

***New Hampshire Board of Fire Control
Joint Committee on Code Enforcement***

Meeting Minutes

Date: September 26, 2018

1:30 pm – 3:15pm

Location: IPOC Media Room

Invited members included (*absentees noted in italics*):

Board of Fire Control: Daniel Andrus

Electrician's Board: Peter Cicolini

Mechanical Board: Bill Trombly

Water Well Board: Kelly Dobrowolski

Board of Architects: David Udelsman

Board of Engineers: Chris Mulleavey

Architectural Barrier Free Design Committee: Paul Garant

Building Code Review Board: Shawn Bergeron

NHAFC: Bradley Ober

NHBOA: William McKinney

State Fire Marshal: Deputy Fire Marshal Sean Toomey (via phone)

Other Attendees:

Bill Nash, Intn'l Code Council

Catherine Goff, Division of Fire Safety

Maxim Schultz, Deputy Fire Marshal

Paul J. Parisi, State Fire Marshal

Dotty Hersh, VP Government Intn'l Code Council

Sean Brown, Concord Fire Department

Steven Rancourt, ECBA

Meeting notes:

Meeting called to order at 1:34pm by Daniel Andrus, Chair. Andrus welcomed all to the meeting.

Introductions around the room.

Review of minutes.

On a Motion: Chris Mulleavey motioned to accept the minutes from the July 25, 2018 meeting. William McKinney 2nd the motion. All in Favor. Motion carried.

Director Paul Parisi talked about the purpose of this Committee and the committee's roll – to discuss matters of mutual interest in the area of code administration, coordination of the state building code and the state fire code adoption, inspections, licensing and certification.

Director Parisi provided detail to the committee of his and Deputy Fire Marshal Sean Toomey's

testimony that they recently provided to the HB1254 sub-committee.

At this time, this committee recognizes that the State of NH needs to adopt newer code; the attendees at this meeting find it unsettling that local authorities are able to adopt revision/deviation to the state fire code. Today's discussion includes how local authority provides authorization to their communities through their own appeal processes to issue variances that may ordinarily be denied by this office.

This particular committee has a big part in the vetting of these issues/needs.

As a group, it was discussed that architects and engineers need to provide input on many of the issues before this committee. This should be done either as smaller groups or by this committee as a whole.

Director Parisi talked about the need/ability for the legislature to approve code changes 1st if there is a financial impact on businesses.

With the Board of Fire Control, the Committee should have the ability to move forward with amendments by reaching out to legislative members. He asked the group how they felt about having x-officio, non-voting members this Board.

William McKinney discussed the issue of retroactive enforcement on existing buildings and it being excessive –v- reasonable.

The Building Code Review Board (“BCRB”) seems to be in good shape, but may need legislature activity/involvement for a better process. It is suggested that BCRB have a Senator on its board. Ideally, with this board, we need to look at issues such as cost –v- benefits –v- education.

The Building Code Review Board may be empowered to adopt – but is not going to do this.

As a group we discussed the process to update NFPA code 2009 to the 2015 NFPA code.

William talked about this committee: The committee shall discuss matters of mutual interest in the areas of code administration, inspections, licensing, and certification.

Shawn Bergeron talked about the Building Code Review Board and how they are empowered to amend the State Building Code. The 2018 code can be choose and acted on – however he advised that the Board should not be the final say on this issue and we should allow the legislature to have the final say. For this purpose, the legislature should be bought into this process early on. In his opinion he felt it would be beneficial to have a legislative member on the BCRB.

Shawn talked about the time frame on the BCRB for getting adoptions passed.

Shawn spoke about his role in acting as a consultant for homes in the northern part of the state, and he spoke about towns issuing variances on building that are not proper.

It should be the duty of the Committee to set an educational requirement to those involved with code standards.

Bradley Ober gave an example of a situation that he was recently involved with and explained how the reference code helped resolve this issue. Reference codes are a good tool.

