 confiscate any of these lighters that you see
23 potential fire hazards?

24 ROBERT BYRNES: Currently, no.

25 CHAIRPERSON MARTINEZ: And how many

2 fires in New York City were attributed to the
3 misuse of novelty-- well you said you don't keep
4 records of that.

5 ROBERT BYRNES: Specifically
6 novelty lighters, no. But last year there were
7 71.

8 CHAIRPERSON MARTINEZ: Lighters in
9 general?

10 ROBERT BYRNES: 71 fires were
11 juveniles were involved in fire play, either
12 matches or a lighter.

13 CHAIRPERSON MARTINEZ: In terms of
14 the outreach in the program, how does the
15 Department train schoolteachers on educating youth
16 on fire safety?

17 ROBERT SWEENEY: Okay, that program
18 is what we call train the trainer. We do have a
19 booklet out right now that talks about fire safety
20 education and how to have a fire safety education
21 program. But we'll come; Fire Safety Education
22 will come to the schools. As a matter of fact, we
23 did something in the-- towards the end of the last
24 school year with some schools where they're
25 putting the program into effect and we'll come in

1
2 and show the teachers what we do. And like our
3 firefighter that was here today talking to the
4 children, they'll do the same kind of program with
5 them. And the literature that we gave out today,
6 we'll give them that same literature just to show
7 them what we do in our program. And then of
8 course they go ahead and do their program. I
9 think right now the schools are looking for-- they
10 have to do something like an hour a week or a
11 total of an hour a week or something like that in
12 the classroom. So we're part of that.

13 CHAIRPERSON MARTINEZ: And that's
14 based on your curriculum that you were involved in
15 creating?

16 ROBERT SWEENEY: Yes. They usually
17 take the information we have. The printed
18 material that you have in those bags, that's the
19 same material that they'll usually use to just go
20 over and create a teaching program.

21 CHAIRPERSON MARTINEZ: How big is
22 your unit in terms of personnel?

23 ROBERT SWEENEY: Well right now we
24 have about 15 retirees, who are paid by the FDNY
25 foundation, which is the sole non-profit

1
2 organization that Jean O'Shea is the director of,
3 and then we have about-- I have about 14 uniformed
4 firefighters and officers that help with some of
5 the other programs. Most of the retirees are
6 doing the schools, and then the other uniformed
7 personnel that I have is, you know, doing some of
8 the other programs where we're going from place to
9 place, either PTAs or senior centers or events at
10 night or on the weekends.

11 CHAIRPERSON MARTINEZ: Other than
12 the-- in addition to, or you let me know if it's
13 in addition to or if it's part of; one of the
14 goals that the Department in terms of its
15 strategic plan was to provide local fire companies
16 with fire safety education presentation kit to be
17 used throughout the neighborhoods, the immediate
18 neighborhood. Has the Department reached that
19 goal?

20 ROBERT SWEENEY: Yes. We've
21 distributed to every firehouse a kit. And that
22 kit has like the basics of what we usually do. If
23 someone came in and had a question, the
24 firefighters there can answer those questions,
25 because they have that same booklet, that guide to

1
2 fire safety education. They have that same
3 booklet and they'll follow the same curriculum.

4 CHAIRPERSON MARTINEZ: And does
5 that mean that every fire company has the kit?

6 ROBERT SWEENEY: Yes. Yes, they
7 do.

8 ROBERT BYRNES: It's actually one
9 per firehouse.

10 CHAIRPERSON MARTINEZ: Excuse me?

11 ROBERT BYRNES: One kit per
12 firehouse.

13 CHAIRPERSON MARTINEZ: One kit per
14 firehouse.

15 ROBERT BYRNES: Right.

16 ROBERT SWEENEY: Yeah, if it's a
17 double house, they'll have one.

18 CHAIRPERSON MARTINEZ: And so you
19 mentioned that part of your team, your personnel,
20 it comes from the foundation retired, and then the
21 other 14 are uniformed.

22 ROBERT SWEENEY: Right. It's
23 about-- I guess you would say maybe we had 30
24 members, but half is retired and they're paid by
25 the FDNY Foundation. The other half are still

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uniformed, you know, active members.

CHAIRPERSON MARTINEZ: Is Hot Dog uniform or retired?

ROBERT SWEENEY: That's a secret. We can't tell.

[Laughter]

CHAIRPERSON MARTINEZ: Well, and in addition to-- I just wanted to ask, the material, how many languages do you have the material available in?

