

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

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November 16, 2020

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B E F O R E: JOSEPH C. BORELLI
CHAIR

COUNCIL MEMBERS: Justin Brannan
Fernando Cabrera
Chaim M. Deutsch
Alan Maisel

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

Josh Kingsley, Counsel, Fire and
Emergency Management Committee, New York
City Council

Kevin Brennan, Deputy Assistant Chief
Bureau of Fire Prevention

Michael Reardon, Bureau of Fire
Prevention, Local 2507

Leara Thompson, Fire Safety

2 LEGAL COUNSEL: Couldn't hear you Sergeant
3 Polite. So, the recording is good today. Got you now.
4 Good morning everyone and welcome to today's remote
5 New York City Council hearing on the Committee of
6 Fire and Emergency Management. At this time would
7 all panelists would all panelists please turn on
8 their video for verification. Once again, all
9 panelists please turn on your videos for
10 verification. Thank you. To minimize disruptions
11 please place electronic devices on vibrate or silent.
12 If you wish to submit testimony you may do so at
13 testimony@council.nyc.gov. Again, that is
14 testimony@council.nyc.gov. Thank you for your
15 cooperation. Chair Borelli, we're ready to begin.

16 CHAIRPERSON BORELLI: Okay, (gavel) Thank
17 you for joining us at this virtual hearing for the
18 Committee on Fire and Emergency Management. Today,
19 the committee will be conducting oversight on the
20 Fire Department's work in promoting the safe
21 operations of commercial establishments in light of
22 COVID-19 related regulations, and we'll be hearing
23 number—Introduction No. 1891 sponsored by myself,
24 which involves Zambonis. I'd like to acknowledge
25 that we have been joined by our colleagues and I see

1 Council Member Maisel and that is all I believe I see
2 at the moment. Good morning. I'm Council Member Joe
3 Borelli. I'm Chair of the Committee on Fire and
4 Emergency Management. Today we are here to discuss
5 the Fire Department's year-old fire prevention's role
6 in promoting safe commercial operations in compliance
7 with regulations put in place to limit the spread of
8 Covid-19. The Fire Department's Euro (sic) Fire
9 Prevention is responsible for inspecting buildings
10 and businesses for compliance with various Fire and
11 Building Code requirements. Specifically, FDNY
12 regularly inspects the places of assembly such as
13 restaurants to ensure safe operations. This includes
14 inspecting whether means of egress are unobstructed
15 and occupancy limits are followed. As businesses and
16 restaurants operate with many COVID related
17 restrictions in place, some tightening in response to
18 growing the infection rates in the city and being
19 establishments have adapted to new reality by
20 altering seat layouts and increasingly using outdoor
21 spaces to maximize social distancing to comply with
22 occupancy limits. This effort has been aided by the
23 city's Open Streets Program and this Council's recent
24 legislation authorizing the use of portable propane
25

2 heaters for outdoor dining. Today the committee
3 hopes to examine the Department's role in inspecting
4 places of assembly for compliance with amended
5 occupancy limits and other COVID related regulations.
6 Additionally, the committee learn more about
7 coordinated efforts between FDNY, DOT, DOB and other
8 agencies in providing places of assembly with
9 necessary guidance to support in ensuring the safe
10 and efficient reopening of New York City. Finally,
11 the Committee will hear legislation that have
12 introduced and alleviate a burdensome restriction on
13 one type of small businesses. Introduction 1891 will
14 amend fire code regulations affecting the use of
15 machines to resurface ice frequently referred to as
16 Zambonis after its inventor Frank Zamboni who I'm
17 told according to Committee Council just converted an
18 army jeep into some sort of rice personal
19 (inaudible). Currently, pursuant to Fire Code certain
20 gas fuel industrial machines including Zambonis are
21 prohibited from using more than 140-gallon cannister
22 of liquified petroleum gas or other flammable gas.
23 The most commonly used is propane. Under the
24 proposed legislation, a Zamboni will be permitted to
25 utilize two propane cannisters at any given time,

2 which would align local regulations with most
3 commercial manufactured designs. This committee looks
4 forward to hearing from both the Administration and
5 the public on this important oversight topic and the
6 introduction being heard today. And with that, I will
7 turn it over to our moderator Josh Kingsley to go
8 over the procedural items. I still do not see any
9 other Council Members. So, we will proceed.

