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

- Fire Marshal Paul J. Parisi
- Floyd W. Hayes III, Petroleum Industry
- Steven C. Freitas, Chemical Engineer
- Norman W. Skantze, Forest Fire Warden
- Allan R. Clark, Volunteer Chief of Fire Dept.
- Daniel L. Andrus, Chief of Municipal Fire Dept.
- John D. Ela, Manufacturing Industry
- Paul Thibault, Insurance
- Richard M. Heath, Electrical Engineer
- Robert M. Lundergan, Natural Gas Distribution
- Brandt Lambert, Propane Gas Distribution

**Other Attendees:** Members from the Department of Safety – Maxim Schultz and Shana Warriner from the New Hampshire State Fire Marshal’s Office.

**Also in attendance and signing in to testify and/or witness today’s hearing** is Jeffrey Emanwelson, NHFPS (Town of Salem), Ari Pollack, NH Home Builders Association, Robert Buxton, NHAFC and Brad Ober, Deputy Chief.

**Introductions – around the room - of Board Members**

**Packets Included:** Agenda for the January 17, 2019, public hearing, an initial code amendment proposal petition from William McKinney, Ari Pollack, and Paul Parisi and an amendment to the exhibit with additional deletions and additions.

**Order of Business:** Meeting called to order at 9:31am.

Chair – we are here today to talk about RE 18-02-15, code amendment proposal petition.

Daniel Andrus called the hearing to order.

The Public Hearing is Open.

**Announcement By the Chair:**

Today is Thursday, January 17, 2019, and it is 9:36am.

This is a public hearing on State Fire Code Amendments and Exceptions in accordance with the
My name is Dan Andrus, I am the Chairman of the Board of Fire Control.

The authority for this hearing is RSA 541-A: 11. This hearing is being audio recorded.

The purpose of this hearing is to gather the public’s comments on proposed amendments and exceptions to the State Fire Code.

I will call speakers in the order in which they signed up.

I will call for any additional testimony from new speakers at the end of the hearing.

Please limit your comments to information not already heard by the board at this hearing today. For each speaker who has signed up to be heard – please limit comments to 3 - 5 minutes.

When you are called to testify, please clearly state your name and who you represent for the record.

Chairman Andrus turned the floor over to Marshal Parisi who talked about a further addition to the amendment that had previously been posted online. Marshal Parisi provided all in attendance a copy of the document that included additional changes. Marshal Parisi introduced himself to the attendees. Marshal Parisi advised that he had attended the Building Code Review Board meeting and at that meeting they heard a very similar exhibit to modify the building code with regards to floor protection. During that meeting they amended their exhibit in several places. With this, what Paul Parisi is proposing is that we make similar changes to our exhibit so that the building code and the fire code will mirror each other.

On a Motion: Allan Clark motioned to approve the amendment which is the subject of today’s public hearing, Steve Freitas 2nd the motion. All in Favor. Motion carried.

On a Motion: Dan Andrus motioned to recess, Steve Freitas 2nd the motion. All in Favor. Motion carried.

On a Motion: Allan Clark motioned to go back into session, Paul Thibault 2nd the motion. All in Favor. Motion carried.

On a Motion: Allan Clark motioned to withdraw the previous motion for approval of the original amendment made by Allan Clark, Paul Thibault 2nd the motion. All in Favor. Motion carried to withdraw previous motion of amendment approval.

Comments by Marshal Parisi – Marshal Parisi spoke about three members that submitted nearly identical exhibits to both the Board of Fire Control, as well as, the Building Code Review Board to modify the building code and the fire code in anticipation of the adoption of the 2015 codes by the General Court. The amendment requests were to deal with floor protection. After the Building Code Review Board had their meeting through a public hearing there was discussion amongst the committee - and they slightly modified their language in order for the building code to mirror the fire code. Marshal Parisi thinks that these similar changes would need to be made to the exhibit before us today - RE: 18-02 15. With this, Marshal Parisi would encourage the
adoption of this amendment.

Chief Clark advised that the only change that he could see is the Fire Marshal’s Office provided the language that would get recorded – and that’s been eliminated. Chief Clark was concerned of what that impact might be.