ROBERT SWEENEY: It's about eight languages. Most of our material is Russian, Spanish, English and Chinese. Those are the biggest ones. But we do have extra ones, like we have some of these Urdu and we have Yiddish and Arabic also. And carbon monoxide and smoke alarms, since that is some of the biggest problems about telling people about smoke and carbon monoxide, I have about eight languages in that particular area.

CHAIRPERSON MARTINEZ: I would recommend one language of a large community in Brooklyn, since you know, when I stated that Brooklyn comes out number one in terms of

1
2 statistic for child death as a result of a fire,
3 Creole. We have a large Haitian community in--

4 COUNCIL MEMBER EUGENE:

5 [Interposing] Thank you very much, Mr. Chair. I
6 appreciate that. You know, and that's the reason
7 I want to keep you as a chairman, you know? That
8 was also going to be my question.

9 CHAIRPERSON MARTINEZ: You know the
10 Haitian community--

11 COUNCIL MEMBER EUGENE:

12 [Interposing] I'm willing to call about it to make
13 it happen.

14 CHAIRPERSON MARTINEZ: You know,
15 the Haitian community is a large community in
16 Brooklyn and we see that Brooklyn is one of the
17 top, or the top borough as a result of child death
18 related to fire. I know you had a program, since
19 you mentioned the alarm, where you also gave out
20 batteries, correct?

21 ROBERT SWEENEY: Yes. Every year,
22 not only when we change the clocks, which is twice
23 a year, we do our battery campaign. And we could
24 average like 20,000 batteries given out within a
25 day or two. But we try to go through most of the

1
2 year giving batteries when we come to certain
3 events; make sure people are changing the
4 batteries. Now that all comes through the FDNY
5 foundation. Some of those, they're buying most of
6 them. I think in '07 since we had some of the
7 other fire situations, some of the larger fires,
8 and there was a big, big push between donations
9 and what the FDNY had purchased, I think we were
10 up near maybe 250,000 batteries that we ended up
11 giving out.

12 CHAIRPERSON MARTINEZ: Wow.

13 ROBERT SWEENEY: And this year
14 we've gotten a little less through donations. But
15 some of the bigger companies like Energizer; they
16 always give us about 1,000. And then of course
17 the FDNY Foundation has bought, I think this year
18 they bought two lots of 20,000. So we have over
19 40,000 that we're still in the process of giving
20 out. And when we do that, we often give them out
21 in these special packages, so that people don't
22 just get a battery, they get a package that tells
23 them what it is. You give them a battery, they
24 may put it in their pocket, they don't know what
25 it's all about. So we do have them in these

1
2 special envelopes and it says exactly what it's
3 for. And that seems to be very helpful. Because
4 it's somewhere about-- over 90% of the homes have
5 alarms, but they don't have batteries in them and
6 they're not working.

7 CHAIRPERSON MARTINEZ: And do you
8 do any public announcements, TV, radio, during
9 this season, the high season?

10 ROBERT SWEENEY: Well I think that
11 Jean can answer that about one of the programs
12 that they did?

13 JEAN O'SHEA: Yes, we have an
14 ongoing public service announcement campaign, via
15 print, radio and TV. We had a very comprehensive
16 media campaign this year, thankfully through a
17 grant through the Department of Homeland Security.
18 Congressman Serrano was very helpful in doing
19 that. So, we continue to cultivate those
20 relationships and have promotional campaign
21 through radio, print, TV. Local publications give
22 us pro bono advertising as well. So we really are
23 focusing on that, and we have a couple of other
24 relationships during the holidays to keep the
25 message out there.

2 CHAIRPERSON MARTINEZ: Since I have
3 you, I know you do a lot of work and the Committee
4 is very interested in supporting a lot of the work
5 that you do with the foundation for our
6 firefighters and our City. How much of your
7 funding, if you have that information available,
8 comes from City government? Do you get any City
9 government-- any City monies?

10 JEAN O'SHEA: Very little is coming
11 from City government. Most of it is coming from
12 corporations, foundations and individuals. Last
13 year our budget was about \$3 million and that was
14 raised primarily through private sources,
15 corporations, foundations and individuals.

16 CHAIRPERSON MARTINEZ: I know we
17 had a conversation at the end of last fiscal year
18 and the Committee is very interested in sitting
19 down early this year, before we start the new
20 fiscal year, I see how we're in tough economic
21 times, but I think that any little thing we could
22 do for our Fire Department, particularly in fire
23 prevention, fire safety, will go a long way,
24 particularly when we're looking at making hard
25 decisions in terms of not having fulltime engine

1
2 or ladders. I think education can substitute in
3 terms of making people more aware, since we don't
4 have these services available during certain
5 times. God willing, we will continue to restore
6 those services, but in the interim, the work that
7 you do in terms of educating is extremely
8 important to have. We've been joined by Council
9 Member Alan Gerson. Oh, he was in the audience.
10 Did you see the kids?