10 JOSH KINGSLEY: Thank you Chair Borelli.
11 Good morning everyone. I'm Josh Kingsley, Counsel to
12 the Fire and Emergency Management Committee of the
13 New York City Council. Before I begin testimony, I
14 want to remind everyone that you will be on mute
15 until you are called on to testify and when you will
16 be unmuted by the host. I will be calling on
17 panelists to testify. Please listen for your name to
18 be called, and I will periodically be announcing
19 who's the next panelist to testify. The first
20 panelist we'll be giving testimony from the Fire
21 Department, and it will be representatives Kevin
22 Brannan, who's the Deputy Assistant Chief of the
23 Bureau of Fire Prevention, and Kelly Carr, who's the
24 Deputy Co-Development Counsel also for the Bureau of
25 Fire Prevention. I will be calling on you when it's

2 your turn to speak. During the hearing if Council
3 Members would like to ask questions of the
4 Administration or a specific panelist, please use the
5 Zoom Raise Hand function and I will call on you in
6 order. As said earlier, all hearing participants
7 should submit written testimony to
8 testimony@council.nyc.gov and I will now call on
9 representatives of the Administration to testify.
10 Before we begin I will administer the oath. I will
11 call on each of you by name. Please raise your right
12 hand. Do you affirm to tell the truth, the whole
13 truth and nothing but the truth before these
14 committees, and to respond honestly to Council Member
15 questions? And so, we'll start with Chief Brannan
16 and bear with us as we kind of... I think we're going
17 to do the meter on Brennan so yes go ahead.

18 CHIEF BRENNAN: Yes, I understand.

19 JOSH KINGSLEY: Ms. Carr.

20 MS. CARR: (INAUDIBLE)

21 JOSH KINGSLEY: So, now you're all free
22 to... Well, we'll meet you on our end and you could
23 go ahead and go deliver testimony. Thank you. (gavel)

24

25 Okay. Alright, good morning.

2 JOSH KINGSLEY: Good morning.

3 KEVIN BRENNAN: Good morning Chair Borelli
4 and all the Council Members present today. My name
5 is Kevin Brennan. I'm the Deputy Assistant Chief of
6 the Bureau of Fire Prevention at the Fire Department.
7 Thank you for the opportunity to speak with you today
8 about the Bureau of Fire Prevention's efforts in
9 promoting safe COVID-19 reopening across New York
10 City. The Bureau of Fire Prevention primarily
11 enhances the safety of the public by providing
12 certifications and permits, and by conducting
13 inspections designed to reduce the loss of life and
14 property from fires and explosions. For instance, in
15 connection with the COVID pandemic the bureau
16 mobilized a group of inspectors who facilitated the
17 establishment of temporary hospital and field
18 hospital units. By putting a priority on these
19 inspections we were able to support efforts to open
20 these facilities in remarkably short time periods. We
21 also provided inspections to facilities as part of
22 the Department of Education's Learning Produce
23 Program, which provides free childcare options for
24 children of essential workers. However, the Fire
25 Department is also frequently called upon to assist

1 with safety efforts that are outside of the
2 department's core mission. First, they continue
3 serving the people of New York in these scenarios as
4 well. During the Coronavirus Pandemic FD members
5 have regularly been deployed to support efforts by
6 the Administration and fellow agencies in combatting
7 the virus and ensuring that individuals and
8 businesses are acting with appropriate proportions.
9 Throughout the course of the pandemic, the FD
10 inspectors have served as part of Covid related
11 efforts involving a variety of issues. In the spring
12 our members helped to enforce social distancing
13 requirements, visiting locations under the direction
14 of the Mayor's Office to educate individuals and
15 businesses owners about the importance of staying six
16 feet apart, distributing masks and enforcing other
17 spacing protocols. As restrictions evolved and the
18 city began to re-open, the department began
19 participating in a phased re-opening fire safety
20 inspections in tandem with inspections related to
21 COVID universal re-opening requirements. These re-
22 opening inspections masked ones being conducted by
23 our fellow city agencies and incorporated New York
24 State Universal Re-opening Guidelines. This involved
25

1 working to a re-opening checklist ensuring that
2 locations were operating with appropriate universal
3 re-opening guidelines, providing education, and where
4 necessary enforcement of those guidelines.
5

