

OFFICIAL – MINUTES

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

Remote regular meeting – April 9, 2021

Members Present:

Lee F. Carroll, PE, NH Board of Engineers (Electrical Engineer)
Peter Lennon, Fire Marshal - Manchester, NH Association of Fire Chiefs
Mariellen MacKay, Governor's Commission on Disability
Frederick Matuszewski, Board of Architects
John Tuttle, (Vice-Chair), NH Home Builders Association
Kenneth Walsh, NH Public Utilities Commission
Carl DuBois, Associated General Contractors of NH, Inc.
Tedd Evans, Mechanical Licensing Board
James Grant, representing the Electrician's Board
Roger Maynard, P•FGF•HVAC of NH
Jeffrey Trexler, Board of Engineers
Michael Hagan, CFM, NH Building Officials Association

Absent:

William Fraser, NH Electrical Contractors Business Association
Mark Tetreault, Fire Chief, NH Association of Fire Chiefs

Also Present:

Emily Stevenson, Administrative Assistant II, NH State Fire Marshal's Office
Stacey Moser, Attorney, New Hampshire Department of Justice

Guests:

Sean P. Toomey, P.E., Deputy State Fire Marshal
Paul Parisi, State Fire Marshal
Mary Maloney, Esq.
David Smith
Don Chase
Alex MacDonald
Philip Sherman
David Smith
Kris Pastoriza
Jerry Tepe
Michael Soucy
Bill Nash
Peter Kelly
Chris Skoglund
Lisa M.T. Woods

The meeting, held remotely, was called to order at 10:04am by Vice-Chairman, John Tuttle. A quorum was declared. Vice-Chairman Tuttle, for the record, read the checklist to ensure meeting compliance with the Right-to-Know Law during the State of Emergency. Members were introduced by roll call attendance.

OLD BUSINESS

Legislation Discussion

Vice-Chairman, John Tuttle and board member Kenneth Walsh spoke to the status of Senate Bill 15 and how it had been passed and is now in the House and is due out of the House May 27th possibly a discussion about the potential for amendments to include Appendix Q out of the IRC for tiny houses. The Fire Marshall supported that he was okay with that and the chair representative Maguire was concerned and wanted this to be a clean bill and so therefore, there are suspected amendments coming in, for that it would ratify the Building Code amendments as presented by the boards. Also the possibility for those amendments coming in that would include the Appendix Q, that's Senate Bill 15.

Walsh continues, House Bill, 72, was presented to the Senate committee on the EDNA as of today. So that was passed in the house with an amendment, the amendment House Bill 72 which was essentially a companion bill, also to ratify the building code and the fire code amendments by the respective boards. The amendment was to include December and January of December of 2020 in January of 2021 for board of fire control amendments so that is currently in the EDNA Senate Committee.

John Tuttle then goes on to talk about "House Bill 588 which seems to be in regards to defining tiny houses and providing authority and requirements for municipal regulation. Do any of our members have any information on that?"

Mariellen stated that the bill was ITL the day prior.

Med stated he tried hard to harpoon this bill. This bill originally created all sorts of definitions for tiny homes that made no sense and the proponent of the bill, someone out of Franklin eventually changed the bill and all that was left of the bill was a mandate for local government to provide for tiny home developments by state mandate. So all the bill eventually did was say you have to go to tiny home parks, and that's basically the bill that was killed. So all the other language that was in there was killed and went away, it was amended out and the final bill was just about tiny parks. The reason why we were pushing for adoption of Appendix Q was to address the issue of tiny homes in general and making sure that all local governments realized, as well as the public realized, that there is a building code mechanism for tiny homes.

Med continues with 2 bills, and ends up wanting to send it out by email and it will be send out by Med at a later date. "There is another bill that he isn't sure if the committee is aware of and that is House Bill 377, on recovery houses. This bill grants, the ability for the State Fire Marshal to grant an exception for recovery houses from the state fire code, specifically for sprinklers. I can tell you I put a testimony on it, having had experience of dealing with disabilities and disability rights and things like that from the aspect of most individuals that are in recovery homes. As a matter of fact, some of the testimony the subcommittee took on. This was from a firefighter who had gone through the system, and unfortunately, a lot of the recovery homes are not necessarily up to standard in many ways. So I thought

it was a bad bill in doing a relaxation from the standpoint of fire code. For a very vulnerable population it would seem like a population of vulnerable people should receive quite a bit of support as opposed to reducing the fire safety in those buildings, because they are recovery homes.”

