STATE OF NEW YORK - DEPARTMENT OF STATE

DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION

DRAFT MINUTES - STATE FIRE PREVENTION AND BUILDING CODE COUNCIL

Minutes of the Wednesday, February 13, 2013 meeting of the New York State Fire Prevention and Building Code Council held at: One Commerce Plaza, 99 Washington Avenue, Albany, New York, Conference Room 505; 123 Williams Street, New York City, New York, Conference Room 231 and 65 Court Street, Buffalo New York, Conference Room 208 commencing at 10:00 a.m. The following Council members, designees and staff were in attendance:

COUNCIL MEMBERS PRESENT:

Ronald Piester, Presiding
Stephen Brescia
Michael Cambridge
John Flanigan
Maria Guizzotti
John Lee
Willie J. Lightfoot
Paul Martin
Joseph Sauerwein
Thomas Vanderbeek
Michael J. Vatter

ALSO PRESENT:

John Addario
Raymond J. Andrews
Michael Auerbach
Howard Berman
Joseph Ball, Esquire
Mark Blanke
Michael Burnetter
Carmen Dubaldi
Joseph Hill
Catherine Karp

Agenda Item 1 – Welcome

Ronald Piester called the meeting to order at 10:10 a.m. welcomed everyone and announced the appointment of a new Council member, Judith L. Kennedy, the mayor of Newburgh. Mayor Kennedy was represented by Fire Chief, Michael J. Vatter. Ray Andrews took a roll call attendance and noted that a quorum was present.

Agenda Item 2 - Minutes of the December 5, 2012 Meeting

Motion by John Flanigan to approve the minutes of the December 5, 2012 meeting, seconded by Paul Martin, approved unanimously.

Agenda Item 3 – Public Comment Period

Ray Andrews noted that there were many people in attendance to present public comments. It was noted that there were in excess of seventy people at the Albany meeting site which exceeded the capacity of the room. Room capacity was monitored by staff with the overflow accommodated in the hallways. The speakers addressed provisions of the Energy Code, the Fire Code and residential fire protection sprinklers.

Public speakers on the Energy Code included:

Conrad Metcalfe, executive director for the Building Performance Contractors Association; James Quirk, program manager from NYSERDA who spoke about performance testing and the 'air tightness' of buildings; James Carr, American Wood Council who addressed energy saving and cost analysis and Cosimina Panetti from BCAP, the Building Codes Assistance Project who spoke in favor of the new codes.

Public speakers on the Fire Code included:

Curt Harding and Jim Engman, from Tyco Fire Protection Products; Filippo Conte, from Elite Action Fire, Gas Suppression Group; Tom Moskaluk from Pemall Fire Extinguisher Corporation; and Alex LaValle, BK Fire Suppression and Security Systems who spoke against proposed the proposed elimination of requirements at gas stations.

Public speakers on the residential fire suppression sprinklers code provisions included:

Jeffrey W. Clark, executive director, Habitat for Humanity of Schenectady County; Philip LaRocque, LaRocque Business Management Services; Lewis Dubuque, Executive Vice President New York State Builders Association; Joe McIvor, Jr., Buffalo Niagara Builders; Ron Henkel, Pinnacle Homes; Todd Stewart, from Stewart Construction, Inc.; Mark Barbato from Marand Custom Homes; Brooke Howard Greenhouse, from Cayuga Country Homes; . Michael Roarke, from Roarke Custom Builders; Lawrence J. Luber, from Luber Homes and John Graziose, Gerber Homes who spoke against the proposed inclusion of requirements for sprinklers.

Jeffrie A. Wilkinson, president of the New York State Fire Marshals and inspectors Association; Deputy Chief F.J. Spinelli and, Thomas LaBelle, New York State Association of Fire Chiefs; Jim Burns, president of the Firemen's Association of the State of New York; Jim Morganson, president of the New York State Building Officials Conference and Timothy P. Travers, from National Fire Protection Association (NFPA) who spoke in favor of the proposed provisions.

At the conclusion of public comments Ron Piester outlined the procedures for the rest of the meeting. Ron noted that in light of the significant comments that were presented and continued to come to the Council that there was no action anticipated on the remainder of the agenda items. Ron noted that there were presentations by some of the subcommittee chairs.

Ray Andrews noted that due to the large number of comments regarding residential sprinklers there was not, as previously schedule, going to be a report from the Residential Code Technical Subcommittee. He noted that information that had been received regarding residential sprinklers could be provided to the task group for further review and to report back at a future Codes Council meeting. Ray also noted that subsequent to the subcommittee chairs reports on December 5, 2012 additional

materials were received. One was a request from Metro-North Railroad to include NFPA 130, Standard for Fixed Guideway Transit and Passenger Rail Systems in the Building Codes. The Building Code chair will review this and report on this. Ray further noted that some of the chairs of the Technical Subcommittee had also received some additional information and some requests and they would be reviewing and report on these.

