

**CAB Minutes**  
**February 12, 2016**

**UNIFORM CONSTRUCTION CODE ADVISORY BOARD**  
**Minutes of Meeting, February 12, 2016**

Location  
101 South Broad Street  
Trenton, New Jersey 08625

**Attendance**

Board Members

Beth Pochtar, Chair  
John Scialla, Vice Chair  
George Hrin  
Henry Kelly  
Jason Kliwinski  
Arthur Londensky  
Tony Neibert  
Valerie Waricka

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards  
Michael Baier, Bureau of Code Services  
Lou Mraw, Office of Regulatory Affairs  
John Terry, Bureau of Construction Project Review  
Robert Austin, Code Assistance Unit  
John Delesandro, Education and Licensing Units  
Dave Greenhill, Code Assistance Unit  
Marcel Iglesias, Code Assistance Unit  
Tom Pitcherello, Code Assistance Unit  
Emily Templeton, Code Development Unit  
Michael Whalen, Code Assistance Unit

Guests

David Castner, Sheet Metal LU 22, HVACR Contractor  
Jeffrey Heiss, Township of Warren  
Brian Kamp, Sheet Metal LU 27  
Stephen Rodzinak, Vice Chair, Plumbing Subcode Committee  
Cynthia Schaeffer, Department of Children and Families, Office of Licensing  
Anna Smith, Department of Children and Families, Office of Licensing  
Thomas Polino, West Windsor Township  
Joseph Valeri, West Windsor Township

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:35 a.m. Ms. Pochtar introduced Tony Neibert and welcomed him as a new Board member. Mr. Neibert represents licensed electrical inspectors, and is the Chair, Electrical Subcode Committee.

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**A. Approval of Minutes of the Code Advisory Board Meeting of December 12, 2015**

*Mr. Arthur Londensky made a motion, which was seconded by Mr. George Hrin, to approve the minutes without change. The motion carried unanimously.*

**B. Subcode Committee Reports**

**Barrier Free Subcode Committee:** In Mr. John DelColle's absence, Ms. Emily Templeton reported that the Barrier Free Subcode Committee did not meet.

**Building Subcode Committee:** Mr. John Scialla, Chair, reported that the Building Subcode Committee did not meet; agenda items were discussed electronically.

**Electrical Subcode Committee:** Mr. Tony Neibert, Chair, reported that the Electrical Subcode Committee met on January 28, 2016; agenda items were discussed.

**Elevator Subcode Committee:** Mr. George Hrin, Chair, reported that the Elevator Subcode Committee met on December 4, 2015; agenda items were discussed.

**Fire Protection Subcode Committee:** Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee did not meet; agenda items were discussed electronically.

**Mechanical/Energy Subcodes Committee:** In the absence of Mr. John Fritzen, Chair, Mr. Rob Austin reported that the Mechanical/Energy Subcodes Committee did not meet; agenda items were discussed electronically.

**Plumbing Subcode Committee:** Mr. Stephen Rodnizak, Vice Chair, reported that the Plumbing Subcode Committee met on, January 15, 2016; agenda items were discussed.

**C. Old Business**

1. Review of Education Standards (N.J.A.C. 5:23-5.20)

Mr. Michael Baier, Bureau of Code Services, framed the issue. Because the pool of inspectors is in decline, the Department has sought input in reviewing the educational requirements for construction code inspector licensure. Copies of the current regulations, with a request for review and discussion, were referred to all Committees at the October 9, 2015 Code Advisory Board meeting. The Committees have had four months (two meetings) to consider recommendations.

Mr. John Scialla, Chair, Building Subcode Committee, stated that one major deterrent to obtaining licensure as an inspector is the there is no longer a long term benefit because municipal governments have cut salaries and reduced full-time positions to part-time with no benefits and no pension. The Building Subcode Committee recommended combining the construction official and subcode official courses and to consider offering cross discipline courses.