Med states that each board member should take a look at it.

John Tuttle asks if Med would send out that information for the board to review and Med responds that he would once he finds it.

John Tuttle states “That concludes Legislation updates, I-code Subcommittee, and there was only one outstanding I-Code Subcommittee and that they did meet since the last meeting.

Roger Maynard has an update. “We’ve reviewed it completely and there are mostly administrative changes, and things of that nature.

A question from David Smith, he wasn’t sure when the proposed amendments for the 2020 code were to be heard by this board and wasn’t sure if it had already happened and if not if it would be put on a future agenda. Also, asked if there was a timeline on adopting the 2020 National Electric Code by the board.

John replies, “Not at this time and he isn’t sure if the board regulates the adoption of that code.”

Ken Walsh responds that He doesn’t know if it has actually been presented yet on their board, and he doesn’t know where they stand on the completion of their review of the 2020 National Electric Code.

John states that he will have an answer for the next meeting.

Another question from Mike Susie, the chief electrical inspector for NH, he was looking at the minutes for March and it doesn’t show that Dean was a guest and that his comment wasn’t put into the minutes. Also if it has been added to any bills.

John replies that, He thought the Fire Marshal’s Office was taking most of the fire codes and electrical codes thought their amendment process, but that he would get back with him on that questions.

Mike Susie continues, “So yes the NEC is reviewed by the Building Code Review Board and Bill Frazier has been the chairman of that subcommittee so, that review has been going on, it’s not ready to be presented or it is just about ready to be presented. I have helped with that committee. He was hoping Jim Graham would be here today to discuss that, but it is still in the process being done to answer Mr. Smith’s question. Hopefully it will be ready by the next meeting to discuss.” Mike adds “how do I follow up on seeing if that’s added or knowing what bill that it has been added to?”

John replies that he will touch base with Mr. Grant and Mr. Dean and will find out where that is at and will get back with Mr. Susie on what the next steps will be.

Ted Evans joins the meeting and it is noted.

John “Following up there will be a compilation of reports to give to the board for review. “

Mr. Tepe asks about electrical code amendment, in the process of the bills being heard in the legislature, when we started talking about adding Appendix the amendment for Appendix Q, we also passed along to the legislature I believe 3 other amendments that the board has already asked that they were not

included in that package as to be possibly added to the legislation and one of them was the amendment to the 2017 NEC that the board passed back in January. I do not know if those have been added to those bills but they were passed along to the legislators along with Appendix Q.

John states that wraps it up for the Subcommittee updates.

OLD BUSINESS

John Tuttle: “Welcome, Kris, could you please give us an understanding of what your proposed amendment is regarding.”

Kris Pastoriza: “well you have the text. The only thing I would change is that I only meant it to apply to the cell tower special inspections.”

John Tuttle: “Could you please just go over what your amendment is supposed to cover so that we understand what your goal is in this.”

Kris Pastoriza: “My goal is that somebody, perhaps the State Fire Marshal will take over reviewing inspection, special inspections for telecommunications towers because my experience in my town was that these inspections were not done.”

John Tuttle: “Okay”

Kris Pastoriza: “So small towns have building inspectors that might not even know about them and somebody needs to take control for the situation of lack of inspections”

John Tuttle: “Okay, so please walk us through your code amendment and how you feel that special inspections of cell towers would fit into the international building codes.”

Kris Pastoriza: “You want me to read the texts that I submitted to you?”

John: “Or what section do you feel it should apply to and why? What I’m struggling to understand, and my understanding is that the ICC codes are written to regulate structures of buildings for occupant use. Cell towers, I’m not sure how that fits into our building codes in that realm, so I’m looking to understand from you where you see them fitting in.”

Kris Pastoriza: “It fits in in section 17, special inspections. I have, it’s a lot to read, and it was under section 1 of 7.1. Do you want me to read what I sent you?”

John Tuttle: “Sure”

Kris Pastoriza: “Proposed code language is submittal documents, for cell towers consisting of construction documents, statement of special inspections, geotechnical reports and other data shall be submitted in 2 or more sets with each current application to the building inspector, the town, and the New Hampshire State Fire Marshal’s Office. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the private constructing. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by registered design professional. As it stands, those are only required to be submitted to the town and the building inspector.”

John Tuttle: “Okay, thank you. Currently, this stands before our board as a proposed amendment. Kris has also filed other paperwork to begin the appeals process, which we’d like to take the amendment first before we start discussing on an appeals hearing. We can get more information on that later, but what does the board want to do with the current amendment, in front of us regarding special inspections of cell towers?”