6 Simultaneously, our other B-F-P inspectors joined
7 counterparts from fellow agencies to provide
8 assistance with outdoor dining configurations,
9 helping the Department of Transportation ensure their
10 dining set has met DOT regulations. More recently
11 the Mayor's Office requested 90 B-F-P personnel to
12 assist with its COVIC Hot Zone efforts. Under this
13 working group inspectors from the Fire Department and
14 other agencies would deploy to neighborhoods in the
15 city that were experiencing spikes in positive COVID
16 tests to help emphasize the importance of following
17 safety protocols and getting tested. Since rates in
18 hot zones have decreased, about a third of our
19 inspectors have been able to return to their normal
20 Bureau of Fire Prevention duties. The Fire
21 Department has also been tasked under legislation
22 passed by the council after our hearing a few weeks
23 ago to provide support for comfort heating and
24 outdoor dining areas. The legislation temporarily
25 authorized the use of propane, a portable steel

2 heaters for comfort heating, which otherwise remain
3 unlawful under the current New York City Fire Code.
4 The Bureau has dedicated a team of inspectors to
5 visit restaurants to verify that propane heaters are
6 being used appropriately. Taken together, these
7 efforts require a great deal of resources. However,
8 the Fire Department recognizes that it is important
9 for the city to reopen in a safe manner that allows
10 businesses to get back on track.

11 Introduction 1891: Introduction 1891
12 would amend the New York City Fire Code exempt ice
13 resurfacing machines know as Zambonis from existing
14 requirements that prohibit certain powered industrial
15 machines from utilizing more than one container of
16 propane, and instead allow a Zamboni to utilize two
17 containers of propane. As you know from our
18 testimony a few weeks ago on the topic of heaters,
19 propane is a flammable substance. The Fire Code
20 strictly regulates the storage, handling and use of
21 propane because of the significant hazard it causes.
22 Propane is flammable, and can rarely be ignited by a
23 spark. If confined or exposed to fire it causes an
24 explosion hazard. Before amend the code to include a
25 Zamboni exemption from a general rule we would be

2 curious to know more about the necessity for such an
3 exemption, and what factors might distinguish this
4 type of industrial propane use from other types of
5 industrial propane use. I will now answer any
6 questions you may have.

7 CHAIRPERSON BORELLI: Thank you very
8 much, can you, can you tell us just given... during
9 the scope of the pandemic what was the most frequent
10 type of violation that was issued by the Bureau of
11 Fire Prevention?

12 KEVIN BRENNAN: It's a very broad
13 question. Could you be a little more specific? I mean
14 we did a bunch of different enforcement efforts since
15 the spring, um, yeah between social distancing,
16 outreach, education and enforcement and then the, um,
17 Mayoral Nine Point Checklist Survey. So, we've had
18 different initiatives. Most of our efforts were
19 always to educate and inform versus, you know,
20 writing violations. It's generally been our, our
21 position and generally prior to the pandemic, um, and
22 now more than ever with, you know, the current, you
23 know, economic climate and everything with the
24 pandemic was, you know, doing our best. You know,
25 going above and beyond the work of businesses, you

2 know to get them to comply by educating and
3 informing.

4 CHAIRPERSON BORELLI: And how much
5 discretion does an inspector have? I appreciate that
6 you said the goal is to inform and educate rather
7 than violate. Who actually has the discretion in
8 whether a violation versus a... you know a good
9 talking to? Which was it?

10 KEVIN BRENNAN: That really comes down to
11 the Inspector, the Fire Inspector on the scene. Um,
12 and like I said, we generally are there to educate
13 and inform. If we, you know, return and find repeat
14 offenders, you know, that's when maybe some
15 enforcement action does take place at that point or
16 maybe a third time, but, yeah, we understand the
17 situation of the, you know of the businesses in the
18 city right now economically, you know, particularly
19 restaurants, et cetera, and we're, you know, more
20 than willing, it's like you said to educate and
21 inform because a lot of them are not informed. You
22 know, um, so you know we're doing our best to do that
23 and, you know accommodate them as best we can to get
24 them to comply. You know safety, of course, is

2 paramount. We want them to operate safely, and to
3 that end, you know, we do the best we can.

4 CHAIRPERSON BORELLI: Are you giving
5 restaurants or I expect there are guidelines for
6 restaurants. You know, in other words if someone is
7 open at 25% but they have, you know, 30% of current
8 occupancy, is that treated one day versus if that
9 same restaurant were to have say, you know 50 of 60%?

10 KEVIN BRENNAN: Yeah, we want them to
11 comply with the guidelines from the city and state
12 with 25%. Certainly, it's the discretion of the
13 inspector on the scene, you know, as far as if
14 they're complying with the 25% of the, you know, two
15 people over. It's, you know it's, um, it's all up to
16 the inspector, you know on the scene.