Mr. Tony Neibert, Chair, Electrical Subcode Committee, reported that the Electrical Subcode Committee members applauded the idea of using technology to provide some hybrid training. Several Committee members proposed a mentoring system designed to prevent the "not in my town" code enforcement mentality. Several Committee members thought that, although holding multiple licenses should make an inspector more valuable, in fact, some municipalities require multiple licenses in order to reduce the number of employees. However, inspections

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require time and having one person who has multiple licenses does not change the time required to perform the inspections. One Committee member recommended limiting the number of disciplines for which one person could be responsible. Like the Building Subcode Committee, the Electrical Subcode Committee thought that the construction official and subcode official courses should be combined.

Mr. George Hrin, Chair, Elevator Subcode Committee, agreed that the core group of elevator inspectors is aging. The Elevator Subcode Committee recommended having some inspections that could be performed without an HHS-level elevator subcode official license. If a lower level license were to be considered, a training period of six months should be part of the requirements for the new license.

Mr. Stephen Rodzinak, Vice Chair, Plumbing Subcode Committee, reported that the Plumbing Subcode Committee held a lengthy discussion. Committee members were enthusiastic about a hybrid course that would make use of technology. Committee members also thought that a mentoring program would ensure that newly licensed inspectors would learn how to perform the job efficiently and effectively. The Committee agreed that the greatest problem is that there are no longer full-time positions. Without full-time jobs with benefits and some job security, younger job seekers are unlikely to regard code enforcement as a job with a future.

Mr. Arthur Londensky, Chair, Fire Subcode Committee, commented that the Fire Protection Subcode Committee had many of the same ideas. There was agreement that the construction official and subcode official course should be combined. Several Committee members thought that the RCS level license should be brought back. Several Committee members proposed that other fire certifications might be recognized, which could reduce the educational requirements.

Ms. Valerie Waricka, Board representative of the Technical Assistants to the Construction Official (TACO), recommended that educational requirements and continuing education courses be included for Technical Assistants

Board discussion ensued. One Board member commented that some municipalities use code enforcement as a revenue stream for the municipal government and do not put the funds back into code enforcement. Code enforcement brings in significant funds which are deposited into the general municipal budget and then code enforcement staff is reduced to a point at which plan review and inspections cannot be completed within the statutory timeframes. Dedication by rider would be an effective solution, but there has been opposition to requiring dedication by rider in the past. One Board member commented that some municipalities have dedication by rider and several Board members agreed that this should be encouraged of—or required for—all towns. There was a brief discussion of the problems that result when code enforcement is not timely. Some municipalities allow for overtime, Saturday work, and cluster inspections for efficiency, but the most efficient office cannot make one person into two. One Board member observed that some Shore towns share resources through an inter-local agreement.

One Board member recommended that mentoring programs or internships could provide an introduction to code enforcement. One Board member commented that because trainees are not licensed, they cannot conduct inspections and, therefore, there is little room for them in a code enforcement office. There was a brief discussion about whether it would be worthwhile to initiate contact with vocational schools. There is currently no active connection with vocational schools, consequently the students who are currently learning trades are not aware of code enforcement as an option or as a future consideration. One Board member observed that colleges and even some high schools encourage summer internships. These internships are not paid, but sometimes credit is offered. One Board member observed that some municipalities might see an

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intern as a potential liability. Another Board member observed that some municipalities allow high school students to operate the computer assisted design (CAD) program. One Board member observed that most people in the trades need to earn a living and could not work in a code enforcement office without being paid. There was agreement that, generally speaking, municipalities do not staff their code enforcement offices to operate effectively. There is little support for code enforcement in many, perhaps most, municipal governments.

The Board discussion moved toward those code enforcement offices that operate well and those that do not. There are code officials who are unpredictable and who make undertaking a project in their town very difficult. These code officials undermine the uniformity of the Uniform Construction Code. Due, in part, to a reaction to these difficult, and often unreasonable, code officials, there has been an active discussion of moving toward privatizing code enforcement.

