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**STATE OF NEW YORK - DEPARTMENT OF STATE
 DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION
 DRAFT MINUTES - STATE FIRE PREVENTION AND BUILDING CODE COUNCIL**

DRAFT Minutes of the Wednesday, August 20, 2014 meeting of the New York State Fire Prevention and Building Code Council commencing at 10:10 a.m, 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.

The following Council members, designees and staff were in attendance:

COUNCIL MEMBERS PRESENT:

- Ronald Piester, Presiding
- Nicholas Altieri
- John Flanigan
- Shawn Hamlin
- Judith Kennedy
- Willie Lightfoot
- Paul Martin
- Vincent Rapacciuolo
- Joseph Sauerwein
- John Torpey
- William Tucker
- William Tuyn

ALSO PRESENT:

- Dan Shapiro, Esquire
- Mark Blanke
- Miriam McGiver

Agenda Item 1 – Welcome.

Ronald Piester called the meeting to order and welcomed everyone. Ron introduced three new members to the Code Council: Shawn Hamlin, representing architects; William Tuyn, representing builders; and Vincent Rapacciuolo, representing the NYS Department of Labor as designee of the Commissioner of Labor. Ron next introduced Matthew Millea, newly appointed Deputy Secretary of State for the Office of Planning and Development, which includes the Code Division. Matthew Millea spoke briefly of his appreciation of the opportunity to work for Secretary Perales and Governor Cuomo, and of his appreciation of the work done by the Code Division.

Mark Blanke took a roll call attendance, and noted that a quorum was present. At Ron’s request Mark Blanke provided information to the Council about this meeting’s agenda.

Agenda Item 2 - Minutes of the May 7, 2014 meeting.

Ron introduced the minutes. There was no discussion. John Flanigan made a motion to approve the meeting minutes, seconded by John Torpey, approved unanimously.

Agenda Item 3 – Public comment.

Mark Blanke introduced nine speakers who had signed up to address the Code Council.

- The first speaker was Dan Winslow representing the CNY Elevator Group, who spoke in favor of incorporating NYS modifications in adoption of the International Code Council family of codes (I-codes) to reflect the unique character of the state. He spoke of the importance of incorporating the comments of New Yorkers in NYS Uniform Code and Energy Code.
- The second speaker was Jeff Wilkinson, representing the Fire Marshals and Inspectors Association, who spoke in support of updating to either the 2012 or 2015 I-codes with inclusion of the requirement for fire suppression sprinkler systems in next NYS update to the Residential Code (RC). He discussed the safety impact of automatic fire suppression sprinkler systems in residences.
- The third speaker was Dottie Harris, representing the International Code Council (ICC), who spoke in support of updating to the 2015 I-codes with as few NYS modifications as possible. She gave an overview of the code development process that is used by the ICC, and recommended that NYS work through the ICC code development process to effect changes to the I-codes that address specific needs. Mayor Kennedy asked how many states are using the I-codes without a lot of modification. Dottie answered that she did not have a specific number; however generally she sees less and less modifications as states become more involved in the ICC code development process. Ron said we will put together some information to give a better understanding of how states that have statewide codes similar to New York address the adoption of the I-codes.
- The fourth speaker was Jim Morganson, representing the NYS Building Officials Conference, who spoke in favor of updating to the 2015 I-codes. He said that the people he represents wish to use the most current codes and standards to build the safest buildings. He also read an excerpt of a letter from the Association of Towns of the State of New York supporting an update based on the 2015 I-Codes.
- The fifth speaker was Jerry DeLuca, representing the NYS Association of Fire Chiefs. He was supported by four representatives standing with him at the podium in support of the adoption of the 2015 version of the International Residential Code (IRC) without amendment.
- The sixth speaker was Craig Volkert, from the Fire Equipment Manufacturers Association (FEMA), speaking in opposition to a NYS modification that would allow electronic monitoring of portable fire extinguishers as a requirement in lieu of monthly physical inspections.
- The seventh speaker was Carl Baldassarra, from the Fire Equipment Manufacturers Association (FEMA), who spoke in opposition to allowing electronic monitoring of portable fire extinguishers as a requirement in lieu of physical monthly inspections. He discussed costs, availability and technical aspects, as well as the lack of such option in the I-Codes.
- The eighth speaker was Gene Jacques, representing the New York State Codes Coalition, speaking in support of adopting the 2015 I-Codes.
- The ninth speaker was Frank McGarry, speaking in support of adding a NYS modification that would allow electronic monitoring of portable fire extinguishers in lieu of physical monthly inspections.