Bill Nash talked extensively about “cost neutral” as it pertains to this process. There is a copy of a report coming out in November – and he has agreed to share this report with this Committee. This particular report will cover going from the NFPA 2012 code to the NFPA 2015 code.

Bill Trombly talked about a past adoption for PV venting – he advised that after a year of this specific adoption and money spend to comply with the adoption – the requirement was later rescinded and to date is no longer used – this activity caused a financial burden on the industry – for this temporary requirement.

Bill spoke about the inspectors being certified. In the past this has been a cost/funding issue. This is an important issue and should be revisited. There should be a level of education that is required for inspectors – one that is not voluntary but a requirement. As the inspector becomes more knowledgeable there will less conflict with professionals. We need to have these standards in place.

He advised that in conversation with Senator Bob Guida – he found that the Senator was surprised that there was no licensing process for building officials. He spoke about potential language “municipalities may not make any exemptions to the state fire code”. Appeals processes are underutilized and misunderstood.

Sean Toomey suggested that the Chair of this Committee write something up to represent the Board on the need to stay current with code. At present, issues are arising with older code and there is confusion, as well as, problems with sober houses and air B & B’s not being safe. Changes also need to be made with safety issues at schools. If this task can be accomplished with making small amendments along the way – then so be it.

Max Schultz advised the group that there are no prerequisite requirements to becoming a fire chief in the State of New Hampshire. This makes it difficult for them to do inspections when asked.

As a group we discussed HB 1254 - establishing a committee to study the procedures for adoption of national codes by the State of New Hampshire; establishing a moratorium on the adoption of changes to the state building code and state fire code; and repealing the joint legislative oversight committee on the emergency management system.

Max advised that Senator Guida and Senator Carson are looking for funding to get industry in the state all on the same page.

This Committee needs to make recommendations as to what help can be provided for this specific situation. Action will be taken with or without this committees input – so it is pertinent that our input is heard.

Steve Rancourt identified frustrations with the lack of uniformity and jumping of codes. The codes need to all be in sync to make it all work – all being on the same page would go far.

Daniel Andrus spoke about the lack of understanding in the process to make amendments –

variances are sometimes issued that are conflicting with state codes, training issues, and process.

Dan advised that at the last Board of Fire Control Meeting, the group spoke extensively about expanding the board.

David Udelsman brought up the importance of making code amendments and asked for discussion about how we could put a clearer process in place for both fire codes and building codes so regular amendments can be made by the two boards. He also talked about certification of building officials.

On a Motion: David Udelsman motioned “this committee support that there is a regular adoption of building and fire codes. The adoptions of such codes will be based on a prior cycle of code. The 2018 code will be adopted replacing the 2009 code”. Shawn Bergeron 2nd the motion. All in Favor. Motion carried.

Group discussion included:

- *The code update addresses more new products that have been introduced.
- *By the time the codes come out they are already 3 years behind.
- *There is a cost involved with updating codes.
- *Conflicts between building code and fire codes.
- *Ability to look at special exemptions (on fire protection)

On a Motion: David Udelsman motioned to support ratification. Authority is to be maintained by the Building Code Review Board and the State Fire Marshal to make ratification(s), such consent must be ratified to legislation within 24 months. Shawn Bergeron 2nd the motion. All in Favor. Motion carried.

On a Motion: David Udelsman motioned that prior to any local/municipal authority issuing amendments/variances first submit documentation to be reviewed by this committee on the proposed change/variance to insure compliance with the state building code and the state fire code. Chris Mulleavey 2nd the motion. All in Favor. Motion carried.

On a Motion: David Udelsman motioned that funding be established for the education of code enforcement officials. Bradley Ober 2nd the motion. All in Favor. Motion carried.

Next Meeting: November 8th, 2018 in the IPOC Media Room (11:00 – 12:30)

On a Motion: Bill Trombley motioned to adjourn the meeting, Shawn Bergeron 2nd the motion. All in Favor. Motion Carried.

Meeting Adjourned: 3:14pm

crg