11 COUNCIL MEMBER GERSON: I said
12 hello to them.

13 CHAIRPERSON MARTINEZ: Oh, okay.

14 COUNCIL MEMBER GERSON: [Off mic]

15 CHAIRPERSON MARTINEZ: That dog
16 doesn't bark, doesn't do anything. It just stands
17 there.

18 COUNCIL MEMBER GERSON: That's my
19 kind of a dog.

20 CHAIRPERSON MARTINEZ: Council
21 Member Mathieu Eugene.

22 COUNCIL MEMBER EUGENE: Thank you
23 very much, Mr. Chair. You know as the Chairman
24 said, we have a large number of Haitian people in
25 New York, lots in Brooklyn. I don't know if you

1
2 remember, last year probably, there was a big fire
3 in Brooklyn, at East 19th between Albemarle and
4 Beverly. Three people lost their lives. A
5 grandmother and I think two children. Yes. That
6 was a big tragedy in the community. In terms of
7 reaching out, you know, spreading the message or
8 the information, the news, media. Do you use or
9 are you planning to use Haitian media also?
10 Because we have a lot of radio shows, community
11 radio shows. Because I think that most of the
12 people in the community, they listen to their
13 local, you know, media. If you don't have that--
14 if you have that, could you tell me which ones
15 that you use? But if you don't, I'm willing to
16 work together with you, because I think the
17 Haitian community also, because of the size of the
18 community, probably deserves to have access to
19 those information also.

20 JEAN O'SHEA: I know our media
21 campaign; we worked with a number of the local
22 Haitian papers. We didn't do-- I don't think we
23 did anything with the radios. And we also reached
24 out to the churches--

25 COUNCIL MEMBER EUGENE:

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[Interposing] Okay.

JEAN O'SHEA: A lot of the churches in that area. I know we did a campaign after that fire in Brooklyn--

COUNCIL MEMBER EUGENE:

[Interposing] Okay.

JEAN O'SHEA: In that community.

COUNCIL MEMBER EUGENE: Because the reason I'm saying that, you know, each community group has a culture, has a tradition. The Haitian people listen to radio. They don't read that much. See what I mean? I think that would be very useful and very powerful for you to, you know, to use certain radio. And if you are willing to do that, I could assist you doing that. All right? Thank you very much.

CHAIRPERSON MARTINEZ: I just have two final questions. Is there anything you can think of that we should be doing legislatively to decrease fires during the holiday season, winter season?

ROBERT BYRNES: Well I think if we could pass this bill to eliminate these lighters it would be a great step forward. If we could

1
2 save one life or prevent one injury from a lighter
3 like that getting into the hands of a child, that
4 would be a great thing.

5 CHAIRPERSON MARTINEZ: Now let me
6 toss this out at you. One of the issues in terms
7 of fires and Christmas trees-- and we don't want
8 to sound not wanting Christmas trees in New York
9 City, but do you think it's practical
10 legislatively to mandate that where Christmas
11 trees are sold that it comes with some sort of
12 instruction and warning?

13 ROBERT BYRNES: Certainly. I think
14 that's practical. I think that's very feasible.
15 I mean we-- Fire Safety Education has tags that
16 specifically address these Christmas tree issues,
17 the dangers and the hazards and how you can be
18 safe with the Christmas trees, and that certainly
19 can be handed out to those merchants that plan to
20 sell them if they're filed correctly and tracked.

21 CHAIRPERSON MARTINEZ: And I think
22 nowadays they actually-- they're not giving it,
23 you've got to buy it. They're buying-- they're
24 selling the bags to dispose of the trees, but
25 there's no instruction in terms of warning of how

1
2 flammable it could be or what to avoid. Good.
3 All right. If there's no further questions, I
4 want to thank you for participating in this
5 hearing. And your testimony regarding the bill to
6 ban the novelty lighters in the City of New York,
7 I know we'll be working to further the bill with
8 some of the suggestions you just highlighted, and
9 I want to thank the foundation for all the work
10 they do and for bringing the fire-- well not the
11 firehouse, but the house on fire across from City
12 Hall. Thank you very much.