Carl DuBois: “I’d be interested to hear from The State Fire Marshal’s Office if they take issue with the proposed amendment”

Ted Evans: “I’d like to find out from bill McKinney what the position is on the Building Officials Association, because I think it impacts them substantially.”

Medard Kopczynski: “So John, just a comment, and I think I agree. I’d like to hear it from the State Fire Marshal but I’m not quite sure why the applicant thinks that the State Fire Marshal is any better prepared to make these inspections than local government. I mean there is nothing unique that I know of about the State Fire Marshal’s Office, and I mean no disrespect to the State Fire Marshal’s Office. Maybe there’s some insight that we’re just not aware of.”

John Tuttle: “Okay”

Kris Pastoriza: “I only know that the State Fire Marshal’s Office will take over special inspections making sure they are done if a town does not have a building inspector, that’s why I figured they knew what they were doing. I don’t care who does it as long as somebody makes sure that it’s done and I point out that I have a second proposal, it just has to do with records of special inspections. It’s the same addition to add somebody to that list if it gets them to make sure that inspections are done properly.”

John Tuttle: “Michael Hagen, as a code enforcer are you typically inspecting tower structures that are non-occupied?”

Michael Hagen: “The special inspections reports are generated by the structural engineer and the architect. They define when special inspections are required for special... if there is welding, if there is special concrete or any concrete testing that exceeds a certain size or area that needs to be batch tested and core tested rebar placement. So on and so forth, so the special inspection report is generated by the architect engineer, and then submitted to our department. We make sure that we get a special inspections report if a report is generated by the architect and engineer. Once prior to any sign off or final inspection, we make sure that we get a final signoff from the identified special inspector. No one goes out and inspects it because it is all done by special inspectors that’s part of the process that we only do a final inspection compiling all the final reports, making sure that all the tie downs for these special unit polls, or if there was special concrete in these model polls, they could be 10 feet deep. We have one here in Keen I think it was 13 and it looked like a big huge bunker with tons and tons of probably, I don’t know there was like 5 tractor trailer loads of rebar, so we are part of that process and inspecting footings, but the special inspector is the one that signs off on the concrete testing and the welding and the bolt placement, we don’t have the special tools for that. That’s why it’s required in the building code to have special inspectors do that portion. If those aren’t being done you should refer back to 155-a, it is left up to the contractor to make sure that anything built in the State of New Hampshire meets the building code. The contractors held liable for not needing the building code requirements and that’s part of that as well. I’m not opposed to adding them, but you are just adding an additional step for contractors when it is already part of the code, that they need to provide it. I guess

I'm just adding another step and another person involved when I can only speak for Keane, been here 20 years, but we do a good job of collecting that data and that information, some of the smaller towns like you run into may not be. Again, it is up to the contractors per 155-a, that they are responsible for meeting the building code. If they are not doing this then, again, if most of these jobs have an engineer and architect involved in it, and they are the ones signing off at the end as well. So we are making sure that it's met to those requirements that they specified in their plan."

John Tuttle: "I want to come back on another question for you. So you, as an inspector are inspecting cell towers in your jurisdiction?"

Michael Hagen: "Absolutely, yeah, any structure, I mean, in the building code that says any, any retaining over 6 feet we have to get a permit for an inspection."

John Tuttle: "Are you holding your inspections based on the IBC?"

Michael Hagen: "correct, yeah."

John: "What sections of the IBC?"

Michael Hagen: "Well again it is based on the plan and all sections of the IBC, if you go to administrative sections chapter 1, it specifically states where inspections are required and when their inspections are required and what needs permits. So you know I'm more than willing to give a tutorial on it on section 105 what requires a permit, and then it goes into what's exempt from needing a permit it's not just occupied structure, it is any structure. It could be a garage. I mean, that's not an occupied structure for human occupant. I mean, you park your car in it, but we still get a permit for it."

John Tuttle: "oh ok thank you, I don't have experience in that realm so thank you. Mr. Trexler and then Mr. Evans"

Michael Hagen: "So, if anybody wants to see where inspections or what inspections are required, it is under section 110 inspections under the 2015 IBC. So you can look that up and know what inspections are required."