17 CHAIRPERSON BORELLI: Since the
18 implementation of so many heating rules, and I'm sure
19 many of the restaurants complied with that or
20 attempted to comply with that very quickly given the
21 onset of cold weather. What is the result of some of
22 the inspections regarding heating? Have they been
23 complying with what's been recommended or is there a
24 lot of, for lack of a better word, jerry rigging of
25 heating devices, et cetera?

2 KEVIN BRENNAN: In general, we found that
3 from our inspections that a lot of restaurant owners
4 are not aware of the guidance. You know, they heard
5 the Mayor announce that he was allowing the use of
6 propane, and they went out and bought heaters, and
7 they're using them. Um, from the inspections that
8 we've done so far with the whole process and having,
9 you know, to file and out of station stuff and gone
10 out, um, a lot of restaurants have difficulty
11 complying with the guidelines because we have, you
12 know Fire Department guidelines, and you have
13 Department of Transportation guidelines with respect
14 to the sidewalk and stuff. Um, so we go out and
15 educate and inform them what they are, and, um, you
16 know, they're doing their best to comply.

17 CHAIRPERSON BORELLI: So, seeing some of
18 the structures that have been built at street level
19 in New York, is there any concern about the fire
20 safety of those temporary but, you know, suddenly
21 they're becoming a bit more permanent, but the
22 temporary structures receiving the bill rather they
23 be either a board or a tent, or anything, do you as
24 an agency have a concern over the fire safety of
25 those type of structures?

2 KEVIN BRENNAN: Thank you. Um, that's
3 more of a DOB issue. We're certainly concerned from a
4 fire aspect as far as access you know to the front of
5 the building, and if any fire hydrants are obstructed
6 at the, you know, the curb line, which according to,
7 you know, the DOT guidance that, you know, we would
8 have to have 15 feet on each side of the fire hydrant
9 unobstructed and kind of 15 feet but...

10 CHAIRPERSON BORELLI: But this is a...this
11 is a propane heater, and it's abutting, you know, a
12 fabric tent or something. The inspector has...

13 KEVIN BRENNAN: Well that has... Yeah,
14 they have to be five feet from anything combustible
15 or with wood. You know, a wood structure or tables or
16 chairs, plastic. There's a five foot, um, guideline
17 that the heaters have to be five feet.

18 CHAIRPERSON BORELLI: That's my question.
19 I guess maybe even anecdotally, are the inspectors
20 coming back into the office saying that we have some
21 concerns over the flammable nature of some of these
22 structures and, you know, are they worried about a
23 fire within those?

24 KEVIN BRENNAN: Well, there is always
25 concern if the heater is too close to a combustible

2 fabric of sorts. That's why we don't allow the
3 heaters under any kind of tent structures. They
4 should be, you know, five feet away and not under,
5 you know, any kind of tent structure for that reason
6 you just stated.

7 CHAIRPERSON BORELLI: At some point do you
8 see a, um, trading off where it's probably less
9 dangerous to be inside of a restaurant rather than
10 outside with some of these heaters operating?

11 KEVIN BRENNAN: I'm sorry, you're
12 asking...? Would you repeat that question?

13 CHAIRPERSON BORELLI: Yeah, at some point
14 is there is there a point where department might feel
15 it's safer to be in a, in a restaurant let's say at
16 50% capacity rather than a temporary structure that's
17 being blown out with heaters?

18 KEVIN BRENNAN: Yeah, that's something
19 the Fire Department would really, would really
20 answer. Um, it's not something I could speak to.

21 CHAIRPERSON BORELLI: So, I just want to
22 go to Intro 1891 real quick. I also want to
23 acknowledge we've been joined by Council Member
24 Deutsch. I know he's here so just please let the
25 record reflect that. What is the basis for limiting

2 industrial machines and utilizing only one 40-pound
3 canister of propane? But I understand a lot of
4 different machines use these? Why is it? You know,
5 why is it only one? Why can't a contractor store you
6 know two on site or whatever number they need?

7 KEVIN BRENNAN: It's been a longstanding
8 provision in the Fire Code that propane is a very
9 dangerous gas. It's flammable like we stated. Um, and
10 then the one cylinder on the machine is pretty much
11 the standard for other types of that machinery like
12 Hi-Lows and stuff. Um, and it's also an NFPA
13 guideline. Um, so as I stated in my testimony
14 earlier, we'd be curious to hear why, you know, what
15 the Council's thinking is so, what's...you know why
16 would this be a carver-out like an exemption just as
17 Zambonis versus other types of that gas-powered
18 equipment. Um...