Marshal Parisi addressed this concern by explaining what the discussion at the Building Code Review Board was and who was going to make the document on the fire protection of floors omission disclosure. A question - where was this going to reside? The decision was made that it would be approved by some body and that body was determined to be the Building Code Review Board. It is well within their wheelhouse to have that disclosure document on their website. The other discussion was whether the document itself ought to be referenced and actually presented and the committee decided that in the event that the document needed to be changed for whatever reason – that they wanted to have the flexibility to be able to do that without having the legislature having to change it. This would be due to the fact that the legislature may actually need to adopt this. We would encourage not doing this due to the process – they would prefer that it not take the legislature to adopt a change to a form - it was decided that the form would be adopted and approved with the Building Code Review Board.

**On a Motion:** Allan Clark motioned to accept the document distributed to the group to amend the proposed amendment distributed by Paul Parisi, Paul Thibault 2nd the motion. All in Favor. Motion carried.

Marshal Parisi provided history on how the proposed amendment document came into place. He explained that he and other parties had been working that document back and forth.

Testimony was heard by:

**Speaker #1**

Jeffrey Emanuelson, Executive Board Member for the New Hampshire Fire Prevention Society/Deputy Chief of the Salem Fire Department, Mr. Emanuelson also serves as the Chief Building Official in the community. The purpose of the New Hampshire Fire Prevention Society is to unite, for mutual benefit, the members of the Society engaged in fire prevention and code enforcement and to promote cooperation and assistance among interested groups through education and communication.

Mr. Emanuelson is here today to advise that he, on behalf of the New Hampshire Fire Prevention Society feels that we need to move forward with updated code - to 2015. And therefore, the New Hampshire Fire Prevention Society is in favor of the Code Amendment Proposal Petition.

Mr. Emanuelson, having been involved in the history of trying to update the building code, felt that most people in the fire service, and certainly from their organization, were not necessarily happy with what we have and, at this time, we need to move forward. We need to get the code adopted; we need to be able to bring back a modern updated code to enforce for our communities that we serve. In the Town of Salem, we are fortunate that we have already adopted NFPA1, 101 and we also have adopted the International Fire Code – 2015 edition. We are operational on that - the problem is we are also operating on the 2009 IBC so there is conflicting language in each of these codes that are out of date with code standards. Getting the code up to being current is a
major goal for their community. With this and short of the state moving forward and coming up with some type of resolution and being able to adopt and update the code, my recommendation to our municipality is to go out on their own. We have a tremendous amount of construction and building going on in our community, a lot of that construction/development is coming from outside the New England area - and not having up to date codes is making it very difficult for us to work with the developers coming in. It is creating a significant hardship for the community. From the Fire Prevention Societies standpoint, it is looking to have consistency at the state wide level so we are all able to move forward.

Speaker #2

Ari Pollock, Attorney with Gallagher, Callahan and Gartrell and Lobbyist for the New Hampshire Home Builders Association. Mr. Pollock is here today in the capacity of the attorney and lobbyist on behalf of the New Hampshire Home Builders Association. He is here today to be put on record and to be part of our discussions this morning - in the past the New Hampshire Home Builders Association had taken issues with the floor protection item. This is something that the Home Builders Association has been vocal on, issues concerning floor protection is one of importance to us as we move the state from older to newer codes. We participated in a stakeholder process over the summer and this fall. The Fire Marshal’s Office, Building Officials Association, all were focused on coming to some compromise. Nothing is perfect, no one gets everything, and this certainly is the definition of compromise. We’re in a place now where we can support the amendment that was on your agenda and the amendment to the amendment that you considered this morning all of which is designed to line up the compromise on floor protection with what was approved by the BCRB and provide a comprehensive package of state level amendments to the national codes so that when and if the legislature moves to the 2015 sweep of codes they will sweep those amendments in with it and we’ll have something that is ready to launch for the state on day one. I have been a proud participant in all of these conversations, it’s time to move everything forward in a productive way and I think this is a good model that we can move into the future with and have a better level of cooperation amongst all the stakeholders. I am here today to voice my support for all that has been going on.