Jeff Trexler: "One of the reference standards in the IBC is ASE 7, which is minimum design loads for buildings and other structures so that clearly covers things like cell towers, which would be another structure or perhaps an occupy type structure. But I think the problem here is not with the code, it is a problem with enforcement. The building code IBC currently states in section 1704.2.3, this is under the 2015 code. Statement of special inspections, the applicant shall submit a statement of special inspections in accordance with sections 107.1 as a condition for permit issuance. So, the statement is required to be submitted before you get a building permit. So, the problem I think is that the person who is issuing the building permit, may not be enforcing this and requiring that statement of special inspections. Now whether that is the local enforcement agency or the State Fire Marshal's office, if they are issuing the permit in absence of a local enforcement agency. So I think that the special inspections are not being done is not because the code doesn't require it, or that we need an amendment to the code, it is an enforcement issue."

Emily Stevenson: "So, we have someone from the Fire Marshal's Office here with us. Sean Toomey, you are now unmuted free to speak more on this"

Sean Toomey: “Good morning, Real quick, and I missed some of the earlier testimony but a couple quick points. I think Michael covered the process and Jeff did a great review of the IBC requirements. Our office definitely can’t do the special inspections. Under certain circumstances, our office can do the regular inspections identified under chapter 1 acting as the building official in the case of this specific project that we are talking about, the town has a code enforcement mechanism and the way the statute was set up we weren’t able to come in and do those inspections and act as the billing officials. So, you know, if someone the statute would need to change for us to get involved and you know that the intent is for us to primarily be involved in state projects and state owned properties and municipalities that don’t have enforcement and then they just changed the statute slightly to allow us to help out essentially on municipal funded projects.

Ted Evans: “So, my feeling is that this is a redundant exercise. These requirements already exist and there's no reason to get the Fire Marshal’s office involved with this. I don't think this is something they're really going to be anticipating doing in addition to town responsibilities, I'm not sure how that would work, but I think Mike is right this is already being done. It's the contract is responsibility to follow the law. Which says that they must follow the code. So why are we restating that? And putting a burden on people that already are doing this work? Anybody issuing a permit gets record of special inspections before they issue a C out. If there's a town that's not issuing permits, then the Fire Marshal office does that function. That's what John just stated, so I don't even think that we should put this to public hearing. I think it's a redundant exercise. That is useless.”

Jeff Trexler: “So, I, I want to clarify that special inspections are different than building official inspections. The building official, you know, would go out and do some inspections, but chapter 17 of IBC specifically geared to special inspections and that section 1704.2 says “where applications made to the building official for construction, as specified in section 105 the owner or the owners authorized agent other than the contractor shall employ one or more approved agencies to provide special inspections and tests during construction on the types of work specified in section 1707” (1704.2). So, these special inspections are intended to be paid for by the owner and provided by the owner and crap, sometimes through the contractor but it's outside of the building official’s responsibility. This is clearly on the applicants table that they're required to submit a statement identifying what special inspections are required for this project in accordance with the code and then the code also stipulates about how reports get filed to the various parties to demonstrate that the inspections have been done, so I don't see where we need the change in the codes. Everything is in there as I stated earlier, to demonstrate that the inspections have been done, so I don't see where we need the change in the codes. Everything is in there as I stated earlier. I think this is a problem of enforcement, not a deficiency in the code.”

Mariellen Mackay: “Thank you, I too have a lot of questions and I wonder if we really do need to keep this. Don’t people who want to put up companies who want to put up cell towers to get permit, they generally have to get a variance of some sort, and they’re going to come in front of local zoning and or planning board and wouldn’t some of this be handled at that local level because the boards are going to be asking that everything has been accomplished and accommodated to meet code and to meet the regulations. So, I too think this is redundant and I agree with my fellow board members who also have the same questions about the necessity of this change.”

Kris Pastoriza: “Can I speak to my experience with this?”

John Tuttle: “Absolutely”

Kris Pastoriza: “Nobody in the town had a clue about special inspections. Our first tower was built, no list of special inspections was submitted, no special inspections were done, and no final report of special inspections was done. When we, me and somebody else finally found this out and brought it to the town's attention. They were told by their lawyer that the tower built been built 3 years ago and there was nothing they could do about it and at every turn when we tried to bring up what needed to be done they stonewalled us. I can't go to the applicant and sue them, which is your recommendation of recourse for their failure to submit special inspections lists and reports. So, it's another situation where there's a code requirement, but if the applicant decides to take advantage of a small town they can do that and they are doing it. I put in the 91 a, the big towns Nashua, Pembroke, they get special inspections done, they have code officers. Small towns Barrington, Easton, North Hampton, North Woodstock, Warren maybe have content I did 91 a's is they had no special inspection reports.