19 CHAIRPERSON BORELLI: So, as we sort of
20 heard from the industry. They, they used to
21 manufacture with respect to typical use to, and with
22 one they want to have very quickly because I assume
23 they use it for both propulsion and for a heating, a
24 heating device. Um, does the, does the department
25 have any difference of propane regulations of

2 flammable gas regulations between indoor and outdoor
3 service?

4 KEVIN BRENNAN: The regulations to those
5 gas powered, um, equipment like that is pretty much
6 the same across the board, you know. So, we'd be
7 like, so we'd be curious, you know, why the exemption
8 for this industry versus other industries that use
9 the similar gas-powered equipment like. Um, and I
10 think we've had, um, such a low, um, number of or
11 very few, if any, incidents for propane in the city,
12 and that's because of our, you know the Fire Code,
13 our strict guidelines with the, regarding the use of
14 the propane because it is a very dangerous gas.

15 CHAIRPERSON BORELLI: Is...are there...
16 are there any instances that you can point to of
17 propane incidents in other jurisdictions? Is that,
18 is that...? In other words, is this something that
19 happens frequently?

20 MALE SPEAKER: We had an explosion that
21 was caused by an accident.

22 KEVIN BRENNAN: Yeah, they had...just
23 recently they had a Zamboni go on fire up in
24 Rochester, New York two months ago, and, um, back a

2 while back they was a fire in Philadelphia at the Ice
3 Works Rink in Esten where a Zamboni caught fire.

4 CHAIRPERSON BORELLI: Does the department
5 have any current variances to any ice rinks operators
6 to permit an additional task to equipment?

7 KEVIN BRENNAN: Not that I'm aware of off
8 hand. No.

9 CHAIRPERSON BORELLI: Okay. So, I...I
10 don't have any more questions. Josh, you could signal
11 to me whether any other Council Members have
12 questions? No. Okay. That is it yes?

13 KEVIN BRENNAN: Uh-hm, Uh-hm, Uh-hm, Uh-
14 hm. Good afternoon.

15 MALE SPEAKER: Council Member Deutsch
16 maybe has raised his hand, if I'm not mistaken. Good
17 afternoon Council Member Deutsch. Good afternoon. You
18 may go.

19 CHAIRPERSON BORELLI: Okay. (inaudible)

20 COUNCIL MEMBER DEUTSCH: Hi, how you
21 doing? So, um, I have a question. Oh, that's two
22 questions: Several, several zip codes that's in my
23 district was in the red zone for almost two months
24 Can you give a beak down of what kind of summonses
25 the FDNY issued during those few months. That's my

2 first question, and the second question is that you
3 did say that that the inspector has discretion of
4 when to issue the summons. Does a business owner have
5 the right to ask those supervisors questioning that
6 inspector's discretion?

7 KEVIN BRENNAN: To your first question, um,
8 with the hot spot inspections, um, we wish this is a
9 mayoral initiative those that I spoke about in my
10 testimony. There are 90 inspectors we originally had.
11 They were given, you know, daily assignments in
12 geographic areas of the city. Our primary role with
13 that enforcement was to educate and instruct. We
14 handed out about 6,300 face masks. Um, we also
15 conducted a 9-point mayoral survey in 522 locations.
16 There were no violations issued during those
17 inspection efforts, so with the COVID hotspot
18 enforcement efforts. It was all about education and
19 instruction.

20 COUNCIL MEMBER DEUTSCH: So, the FDNY did
21 not as to any violations or in those hot spots?

22 KEVIN BRENNAN: Not with regard to the,
23 you know, mission of going out and informing and
24 instructing as far as, you know, this COVID related

2 guidelines with face masks, social distancing, et
3 cetera.

4 COUNCIL MEMBER DEUTSCH: So, was there not
5 a mission to issue summonses or opposed to the
6 education mission?

7 KEVIN BRENNAN: No, not with that, not
8 with that initiative. No.

9 COUNCIL MEMBER DEUTSCH: So, there was,
10 there was no, there were no summonses issued by the
11 FDNY on small business owners during the month and
12 half that, um, my district was in the red zone?

13 KEVIN BRENNAN: Well, are you referring
14 to fire safety issues? That's a different issue. I
15 mean the...

16 COUNCIL MEMBER DEUTSCH: I'm...I'm
17 referring to, um, social distancing or not having the
18 lock seats, um, readily available or any, any
19 violations. Were any violations issued by the FDNY?