Speaker #3

Robert Buxton is Fire Chief in the Town of Hudson and is President of the New Hampshire Association of Fire Chiefs. I am here today to support the proposal as you see in front of you and although this is not perfect we believe that this is finally going to move the updating of the fire code to conclusion. I have been part of this process and the lengthy discussion for some time. Yesterday I had the opportunity to speak at the Legislature on the Building Code and I wanted to share a piece of impact that is happening locally today dealing with a code that is 10 years out of date. The Town of Hudson, as of the last 6 months, has been through their review with ISO on the building department we were a 3-4 certification rating prior to two days ago when we received our rating for the current year and moved down to a 9. The only place to go below 9 is basically to have no building department at all. When we called ISO and inquired as to why the regression took place when the report card came out, ISO revealed that we had improved in several areas - they said it was out of our control but because the state had not adopted an updated building code we were being held responsible for that. That comes down to a message regarding consistency. One of the previous speakers spoke about the Town of Salem that has updated their fire code to the 2015 code already, the Town of Hudson has been a good steward
wanting to pitch the state building and fire code and stay in step with them, I think if we fail to update the codes we are going to see more municipalities moving out there on their own as this puts contractors at a greater stress as they float from not only state to state but from municipality to municipality. Although not perfect - we believe this amendment will bring us to closure, we are happy to have been part of the process and we applaud the group that can move this forward.

Chief Ober declined the opportunity to testify.

Chair: No further speakers stepped up to testify. It is 10:13am and this public hearing is now closed.

Marshals Parisi advised that he concurs with the changes.

We have tried to get this done for the past 5 years. We have collaboratively worked with the home builders as well as the building officials to come to this conclusion. It is not a perfect solution. Three years ago I set in a hearing and testified in opposition to the home builders because of the importance of floor protection; however, that being said, there are two things that are really important with regard to the exhibit. 1.) Houses are being built now without fire protection and if we continue to not adopt a new code houses will continue to be built without floor protection 2.) There is a built in sunset provision - so in 4 years, after the adoption of the 2015 code there will no longer be an opt out provision for floor protection and it will hence forth and forever more, and unless somebody changes it, be part of the code - and floor protection will be provided in houses. A fear is that if we don’t get this done that there may be legislation that may exempt floor protection from the code and that will be a disaster similar to exempting sprinkler systems from houses.

In closing, Chief Clark advised that this is a crucial amendment and that we need to get the codes at least closer to current. Clark serves as a building inspector and having out of date codes is a real problem especially if you have architectural plans coming in from out of state where they are using a different version, mostly 2015. The effort to try to get over this one hurdle for such a long time is hopefully coming to conclusion. If this is going to get us up to date to 2015 this is a great effort on everybody’s part and I would hope that the board would approve it.

It was decided that two motions needed to take place:

**On a Motion:** Allan Clark motioned to approve the amendment with modifications by approving the amended amendment, Steve Freitas 2nd the motion. All in Favor. Motion carried.

**On a Motion:** Allan Clark motioned to approve the amended amendment – with the changes provided and discussed, Steve Freitas 2nd the motion. All in Favor. Motion carried.

The vote was unanimous. Because of co-extensive authority – the State Fire Marshal and the Fire Marshal’s Office concurs to support this effort.

For the good of the committee, Marshal Parisi went on to advice the committee of process for the electronic monitoring of fire extinguishers and talked about the legislature who has to ratifying decisions from this committee and an amendment to the code within one year of it being adopted by this committee. With the fire extinguisher effort - that may not happen because of a timing
issue of when that vote was originally taken and when the legislature is going to have an opportunity to have their bill take effect. With this, we will need to find some place in some bill somewhere to have the amendment that takes place today as well as the past amendment to make sure that those get adopted by the general court before they expire. Today’s efforts will not be a problem because it was done in January, however the fire extinguisher monitoring may be a problem depending on when they get it and when it can take effect. This is something that we will need to work through with our legal unit. If this cannot be resolved we may need to bring it up here again and go through the public hearing process again to be within the letter of the law.

As a heads up, there may be other things that need to go before this board; we have been going through our informational bulletins and find that some of these items may have never been ratified. As we may find items that need to be re-ratified – we need to be aware that they may also need to be adopted by the general court. As we come across these we will keep you informed. With this, we may need to meet more often than originally planned.

Marshal Parisi talked briefly about the sober house subcommittee, a topic that may or may not need future action by this committee, and NHPA 2015. If the Chairman of this committee testifies before a committee - he is doing so with this committee’s full support. At this time, the LSR has not yet been assigned – it is coming out of the Senate sponsored by Senator Carson and that’s to adopt the 2015 edition of NHPA. Our efforts today was a part of that but it would be crucial to also make known this committees vote of support as we go forward and testify.

The Chair thanked all for coming to today’s meeting.

**On a Motion:** John Ela motioned to adjourn the meeting, Norm Skantze 2nd the motion. All in favor, motion carried.

**Meeting Adjourned:** 10:13am