John Addario the chair of the Mechanical, Plumbing and Fuel Gas Code Technical Subcommittee reported on the status of his committee. John noted that since the last Codes Council meeting they had met once where they looked at additional items that were submitted. Those involved: maintenance requirement; cooling towers; water usage; minimum number of fixtures, based upon actual occupants; fixtures in specific (single sex) occupancies, which would be a clarification regarding labeling; and an exception regarding the location of lavatories from the Department of Education.

Joseph Hill the chair of the Energy Conservation Construction Code Technical Subcommittee reported on the work of his committee on the 'residential' portions of the Energy Code, since approval in concept about the 'commercial' portions had been decided upon at the December 5, 2012 meeting. Joe noted that about half of the changes between codes were in the residential energy chapter. He also noted that the committee had received a study from the U.S. Department of Energy which indicated that the adoption of the IECC 2012 based codes, based on an average size Residential building (2,400 square foot area) would result in a 3.2-year simple payback period, a 25 percent increase in energy savings, and a 30-year life-cycle savings of approximately $10,000 and the specific conditions that were utilized for this study. Joe noted that items that had been changed included: building thermal envelope; boiler or furnace efficiencies, which are determined by federal requirements; an increase in the building insulation values; vapor retarder requirements; insulation on hot water piping; prohibitions on utilizing building cavities as return air plenums; mechanical ventilation requirements which reference and coordinate with the Residential and Mechanical Codes; and lastly a mandate for ACH 50 or blower door testing. Joe elaborated on those provisions and provided more detailed information. He noted that there were other specific provisions being reviewed that dealt with many items including heat gain coefficients and insulation values in different climate zones. Joe provided detailed information on some of those, especially those that dealt with moisture migration and mold as well as areas of potential energy savings and then entertained questions.

Joe emphasized that the current infrastructure (energy raters), when compared to other states would be well situated to address the proposed provisions and therefore the committee was very comfortable with their adoption. Joe concluded with the observation that provisions of the Energy Code were numerous and significant and that they would be coordinated with the provisions that are proposed to be in the Residential Code and Mechanical Codes.

Dan Nichols the chair of the Fire Code Technical Subcommittee reported on their work. Dan noted that this was the first time that his committee had presented on the proposed changes based upon the review of the 2009 and 2012 International Fire Codes. Dan reported that there were over 800 code changes identified and that those had been pared down (prioritized) to about 99 which had been provided and noted on the website. Dan noted that the biggest changes to the Fire Code were that it had been completely reorganized into different chapters, which made it very different from a logistical

standpoint to analyze. The changes in chapter, in part, explained why there were such a large number of items on the provided charts. Dan noted that through the work of the eight-person technical subcommittee panel as well as several interested parties they were able to pare it down to 12 issues that would warrant further investigation and that out of the 850-some-odd code changes, there was a split decision on one item.

Dan elaborated upon the 2012 International Fire Code recommendation to add a section regarding emergency responder radio coverage. This would be for buildings that do not allow for the existing public safety radio system to penetrate into the building for firefighter/EMS/police communication. The committee agreed in concept that this needs to be a requirement of the Uniform Code. There were concerns about how this would be done and how much a responsibility it would place on the local code enforcement official. The committee recommended staff should draft a proposal. Another issue dealt with the requirements for the installation of photovoltaic or solar panels on roofs. Currently the code does not have any requirements for how panels are put on roofs, from a fire protection, fire safety, fire service, structural, and natural hazards standpoints. The committee agreed that these needed to be addressed and should be based on the State of California Department of Energy and the State Fire Marshal's Office of the State of California's recommendations.

Dan further noted that the issuance of placardiing on vacant buildings and abandoned buildings has come up both in variances as well as discussion by the Codes Council. Dan noted that the International Codes (I-Codes) have moved to a more defined and more required section of placarding, the committee felt that there should be an allowance for more options, as well as to take advantage of newer technology such as computer-aided dispatch systems, preplanned programming, etc.

Dan concluded with information about new sections such as: rooftop gardens, green roofs, and the maintenance thereof and the fire safety of those; new requirement for marina fire protection (currently the Uniform Code does not address fire safety issues at marinas and other locations for boat storage); certification requirements for fire extinguisher service technicians (currently there are no requirements); fire pump power (changed from standby power to emergency power) and the ramifications of same. Dan lastly noted that all of the presented information was available and expounded upon on the Department of State’s Internet site including the approximately 27 New York State modifications.

There were two final items that Dan identified. The first dealt with the threshold for fire sprinklers in certain assembly occupancies and the second dealt with the removal of fire suppression systems on flammable fuel dispensing devices. Speaking in regards to the fire suppression systems for fuel dispensing, Dan noted that New York State is one of the only states that have any requirements for those types of systems. The history, rational and options were elaborated upon including reference to the National Fire Protection Association document NFPA 30A.