20 KEVIN BRENNAN: To my knowledge...

21 COUNCIL MEMBER DEUTSCH: In the Hot
22 spots?

23 KEVIN BRENNAN: to my knowledge, the, the,
24 the initiative with the hot spot enforcement that our
25 inspectors were assigned to do. No, there was no

2 violations issued with regards to social distancing
3 guidelines or violating social. It was all about
4 instructing and educating, and still we handed out
5 you know, thousands of our face masks. If there was
6 any, um, fire safety violations that inspectors may
7 have encountered when they were in a business or
8 something. Like that, um, that I can't speak to, you
9 know in this hearing right here. Maybe, you know,
10 some, of that may have occurred, but I'm...I don't
11 have those stats in front of me today, but we'll...

12 COUNCIL MEMBER DEUTSCH: So, FDNY was
13 only, um, asked to enforce by safety violations, and
14 other than that, that's only to conduct education. Is
15 that correct.

16 KEVIN BRENNAN: No, the mission of the
17 Hot Spot inspections or enforcement was social... all
18 geared towards COVID social distancing, mask wearing,
19 et cetera. That was the mission of our inspectors and
20 the different zip codes that we went to, and it did
21 change day to day or week to week (bell) and right so
22 we handed out over 6,000 face masks. There was a lot
23 of education and instruction, and there were no
24 violations issued for violating COVID guidelines.

2 COUNCIL MEMBER DEUTSCH: Got it, okay. I
3 appreciate it. Thank you so much.

4 KEVIN BRENNAN: Thank you.

5 CHAIRPERSON BORELLI: Thank you. We're
6 also joined by Council Members Brannan and Cabrera,
7 and I'll give either of them a minute to use the
8 Raise Hand function if they have any questions? If
9 not, we will move on. Counsel, is there any more
10 people signed up to testify?

11 LEGAL COUNSEL: Yes, we do have public
12 testimony afterwards. So, if no other Council Members
13 have questions at this time, we're able to move onto
14 the public component of the hearing.

15 CHAIRPERSON BORELLI: Okay, thank you.
16 So, thank you everyone, um, we're going to now move
17 onto public testimony. I'd like to remind everyone
18 that unlike your typical Council hearing we'll be
19 calling the individuals one by one to testify.
20 Question Members who have questions for a particular
21 panelist should use the Raise Hand function on Zoom
22 and I'll call on you after the panelists have
23 completed their testimony. For panelists once your
24 name is called a member of our staff will unmute you
25 and you can begin talking. There is going to be no

2 timer at this time so just feel free to concisely
3 make a statement, and we will have any questions
4 after that. So, to start we will have Michael
5 Reardon from Local 2507.

6 LEGAL COUNSEL: So, we'll unmute you on
7 our end if you can just bear with us. (pause) Mr.
8 Reardon, I believe you might have to authorize us to
9 unmute you on your end if there's an icon popping up?

10 MICHAEL REARDON: (pause) How is that?

11 LEGAL COUNSEL: That's perfect. Thank you
12 so much. You're good to go.

13 MICHAEL REARDON: Good morning everyone.
14 I'd just like to thank Chair Borelli, members or the
15 Council for allowing me to speak today on behalf of
16 the men and women inspectors in the Bureau of Fire
17 Prevention. Today, I'll be speaking on COVID-19 Task
18 force Assignments. As Fire Inspectors, we are the
19 only members of the FDNY assigned to community COVID-
20 19 hot spots. We have now been issued the highest
21 standard of PPE especially because we're working in
22 hot zones with the newly issued mask that fire
23 fighters and EMTs are being issued to protect against
24 the virus. Unlike other FDNY units who get free
25 Coronavirus testing on the second floor of Metro Tech

1 headquarters. We are now offered the same basic
2 health services. Our inspectors are assigned every
3 day including weekends to these hot zone task forces.
4 On September 29, 2020 the Chief of the Fire
5 Prevention, Jordan (sic) gave the order to cancel all
6 Fire Department tests in the Fire Prevention systems
7 to deal with COVID-19 hot spots. The manpower of the
8 COVID-19 as it was, the entire Fire Suppression Unit
9 field personnel, 75% of the Range Hood Unit, which
10 prevents restaurant fires, 75% of the CVA Unit that
11 prevents construction and demolition accidents. We
12 had two units in the Hazardous Cargo Unit, which
13 handles transportation of the hazardous cargo and
14 materials. We had three members of the Ball Field
15 Safety Unit, which handles the power plants and the
16 service stations of private fills in New York City,
17 and now a laboratory unit. We have two members from
18 the Laboratory Unit. We had two members from the
19 Laboratory Unit also attending all this. 107
20 inspectors' names were submitted for reassignment to
21 provide approximately 90 inspectors per day to
22 participate primarily in handling our face masks at a
23 minimum of 500 masks per inspector. Secondary: they
24 are also tasked with checking on establishments that
25