So my feeling is that the contractors, if nobody asked them for the special inspections, they skipped them and save themselves some money. Which is a big issue for the state and it shouldn't come down to someone who happens to know about it to sue the applicant. To make the code to be enforced. So, there's a problem when building code inspectors simply don't know about section 17.”

John Tuttle: “Yeah, I understand I understand the frustration with that, but nonetheless the code exists and it's up to the building inspector to enforce that. I saw Mr. Ted Evans hands up. Yes, sir.”

Ted Evans: “My suggestion is that this is something that may be the Attorney General's Office should be made aware of because basically people are breaking the state law. If they do not follow the code as simple as that. We can't force everybody to follow the code, either as a board, or is individually inspected, it's just, you know, that's the nature of the game but people are supposed to follow the law. And if they're not, there should be some form of prosecution, whether it's criminal or civil. We have no criminal penalties for code violations in the state. Other than those by electricians, plumbers and gas vendors. Builders don't have to follow those things and face criminal penalties, but they do face civil penalties. So, I think the fact that this person is saying, they couldn't be sued might not be correct. I think the Attorney General might be able to take some action, I don't know that, but that's my guess and that's where I think they should be directed.”

Kris Pastoriza: “I can pursue that. I also like to point out that I lodged complaints with the Licensing Bureau for two of the engineers in the project for not submitting special inspection reports and they decided that they were not negligent and I submitted a 91-a to find what documents these engineers had given to show they weren't negligent. They told me that I couldn't see that information. It was protected. So, it may well be that they did submit a special inspection report. It's simply never made it to the town that I had no way of knowing and that was the Engineers Professions or Professional Licensure Board. A response to trying to find out what was going on behind the scenes?”

John Tuttle: “Well, I think that you've heard the discussion here, and I think that we're all in agreement at a board level that the requirements for these special inspections does exist. And it was be it negligence or just plain oversight, for whatever reason those reports were not submitted in the case that you're, you're discussing. I don't know what recourse at a board level. We would have to do that. As far as your amendment goes, it would be a redundant amendment as the requirements are already existent within our code. So, I'll ask the board one last time, if they wish to proceed with your amendment. But I'm going to assume that that the answer will most likely be no. With that said, that said I'll ask the board and then another topic I want to bring up and discuss with you, is your request for

an appeal through this board. So, let's 1st, ask the board. What is your pleasure to do with this proposed amendment? Would you like to see it go forward to a public hearing? So I will add well, I just before we do that. Mr. Trexler?"

Jeff Trexler: "I just want to indicate that this issue is special inspections is not unique to cell towers happens across the state in many towns on many projects and there's a lot of misconceptions amongst people in the engineering community and the construction community about what's required when it's required how much is required. We had an all-day program with the New Hampshire Building Officials Association a couple of weeks ago on this very topic and the, how it's enforced. It's variability enforcement throughout the state. It's not just cell towers. This is on a lot of projects."

Medard Kopczynski: "Can I can I make a quick comment?"

John Tuttle: "Yes, absolutely."

Medard Kopczynski: "You know, this brings back a subject and, you know, Ted handed out a little bit and I know Sean and others have talked about it peripherally from time to time and you're probably involved in this discussion. And that really gets down to, in, in some cases, not in all cases, the qualifications of contractors, and the qualifications of people making inspections, and sometimes the qualifications and experience of architects and engineers. And what the board I think could do is provide some sort of support for any sort of legislation along those lines that would increase that. Whether it be training or education or certifications or whatever the case may be. But I will tell you there is there is a wide gap, when you've seen some of the work. Between areas where you have the professionalism that's been taught by Mr. Trexler and others, and some things that take place in small municipalities or small governments if there's even any enforcement mechanism at all. And I will tell you, that's not unique to New Hampshire. I mean, that's a problem throughout the country more or less. Right? So, I think the board, if it's going to take a position at some point on, this would probably take a position, that really does support education for contractors, education for building inspection personnel, some education for elected officials in appointed officials so that they understand some of this because there's a misunderstanding in many cases about what the process is and what the process should be and with that, I'm ready to move on."

John Tuttle: "Thank you Med, so board we are, we're taking a roll call vote if we wish to push this on to a public hearing or not."

Michael Hagen: "Can I make a motion?"

John Tuttle: "You sure can Mike"

MOTION: Michael Hagen: "With that I'd make a motion not to send this to the public hearing based on that information already required in the building code the way it's written."