13 ROBERT BYRNES: Thank you for
14 allowing us to speak.

15 CHAIRPERSON MARTINEZ: Meeting
16 Adjourned.

17 [Pause]

18 CHAIRPERSON MARTINEZ: Speaker?
19 Sorry, Eddie. Lieutenant Edward Boles and..

20 [Pause]

21 EDWARD P. BOLES: I'll be brief. I
22 was inspired by the children so I said, let me on
23 behalf of the UFOA, Uniformed Fire Officers, my
24 name is Lieutenant Edward Boles. I'm the
25 Treasurer of the Union. I'm here on behalf of

1
2 Jack McDonnell, our president. And as I said, I
3 was inspired by the children, so I wanted to
4 provide a couple of statements. First of all, I
5 applaud the efforts of the FDNY in providing a
6 comprehensive fire safety education to the
7 children of New York City in hopes of reducing
8 fires and fire fatalities in both civilians and
9 fire fighters. As a Lieutenant and firefighter, I
10 have witnessed firsthand the tragedies of fires,
11 tragedies and fatalities that are forever etched
12 in my mind. I think about one such fire in
13 Washington Heights, in your district, several
14 years ago when I was a firefighter, when a mother
15 and child died and a father was badly burned when
16 their Christmas tree caught on fire. And in order
17 to try to save his family, he was trying to pull
18 the Christmas tree out of the door and I got stuck
19 in the door and unfortunately he got badly burned
20 and his family, the wife and child were killed.
21 And I'll never forget that. And after that there
22 was, you know, comprehensive fire safety education
23 that took place, and we need to continue that.
24 And this unit does a very, very good job at doing
25 that. Having said that I must express a concern I

1
2 have, or the union has. We're entering into a
3 dire economic crisis, which is looming in this
4 City, and there are several variables that may
5 attribute to fire safety and civilian deaths and
6 fires in general, especially in the cold weather.
7 If there's an increase in unemployment and
8 increase in fuel costs and where people now have
9 to use alternate means of heating their homes like
10 space heaters, like the ovens and things like
11 that, that is a recipe for a disaster. I look
12 back in the '70s, and the '70s is, they're talking
13 about this particular period of time now as that
14 of the '70s and the economic crisis that's
15 looming. And one of the big concerns we have as a
16 union is if you have this blanket budget cuts
17 across the board; first of all you're not going to
18 have this comprehensive fire safety education like
19 you have now. And worse yet, they're talking
20 about closing firehouses and closing fire units,
21 which again will put civilian lives and
22 firefighter lives in jeopardy. So I'm hoping that
23 this Committee takes an active stand, and we will
24 certainly stand with you and the City Council in
25 regards to trying to think of better ways of

1
2 dealing with this economic crisis and not put
3 civilian lives and firefighters' lives in
4 jeopardy. So having said that, I look at the
5 quote from Chief Sweeney, who I have a tremendous
6 amount of respect for, and we're on the right
7 track. If you see, fires are down, fire
8 fatalities are down. That's a great thing. We
9 don't want to go back to the '70s, where fire
10 fatalities were at its highest; fires were at its
11 highest. And as I said earlier, we had more units
12 fighting those fires, even though those things,
13 those two things were at its highest. So let's
14 join together and let's try to keep this fire
15 safety education going. The legislation, keep the
16 legislation going in order to light-- the
17 lighters, which we support, and anything we can do
18 to prevent fires is a great thing. And I
19 appreciate the opportunity to speak today. And if
20 you have any questions, I'm more than happy to
21 answer them.

22 CHAIRPERSON MARTINEZ: Thank you
23 for your testimony, and that is definitely a
24 concern that we all share as we move forward in,
25 one, exercising our responsibility of balancing

1
2 the budget and at the same time ensuring that
3 public safety for the City of New York and the
4 citizens of New York is not compromised. And I'm
5 sure we will be having discussion on how do we
6 meet those goals. Thank you for your testimony.

7 EDWARD P. BOLES: Thanks again.
8 Happy holidays.

9 CHAIRPERSON MARTINEZ: You too.

10 [Pause]

11 CHAIRPERSON MARTINEZ: Kevin
12 Coenen.

13 [Pause]

14 CHAIRPERSON MARTINEZ: If you could
15 just state your name for the record, because it's
16 not...

17 KEVIN COENEN: My name is Kevin
18 Coenen. I'm here not representing any particular
19 group, just the voice of the people basically. I
20 don't see many people in here, actually, but I
21 wish there was a little bit more concern about
22 such-- you know, this is a very important issue,
23 I'm sure. I can see why you would want to ban the
24 use of novelty lighters like this because they do
25 look like toys and of course kids will get their