Agenda Item 4 – Commercial energy code update.

Regarding this agenda item, Ron Piester introduced that no action is requested of the Code Council today; rather, this is an update of our current rule-making process. Mark Blanke summarized the status of the proposed Commercial Building-related amendments to the New York State Energy Conservation Construction Code that was published in the NYS Register. The required public comment period ended on the day of this code council meeting, August 20, 2014; Mark said the bulk of the comments seen so far have been supportive of the update. There were some proposals for minor changes to the published commercial energy code update, which is based on the 2012 I-codes. Many of those proposals are incorporated in the 2015 I-codes.

Agenda Item 5 – Uniform code and residential energy code update.

Ron introduced this item with the remark that we have a complete body of information to allow the Code Council to consider making the shift to the 2015 I-Codes. Mark Blanke provided an overview of some significant changes going from the 2012 I-Codes to the 2015 I-Codes, and described options for updating the NYS Uniform Codes:

1. based on either the 2012 I-Codes with custom NYS code books
2. based on the 2015 I-codes, with ICC books amended by a NYS supplement specifying limited, minimal modifications

3. based on either the 2015 I-Codes with custom NYS code books but no technical subcommittees
4. based on either the 2015 I-Codes with custom NYS code books with technical subcommittees

Nick Altieri asked if option 2 involved use of I-codes with no modification. Mark answered that some modification would be required in all options due to statutory requirements, and that staff recommends minimal modifications with option 2. Mark clarified that staff recommends option 2 of the four options. Code council members discussed current NYS amendments and the benefits of using ICC code development versus NYS amendments. Mark said that staff would present to the code council a list of current NYS amendments that staff recommends discontinuing; and a list of those staff recommends continuing that would include those required by statute. Ron stressed that we are not asking the code council to adopt a code; we are asking for direction so that we can proceed with the code update. Mr. Sauerwein made a motion to proceed with option 2, seconded by Judith Kennedy. Mark Blanke took a roll call vote. The motion passed unanimously.

Agenda Item 6 – Electronic monitoring for fire extinguishers.

Mark Blanke provided an overview and history of the proposal. Mark summarized that staff recommends that this proposal be vetted through the ICC code update process. Some discussion followed. Several code council members concurred with the recommendation of letting this proposal proceed through the ICC code development. Some expressed that only those who know how to use fire extinguishers should use them; all others should exit the building as quickly as possible. Ron Piester asked if there was any further discussion and hearing none moved to the next agenda item.

Agenda Item 7 – Future meetings.

Mark Blanke announced that a Code Council meeting is scheduled for Tuesday, November 18, 2014. He asked that Code Council members keep Tuesday, September 16, 2014 in case a meeting is scheduled to discuss adoption of the commercial energy code update. At the November 18th scheduled meeting, the Code Council would be presented with a proposed schedule of meetings for 2015.

Agenda Item 8 - Other Business.

Mark Blanke reminded those attending about the need for speakers to complete the Notices of Appearance and for those seeking continuing education credits to complete the sign-in sheet.

Nick Altieri made motion to adjourn, seconded by John Flanigan. The motion passed unanimously and the meeting adjourned at 12:22 a.m.

Record of the meeting prepared by: Miriam McGiver, PE, Senior Building Construction Engineer, Division of Building Standards and Codes, Code Development Unit