SECONDED: Ted Evans

John Tuttle: "alright, any discussion before we vote? Seeing none"

Ken Walsh: "I recused myself from this one"

All other members voted

John Tuttle: “So, Chris, I think that the board, I think you've heard what we've had to say that we feel it's already in there and then it's more of an execution at town level and on a municipality level. So that said, I believe you also have an appeal through this board. Is that correct?”

Kris Pastoriza: “Yes I do”

John Tuttle: “Who are you appealing a decision from?”

Kris Pastoriza: “My ZBA”

John Tuttle: “Are you looking to continue that appeal through this board? Or are you looking to go to the attorney general's office with this matter?”

Kris Pastoriza: “I will go to the Attorney General's office with the negotiate of the contractors, but my understanding was that I pursued this through you.”

John Tuttle: “Okay, so understanding that Emily can you put the appeal on the next month's meeting agenda. Have all applicants been notified for this appeal? Does the zoning board know that you are appealing their decision at this board?”

Kris Pastoriza: “Yes they do and I submitted proof of that.”

Moving on John Tuttle asks if Mr. McDonald is in the audience, and asks what he is hoping to achieve coming before the board today regarding techno posts and if he could please explain it to the board

Alex McDonald: “So, we've been in business for about 5 years now, and our company was, we got our certification with the Commercial code in 2006, but we figured out that that was not going to be applicable to residential code so we got put into the residential code in 2018 through latmo. For the most part, my experience in New Hampshire has been terrific. However, there are a couple towns who are not allowing me to do residential projects, because we all they got put in the code in 2018 and the state has adopted the 2015 IBC. I've tried to offer them the 2018 code and I've tried to facilitate an engineer's presentation to help answer any questions, but I'm really hit hitting a wall there. I didn't know if there is a dialog that can be facilitated, um, in these matters. Or how do I work with that particular situation?”

John and Med continue to discuss about Materials and methods chapter 1, it is believed by Med and that's the mechanism that allows the building of the code official to potentially accept the fact that something's in the 2018 code. That would be that would be what I would do at a local level.

Mr. McDonald states “its 104.11 and for the most part, I think that has been my experience in the state and it's been very successful. I've had great dialogues with building officials. However, there are a few towns that blatantly said, no, the state hasn't accepted your product and the conversation is over. Is it the nature of the beast that, uh, you know, what they say goes and that I just have to accept that or is there a process where I can appeal? Because. It costs a lot to be in the residential code, and I'd like to take advantage of the fact that we, we went through that process. I guess I just need to know is there, you know, when I get stonewalled like this is there an avenue I can take? Or is it really just down to the town if they, if they want to adopt it or not.”

John Tuttle: “I believe in the past, we have actually made amendments to the code that allowed alternative products based upon a performance based criteria and my recollection was a polypan. For

under water heaters if I was correct. Um, I've seen a couple of hands up and let someone else Speak to this. Mr. Evans. And then, Mr. Jeff Trexler after that. Bu

Ted Evans: "My 1st question, if I were still a local inspector, it would be does this product have an ICC evaluation services report?"

Alex MacDonald: "We've been both certified by the ICC and IRC"

Ted Evans: "I'm sorry. And sorry, but my question is, has there been an evaluation service report done on this product? Because. That's something as a code official I relied on. To provide an evaluation as to whether the intent of the code was met by this product and it's either yes or no question. Have you had? And then, yes, report done on this product or not."

Alex McDonald: "Yes"

Ted Evans: "Then I think that that would be the 1st step I would take with a local inspector is provide as much information that would help them. Make a decision to allow this product, and the fact that it's been introduced into the, the future code. As well, as an evaluation service report, and then there is an appeal process for a local inspector. If the decision is made not in your favor, you can appeal it. Either. If it's if it's the town or city has and appeals board, you can bring it before that. Or if they don't have a building code appeals board, you can bring it before the zoning board of appeals and try to appeal it there."

Alex McDonald: "That's very helpful. One, quick question in regard to that, are towns required to have that appeals process because in my experience, I've had 2 inspectors say there is no appeals process and that was. I would have preferred to go that route then to present to the board, because I think that would have been a better relationship with the inspector, but they just said there was no appeals process. So, I guess, is it required by the state?"

Ted Evans: "I'll leave it up to others to quote the law, but yes, it is required."