are supposed to be closed in the red zones, and to enforce compliance with lesser restrictions in the orange and yellow zones. As a result of this reassignment, over 645 fire suppression tests were cancelled with the previously temporary delays from March and April of this year. In total over 1,500 field inspections were cancelled including re-inspections, complaints, referrals, investigations of systems failure due to fire operations. The scale and suddenness of this re-assignment is in obvious danger to public safety, the danger from Coronavirus notwithstanding. We understand that all hands must be on deck to fight the pandemic. However, this must be measured by balancing risks and resources. Handing out masks is absolutely not the best use our fire prevention inspectors' knowledge and skills from the platform our public safety. There are also adverse economic consequences in delaying and the issuance of both construction and new restaurant permits. It should be a policy priority give the city's financial crisis. After consolidation, the Mayor's Office agreed to reduce the number of inspections, inspectors to 54, 20 from Suppression, 20 from Range Hood, 10 from CBA, 4 from Hazardous Cargo and 3 from

2 the Bulk Field Safe Unit and two from the Laboratory
3 Fund. To date, the FPI task force has distributed
4 over 700,000 face coverings throughout the boroughs.
5 Our participation in this important effort should
6 maximize our expertise in service of the public. We
7 suggest that community groups, students, volunteers
8 or part-time clerical workers be used to distribute
9 masks so the FPI's can focus on the COVID and safety
10 enforcement of the Fire Department. In closing, the
11 Fire Department, the Fire Prevention Inspectors are
12 responsible for the dramatic reduction in fires and
13 deaths in the city over the last decade because of
14 the high standards and professionalism in our
15 inspections. That's the end of mine and if anybody
16 has any questions?

17 CHAIRPERSON BORELLI: Yes, I have one
18 question.

19 MICHAEL REARDON: Alright

20 CHAIRPERSON BORELLI: Alright, can you
21 describe...? so the inspectors who were on the Hot
22 Zone Task Force, if they would want to get a COVID
23 test they can't go to Metrotech and be given a test?
24 But if it's a high priority, is anyone else in the
25 department?

2 MICHAEL REARDON: Correct. They would
3 have to go to their own doctor or to an urgent care
4 or something like that.

5 CHAIRPERSON BORELLI: Okay.

6 MICHAEL REARDON: You're asking if..

7 CHAIRPERSON BORELLI: Okay, that's to me,
8 um, we'll send a letter to the department just to
9 hopefully change that, because I don't think the
10 number is so large that it's going to overwhelm them.
11 Um, so there's a thought. Um, so there is that.

12 MICHAEL REARDON: Well, the thing is, Joe
13 you've got to realize they're out there every day in
14 the hot spots, and now they're coming into
15 headquarters. So, what's to say they can bring it
16 into headquarters. Who wants to say they can bring it
17 in to headquarters if someone is sick?

18 CHAIRPERSON BORELLI: So, is the goal not
19 to have access to testing facility?

20 MICHAEL REARDON: No, no, we're just
21 trying to... We're asking to be tested downstairs.
22 When they come in if they want to get tested, they
23 should be able to.

24 CHAIRPERSON BORELLI: Okay, um, I'm going
25 to have someone just follow up on you on that and

2 just get their, get to ask of them. Our committee
3 will put the request in with the department.

4 MICHAEL REARDON: Okay great.

5 CHAIRPERSON BORELLI: Thank you very
6 much.

7 MICHAEL REARDON: Thank you.

8 CHAIRPERSON BORELLI: Thanks Chair
9 Borelli. I think we're onto our last individual for
10 testimony. We have Lear Thompson. Um, I believe you
11 are ready to go, unmuted and video up and running.