1 hands on them and cause deadly fires. So I'd just
2 like to read from this basically and then I'll be
3 finished. September 11th, 2001 was seven years
4 ago and \$274 million ago. The structure known as
5 the Deutsche Bank Building was destroyed by
6 terrorism, a nation wept for the tragic loss of
7 3,000 lives. Our nation gathered their strength
8 to rise above the horrible act that was committed
9 against it. Three firefighters raised the flag
10 and a nation was inspired. Our leaders promised
11 there would be justice for this and led us down
12 the road into a war to seek vengeance with great
13 tales of weapons of mass destruction that turned
14 out to be far from the truth, but we followed.
15 4,523 American lives later, and no end result.
16 150,000 veterans on disability and no end result.
17 Osama Bin Laden has avoided capture. The war was
18 diverted to Iraq to rid the world of Saddam
19 Hussein. Five years later, after he was dragged
20 out of his hole in the ground, we continue to
21 tally the American lives loss, and I would like it
22 to stop personally. Five years is a very long
23 time. My son is five years old now and the other
24 son is four and as I watch them grow older, I
25

1
2 wonder what kind of future they will have in New
3 York, and this is the main reason that I stand
4 before you today. Money is being siphoned from
5 this tragic event at the expense of hardworking
6 citizens of this great city. Deutsche Bank
7 Building and the World Trade Center site is being
8 used to enrich and handful of individuals while
9 the people of New York are left to suffer through
10 higher taxes, proposed bridge tolls, nickel
11 shopping bag levies, closed food pantries and I
12 read the news today; there's a bunch of other
13 taxes coming down the pike.

14 CHAIRPERSON MARTINEZ: I'm sorry, I
15 have to interrupt you because we have to stay on
16 topic, and the topic today is fire prevention,
17 fire safety and--

18 KEVIN COENEN: [Interposing] Okay.
19 I'm getting to that.

20 CHAIRPERSON MARTINEZ: I need you
21 to get there, because everything else is not--

22 KEVIN COENEN: [Interposing] I'll
23 get to that.

24 CHAIRPERSON MARTINEZ: --Relevant.

25 KEVIN COENEN: You want me to get

1
2 right to it? All right. Basically, you know,
3 since the meeting was cancelled on this Deutsche
4 Bank Building thing at 1:00, I guess we'll have to
5 talk about the more important issue of novelty
6 lighters. Building inspection in the City--

7 CHAIRPERSON MARTINEZ:

8 [Interposing] I'm sorry. You mentioned 1:00. We
9 were never scheduled to have a hearing on Deutsche
10 Bank, this committee at least.

11 KEVIN COENEN: The LMDC had a 1:00
12 meeting that was deferred.

13 CHAIRPERSON MARTINEZ: Oh. That's
14 a different committee, okay.

15 KEVIN COENEN: Okay. I'd like to
16 get to the issue of building inspection, which is
17 a pretty important subject, according to fire
18 prevention. Are we not talking about that today?

19 CHAIRPERSON MARTINEZ: Actually,
20 we're focusing on the program of the fire
21 prevention and the Intro that we just presented on
22 the novelty lighters.

23 KEVIN COENEN: All right. So fire
24 prevention and--

25 CHAIRPERSON MARTINEZ:

1
2 [Interposing] Yeah, because building inspection is
3 not the subject of the hearing.

4 KEVIN COENEN: Yeah. All right.
5 So then all I have to say is we have a need for
6 building inspection which is suffering because the
7 Department is doing building inspection on
8 buildings under construction, and they're not able
9 to inspect the buildings that need to be inspected
10 during the year. And when you're talking about
11 closing firehouses, I think that's kind of
12 ridiculous in such a city that has a population
13 expansion the way it does. I mean we really need
14 to, you know, look deep and see where all this
15 money went, \$274 million. And I'd like to know
16 exactly what happened to it all. And that
17 building is still standing down here. And that's
18 all I have to say really. Okay.

19 CHAIRPERSON MARTINEZ: Thank you
20 for your testimony. I'm sorry you missed--

21 KEVIN COENEN: [Interposing] I
22 agree with your novelty lighters issue. That's a
23 very--

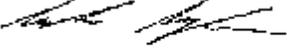
24 CHAIRPERSON MARTINEZ:
25 [Interposing] Thank you. I'm sorry about the

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2 confusion with your 1:00 hearing, but that was
3 never a subject for this Committee. We're always
4 scheduled for 2:00 on the subjects that we
5 discuss. Thank you for taking the time out, and
6 I'm sure we will be having further discussion in
7 terms of the overall relevance of having a vibrant
8 and well staffed Fire Department for public safety
9 of the City of New York. At this point, hearing
10 and seeing no other witnesses, we'll adjourn the
11 meeting of the Fire and Criminal Justice Services
12 Committee of the City Council. Thank you.

13

C E R T I F I C A T E

I, Erika Swyler, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  _____

Date December 28, 2008 _____