Jeff Trexler: "Just a follow up with what Ted was saying. I believe it's in the code that the local enforcement agency supposed to have an appeals process. Um, but, uh, I was going to ask the same thing about the evaluation service report. I look at those as an engineer all the time to see if the particular product, um, is acceptable by the code and, uh, for Alex. The question is, is your evaluation service report, has that been done in accordance with the 2015 International Residential Code, or only the 2018. International residential code, because in the evaluation service report itself, it will indicate which codes that this report has addressed."

Alex McDonald: "Okay, that's a great question. So I'll have to follow up on that. That's very valuable information. Thank you."

Jeff Trexler: "If it does say that it's been evaluated under the 2015 international residential code, then that's that there's your evidence right there that your product is acceptable, or should be acceptable to the local building official."

Alex McDonald: "Perfect, thank you."

Ken Walsh: "Well, thank you. Mr. Vice chair. I would also comment to having done this for as a working code official. For many years, I have taken a look at products or projects, rather where. What this

gentleman is indicating if it was already included in, for example, let's say in 2018 code. We've had scenarios where there were items that were not in the 2015 or prior codes rather, and it was in the loader code. We would also do it under alternative methods and we would accept that but, that would be something again, go back to a local code official and it definitely is in the RSA's for the local appeals process as well."

John Tuttle: "Okay, and the other members. Okay. So, Alec, you have a release of information and privacy waiver in front of us. What was are you asking for an amendment to our code?"

Alex McDonald: "Nope, I, I was honestly just I needed an appropriate dialogue to be able to talk to inspectors in a way. That is both respectful, but also, I just needed to know that there was a process that I could put more things on the table and have them reviewed which you've done for me. Thank you very much for your time. It's been very valid.

John Tuttle: "Okay. Super, no, we appreciate that. Thank you very much. Peter, did you have a question? "No. Okay. Excellent. All right. I believe we'll move on to our hearing. Are we able to take a break if the board so desired for a couple minutes before we begin this hearing? Emily is that possible?"

Michael Hagen: "Could I go back to one thing Mr. chair before we go on break, I just wanted to go over, you know, been on the board for 3 years now, I just kind of want to go over the process for not only for myself, but for all the board members, on when we're going to present. Get some hard deadline time so that we can present this to the legislature for the 2018 code adoption. I don't know if we're willing to do that at this point but I'd like to, you know, some of the questions that are coming up is like, when. You know, like we heard from earlier from a gentleman about the NEC. If we can start nailing down some times, because each month we meet and there's a little bit more a little bit more. But I think deadlines would be good. So that we can meet that, we had such a hard time getting to the next code cycle before. I just don't want to have another 5 years go by, you know, and not have the next set adopted where we can move forward and have these great products. Like the gentlemen from the techno metal post. It's in the 2018 code and some of the new products that come in, it really helps us as code officials to have the updated code requirements. So I just kind of wanted to throw that out there."

John Tuttle: "That's a great conversation to have. So, let's talk about that now. What's the board sense on scheduling some board conversation and say we just pick 1 or 2 of our reports to go over next month? And just tackle a couple of reports at a time. What's the board sends on this?"

Ken Walsh: "I do think we do need to do that to try to move it along. So I would I would certainly recommend as indicated to John. We here. 2, at the very least if not, we can do more depends on. How involved each 1 is, but I do think we need to move along."

Jeff Trexler: "I've been getting the same kind of question through the members of our structural engineers in New Hampshire organization and, and I got to let, you know, that there's a lot of discussion about whether the structural engineers in New Hampshire would support the 2018 code. They're thinking that we should be on a 6 year cycle, rather than a 3 year cycle. Um, and, you know, whether it's the 2018, and then you go 6 years to the next code, but we'd like to get into that discussion and perhaps someone from the SENH Board of Directors might come to a meeting to present their, their side of this issue. I think the earliest we can move forward would be sometime next fall with a legislative service request. Would that be correct? Um, so we've got a little bit of time before we can get something into next year's session."

John Tuttle: “So understand this Mr. Trexler how we to approach this we may be actually cramped on time. We're going to need the whole public hearings on all of these proposed new edition adoptions and are we as a board looking to just ask legislation for the next edition of those code books or are we going to present a whole holistic package that includes what we would hope as amendments? Because if we don't, we might be stuck with a code edition without New Hampshire provided amendments and then we would be stuck for another whole year as we work through amendments to then ask legislation for ratification on those, because we no longer have the power to enact amendments instantaneously. So, I think the conversation needs to kind of contain all of that and if that's the whole package, the whole scope of work we're looking at, that's a lot of work to get done before fall. Mr. Ted Evans?”