12 LERA THOMPSON: Hello, everybody. Thank
13 you for allowing me to speak. Um, my name is Lera
14 Thompson and I'm not calling or here about a Zamboni
15 or anything like that. I'm here about fire safety
16 with regards to egress and, um, entrance to doors for
17 buildings. I'm in a 420-a building that was
18 unlawfully signed off, and our attempts to get this
19 building up to code have been seriously frustrated by
20 Housing Preservation and Development. Now, the
21 entrance doors of buildings are supposed to be fire
22 rated and self-closing and self-locking. This is part
23 of the Fire Code to prevent the spread of fire. In
24 2017, there was a devastating fire in the Bronx that
25 killed 13 people, and at which time everybody cared

1 about whether the door was self-closing or self-
2 locking. That's not the only fire protections that
3 doors are supposed to have. They're also supposed to
4 be fire rated. Now, in our entrance building, our
5 building, our entrance door...I just had a lot of bad
6 ones. We have had over 300 inspections with HPD. HPD
7 has written or removed probably 35 violations.
8 They've done emergency repairs on the door, and about
9 4-1/2 years of that, and then we find out that the
10 door isn't fire rated. The door got sealed shut. It
11 took about 45 minutes to open it, and during this
12 time I'm thinking: What if this building were on
13 fire? We don't have access to back yard because we
14 found the landlord had hacking a gas line so he
15 denies us access. There would be nowhere for these
16 tenants to go, and when I opened the door I was
17 horrified to find that not only was that door not
18 fire rated, our smoke stopping door is also not fire
19 rated. Now, I don't mean to be rude, but I kind of
20 think that at least one of those 300 inspectors that
21 came to our building should have picked up the fact
22 that our door wasn't up to basic standard code. I
23 mean the basic code that we put in place. Is there a
24 reason that the HPD doesn't know the standards that
25

1 they're supposed to enforce with regard to fire
2 safety and entrance doors? I mean the code says that
3 this is their responsibility to maintain this. Now,
4 it took a lot, it took a lot of work to actually get
5 a violation on, um, that door for fire rating. I had
6 to call Tim Hogan of DOB, the Commissioner. The
7 Commissioner of the building. I had to get him to
8 send his people out to get a violation. HPD came out
9 and wrote violations, and then they subsequently
10 removed the violations. Seven days after they removed
11 the violation on a door that was not repaired, hadn't
12 even been touched, the Fire Department had to come
13 out and remove that piece of door hardware from my
14 building before it caught the building on fire. I
15 love the Fire Department. We've got a great
16 fire...our fire guys have saved our lives on more
17 than one occasion. Council Member Borelli, what are
18 you going to do to address the fact that HPD has no
19 clue what standards they are supposed to enforce with
20 regard to fire safety? I mean these standards aren't
21 just put in place for the tenant. They're put in
22 place for the fire fighters to protect them, too, and
23 they risk their lives. I...I think they risk their
24 lives enough just by running into a building to get
25

2 us, to get our animals, our pets, our dead
3 grandmothers' photos. We, you know as a citizen I
4 really kind of need HPD to know these standards. So,
5 what are you going to do, Council Member Borelli to
6 ensure that HPD knows these standards? It's your
7 turn. It's your turn. I asked you a question. It
8 wasn't just, you know throwing it out there.

9 CHAIRPERSON BORELLI: Is there something
10 you can do to ensure that HPD knows these standards

11 CHAIRPERSON BORELLI: Thank you, Mrs.
12 Thompson. This committee doesn't have jurisdiction
13 over HPD. The Buildings Committee will be meeting
14 again in December. However, if you would state your
15 address for the record, we could ask the Fire
16 Department to send one of their folks again just to
17 see if there are any Fire Code violations that are
18 still outstanding. You do. Is there an address?

19 LERA THOMPSON: Okay. It's 1355 Decatur
20 Street. There is a love Pro Pulica story about our
21 building and 421-A thought.

22 CHAIRPERSON BORELLI: Which borough is
23 that?

24 LERA THOMPSON: Brooklyn

25 CHAIRPERSON BORELLI: Okay.

2 LERA THOMPSON: And the reason I brought
3 it, the reason I brought it to you is because you are
4 over the fire codes, you know, and kind of all these
5 agencies have to work together in tandem to ensure
6 public safety.

7 CHAIRPERSON BORELLI: Yes, that is true.
8 Thank you.

9 LERA THOMPSON: I appreciate it. Thank
10 you.

11 CHAIRPERSON BORELLI: No problem. Josh, if
12 you would just record the address and then make sure
13 we follow up the department. Thank you.

14 LEGAL COUNSEL: So, Council Member, that's
15 everyone who signed up to testify. So, I you're, um,
16 at your convenience you could close out the hearing.

17 CHAIRPERSON BORELLI: Okay. Thank you
18 very much on today's hearing. With that seeing no
19 other people are here to testify, and no other
20 Council Members have questions, I will gavel out the
21 hearing now. (gavel)

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 30, 2020