Dan indicated that with the information provided that staff would review and provide a correlation of the committee findings and report back to Codes Council at a future meeting.

Ron Piester explained and apologized that he was going to have to leave due to another commitment and that Ray Andrews would continue to moderate the discussion for the rest of meeting.

Ray Andrews introduced the next chair, Michael Burnetter, from the Green Advisory Working Group [aka International Green Construction Code (IGCC)] Technical Subcommittee. Mike reported on the status of his committee. Mike noted that his group had reviewed the IGCC with any submitted proposals over the last few months following the printing of all the other ICC codes for 2012. Mike noted that it was a diverse group now referred to as the Green Advisory Working Group. They had met seven times since August. They had deliberated and voted on a number of proposals that the Code Council had been presented with. Mike reviewed the summary list of the potential 11 chapters and what they could look like after the advisory group met, made proposals, and voted upon. Mike noted that there was other material provided to the Code Council members including a draft which contained the majority of the actual code text comprising the committee's proposals that had been voted on in the past. Mike also addressed the five-page summary that had been sent out detailing the group's deliberations. He noted that this was information was at the end of the five-page summary that had been distributed.

Mike explained that there were three basic options discussed at the direction of our administration which would allow for state or municipal adoption scenarios to be considered by the Code Council and/or municipal officials. The basic concepts of these approaches were identified as:

> Option A would be to adopt via the traditional Code Council process, a statewide Green Code for application throughout the state, with the exception of the five counties of New York City under Energy Law Article 11 authority in statute, allowing for only Chapter 6 applicability in the City of New York.
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> Option B would be the adoption on a statewide level by the Code Council of specific recommendations such as Chapter 6 alone, which are the energy and renewable energy provisions of the Green Code, as an example, to apply throughout the full State of New York and basically be incorporated into the Energy Conservation Construction Code. This was an option articulated by leadership and by the discussions that occurred during group meetings. Mike offered an opinion on this and the impact of the expedited schedule placed on this body in the adoption process of the Energy Conservation Construction Code commercial provisions.
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> Option C would be to look at the recommendations summarized in the five-page document as a recommendation to localities to proceed with on their own accord and to consider the concept of a preapproved more restrictive local standard. This would mean that local adoptions may be brought back to the Code Council as a more restrictive local standard review case. The concept being that this body would have already seen what our advisory group had put forth as a model for the state and thereby be more able to act.

Mike noted that one of the main items that caused a considerable amount of debate was the proposal by a member of the advisory group that residential construction be allowed to follow the ICC 700 or the IGCC-based model code that has been developed. Mike elaborated upon the rational and the individuals involved. Mike further explained some of the ramifications of those proposed actions with respect to the IGCC-based code for all commercial buildings and the ICC 700 standard for all residential buildings.

Mike concluded stating that there might still be a need to have additional meetings to allow the Green Advisory Group to make final decisions. He also noted that several members proposed allowing LEED for homes, Green Globes, or Passive House as alternatives to ICC 700. He explained that there were many possibilities and alternatives including options regarding Section 610 which received a lot of deliberation and a lot of work by the committee. He noted this would provide even more flexibility than would be found in the upcoming 2013 Energy Conservation Construction Code of New York State. The group felt so strongly about that that they passed a vote to forward Section 610 into the Energy Code if a Green Code were not adopted at this time.

Ray Andrews thanked the Green Advisory Group and noted that their group was different In that this was something new and he confirmed that Mike Burnetter was asking the Council for direction. Ray asked a question for clarity regarding the three options and which should be considered. Mike Burnetter noted that the response was in the documents provided to the Codes Council and that the answer was complex.

Ray Andrews agreed and noted that if the option of taking the Green Code was selected it would actually necessitate taking other ICC documents which were not originally on the table, e.g., the 700 for residential. Ray Andrews noted that there were no charts on the Internet site as there was no prior Green Code in New York State and that his expectation was that this required further review and input from the Codes Council in terms of direction.

Joseph Sauerwein question whether the 700 code had been reviewed and Mike Burnetter responded that it was being considered and that it was linked to many other actions.

Ray Andrews suggested and there was agreement by multiple Code Council members that would look at what was provided and that at the next meeting it would be revisited. Ray noted that if there were any specific questions about the Green Code or these three proposals of how to deal with this document that Code Council members should contact staff.

Agenda Item 4 –Future meetings

Ray Andrews noted that the next meeting was scheduled for March 13th at which time he felt that some more of these code changes would be addressed. Ray also believed that there would be a number of More Restrictive Local Standards (MRLSs) and some other items.

Motion by John Flanigan to adjourn, seconded by Paul Martin. The motion passed unanimously and the meeting adjourned at 1:10 p.m.