Ted Evans: “My thinking is that we should be definitely setting a deadline and even if it means working through the summer. Which actually in the past we've taken months off. I think this this year is probably not appropriate to do that. We've got a lot like you say, ahead of us. But I don't see any reason why, as we have done in the past, that we could adopt, or make a recommendation that the code be adopted with the so called standard amendments. Like, what's the name of the code? What's the, height of the rail, whatever those things are that we've done for all the times in the past? That with the analysis of the code itself, so we're voting not just like, oh, we accept the committee's report. But we're going to vote to accept the Committee's report with the standard amendments and we can rattle them off and do them one at a time. It shouldn't really be that time consuming because I think we can do 2 or 3 per meeting if not more. If we've got our act together. Now, I sit here in California and retired and I can get my act together and I feel for you guys. So. I understand, but there is some urgency to get this done because we don't really want to fall behind despite what the engineers feel about 6 years. We really have been promised and the intent was to stay on a 3 year cycle, but one cycle behind the publish code and I think that's the goal and that's what we should achieve. And that's what we should strive for. So, yes. Get a deadline of whatever it takes. September that we have to get completed by September public hearings and all. There's no reason why we can't look at the IBC and the IECC in one meeting and schedule the public hearing for that. The next meeting while. We're looking at the IBC and the IRC and then do it like that, like, leap frog fashion. There's no reason that can't be done. If John, you need some help organizing that I'd be glad to step forward to do that.”

John Tuttle: “That would be great. We'll take up on that offer. So. I think we're all in agreement that we need to get a deadline 10th row September. What's the board sense on that? Is that something that we want to stick to? Yeah, sorry, go ahead.”

Michael Hagen: “I think September is a great date and kind of putting together, I think each group needs to remain now that we've kind of work through the, the aspect of what. What amendments we're going to pull forward from the last set that still hasn't been approved, but for the 2015, but put those as a package. That's really we're running into issues now with amendments that we put forward, but hadn't gotten approved from the legislature. So I think putting together as a package, and the Committee's meeting back up again to push forward amendments to the board for public hearing. I think that's kind of the next step each group meeting again, and adding on those amendments to that and with those public hearings really making it advertise to the major stakeholders of any amendments that they feel need to be brought to the code as well.”

John Tuttle: “So, on that note, I think maybe for our 1st public hearing that we could probably schedule next month, I think we should take some of the, the lesser controversial codes and post those for next month. So, maybe we do the, Plumbing code, Mechanical Code, and the International Pool and Spa.

That'll give another whole month for people that might have more controversial items that they want to bring forward other organizations that want to bring forth their amendments to the things of the IBC the IRC and the International Energy Code. Does that sound like a game plan? Just thumbs up on that? It's a great start. All right, so let's use international plumbing code. Let's use pool and spa and let's use IMC. I am seeing Mr. Maynard will you be able to get us a report? By next month that we can use in our conversations for the IMC.

Med Kopczynski: “Yes, absolutely. Yeah, I think you're headed in the right direction and I. You know, believe it or not I do track ASE 7 so I'm familiar with ASE 7 that's in 2018 and a little familiar with what's coming down in the 21 codes, although this might be my last rodeo. From that standpoint, but I can tell you the code says they change become more stringent or more difficult. That's not always true. It's a matter of fact, it's generally not true. And what happens is the, the things that are necessary for our state, and for our country. Both from a standpoint of protection as well as the economy. So, the danger of not moving forward is, you know, you had a gentleman today who talked about the 2018 code and this product. Now, the danger by not moving forward is that you can certainly cut out products that could be manufactured in New Hampshire and shipped out or vice versa. That are not allowed because you haven't kept up with things and arguably we are on a 6 year. You know, if you think about the published dates, the dates that you adopt how long it takes to get through the, the process itself. So, the earlier you get this into the cycle and begin having the conversations, I think the better, because I think Michael's right. You know, if you wait 5 or 6 years down the road to about 2018. By that time, you're probably going to be under what it would be that 2025 was being published or maybe the 2028 it's being published.”

John Tuttle: “And anyone from the public that's been raising their hand towards this conversation at all.”

Emily Stevenson: “Yes, we have a question from Chris. You are now unmuted”

John Tuttle: “Chris you there. When Chris comes back, we're more than happy to hear from him.”

Meeting Closed to start a Break to the Public hearing.

2018 Code Subcommittees

No discussions on Subcommittees were made.

OTHER BUSINESS

PUBLIC PRE-HEARING CONFERENCE:

MEETING ADJOURNED