Having identified several critical problems, Board discussion turned toward solutions. One Board member expressed support for apprentice-type or intern programs. Another Board member thought that identifying students through community colleges might be too late and suggested that the exposure begin in high school. One Board member suggested that retired code officials could be a resource in establishing mentoring or apprenticeship programs; newly licensed code enforcement officials could be provisionally licensed pending completion of the apprenticeship.

Another Board member recommended taking part in career days. Career days take place at several sites, including high schools, community colleges, and at meetings sponsored by professional associations such as realtors. Presentations at these events could begin to “get the word out.”

One Board member observed that offering licensing courses through the community colleges might not be the most efficient delivery system. The community colleges do not operate cooperatively and when there are a few students who register for the Uniform Construction Code class in one county and a few in another county, both classes are canceled. If there were cooperation, it might be possible to hold the class. One Board member recommended that the Department look into having these courses modeled on continuing education courses and offered through Rutgers in centralized locations.

One Board member proposed making code enforcement a State function. The Uniform Construction Code, which is is State-promulgated, could also be State-enforced. The municipal code enforcement office would be closed and the inspection resources could be deployed State-wide through a central system. The towns would pay the State for code enforcement.

There was general agreement that it is essential that solutions be found for the problems identified in this discussion.

Division staff will take these recommendations under consideration. A list will be compiled and those items that could be accomplished in a straightforward manner, such as combining the construction official and subcode official courses, will be prepared for Board consideration. Those suggestions that require more research and consideration will be taken under advisement for additional consideration. In the meantime, any additional recommendations should be submitted to Division staff.

2. Draft Rule: Permits and Certificate Requirements (N.J.A.C. 5:23-2.6, 2.23)

At the December 12, 2015 Code Advisory Board meeting, the Board referred this draft rule to the Division for revisions to conform to the comments made in the Subcode Committees’ minutes and to allow storable pools and hot tubs with an integral GFCI plug to be ordinary

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maintenance only when there is no danger from elevation, for example, when they are on a slab or are on grade.

Mr. Michael Baier, Bureau of Code Services, reported that the revised draft rule is not included in this Board packet, but should be ready for the next Code Advisory Board meeting, April 8, 2016.

Mr. Arthur Londensky, Chair, Fire Protection Subcode Committee, asked that the Board approve the recommendations made by the Fire Protection Subcode Committee in its November 12, 2015 meeting minutes. The recommendations were that the responsibilities for mechanical inspector be qualified to provide that the mechanical inspector could perform the inspection as long as a fire-rated assembly is not being penetrated. Committee members also recommended that the responsibility for chimney verification certificates in existing dwellings should be changed from fire and building to mechanical.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. George Hrin, to approve those changes, as summarized. The motion carried unanimously.*  
The draft rule will be revised to reflect the Board's recommendations and will be brought back to the Board for action.

3. Draft Rule: Elimination of Six-month Elevator Inspections (N.J.A.C. 5:23-12)

Mr. Michael Baier, Bureau of Code Services, explained that this is a national problem. There is a shortage of elevator inspectors. It is becoming difficult to schedule the inspectors, despite offering overtime and using temporary employees. There is concern that by keeping the six-month inspection as a requirement, it appears that inspections are being performed when they are not. The draft rule was referred to the Elevator Subcode Committee.

Mr. George Hrin, Chair, reported that the Elevator Subcode Committee had held a lengthy discussion. The Committee recommended approval of the draft rule with one change: That, because of their safety record, escalators continue to be subject to the six-month inspections. Following a brief discussion, it was agreed that escalators should continue to be subject to the six-month inspection.

*Mr. George Hrin made a motion, which was seconded by Mr. Henry Kelly, to approve the draft rule to eliminate six-month inspections, but to retain those inspections for escalators. The motion carried unanimously.*

4. Draft Rule: Carbon Monoxide Detectors in Commercial Buildings (N.J.A.C. 5:23-3.14)

Mr. Michael Whalen, Code Assistance Unit, explained that this is a statutory requirement and asked that all Committees review this. There is no directly applicable technical standard to reference. The draft rule was referred to all Subcode Committees.

Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee recommended that a new subsection be added that would specify that for occupancies other than Group I-2, I-1, I-4, and R (which are covered in the charging text) audible and visual notification would be required at the detector, control panel and remote annunciator. The balance of the system should be required to comply with this code and NFPA 720.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. George Hrin, to approve the draft rule, as amended by Committee discussion. The motion carried unanimously.*

5. Draft Rule: Gas Meter Replacement (N.J.A.C. 5:23-2.14)

Mr. Michael Baier, Bureau of Code Services, reminded the Board that this draft rule had been tabled at the December 12, 2015 Code Advisory Board meeting to allow the Department to

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investigate an allegation that the pilot program has not been effective. The pilot program allows the replacement of interior gas utility company-owned meters with exterior gas utility company-owned meters when the work is performed by employees of the gas utility company or by contractors hired by the utility.

The Department has completed its investigation and has found the allegation to be baseless.

*Mr. John Scialla made a motion, which was seconded by Mr. Tony Neibert, to approve the draft rule. The motion carried unanimously.*

**D. New Business**

1. Draft Rule: Permit Applications for Liquefied Petroleum (LP) Gas Work (N.J.A.C. 5:23-2.15)

Mr. Michael Baier, Bureau of Code Services, explained that the draft rule, which was drafted at the request of the LP Gas Education and Safety Board, would require Liquefied Petroleum Gas (LPG) service contractors to list their certification number on the Uniform Construction Code permit application when they are performing work that requires the certification.

*Mr. Arthur Londensky made a motion, which was seconded by Mr. George Hrin, to approve the draft rule without change. The motion carried unanimously.*

2. Draft Update: Bulletin 79-2, Testing of Plumbing Systems, and Bulletin 94-7, Plans for Elevator Devices

Mr. Michael Baier, Bureau of Code Services, explained that Bulletin 79-2, Testing of Plumbing Systems would be revised to delete a reference to Section 15.3.2 of the National Standard Plumbing Code because that section no longer exists. Mr. Baier further explained that Bulletin 94-7, Plans for Elevator Devices, would be revised to add language to reflect current terminology.

Bulletin 79-2 was referred to the Plumbing Subcode Committee. Bulletin 94-7 was referred to the Elevator Subcode Committee.

3. Draft Revision: Formal Technical Opinion (FTO)-3, Fire Escapes

Mr. Michael Baier, Bureau of Code Services, explained that the draft revision would delete wired-glass as an alternate to comply with the opening protection required for openings that are 10 feet within any direction of a fire escape. The exception for wired-glass in fire doors, fire windows and view panels was deleted from the code with the adoption of the 2006 International Building Code.

The draft revised bulletin was referred to the Building Subcode Committee and the Fire Protection Subcode Committee.

4. Withdrawal of Bulletin 90-1, Canadian Standards Association (CSA) as a Referenced Standard; Bulletin 88-4, Concrete-Filled Pipe Columns; Bulletin 79-8, Permit Fees for Large, Open-Volume Buildings; and FTO-15, Commercial Kitchen Exhaust Hoods

Mr. Michael Baier, Bureau of Code Services, explained that these bulletins are proposed for withdrawal for the following reasons:

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(1) Bulletin 90-1 would be withdrawn because the Canadian Standards Association (CSA) is listed by the Occupational Safety and Health Agency (OSHA) as a Nationally Recognized Testing Laboratory (NRTL), <https://www.osha.gov/dts/otpca/nrtl/nrtllist.html>;

(2) Bulletin 88-4 would be withdrawn because the International Building and Residential Codes no longer have a code section to reference to support the information in this bulletin. If a concrete-filled pipe column were still desired, a listed/tested item could be proposed for the design;

(3) Bulletin 79-8 would be withdrawn because the text at N.J.A.C. 5:23-4.18 contains the standard for the fees for large, open volume buildings; and

(4) FTO-15 would be withdrawn because the text of the mechanical subcode clearly states that the applicability of the requirements for commercial kitchen hoods through updated definitions.

These bulletins were referred to the Building Subcode Committee for review.

**E. Information**

1. Status of Updated Bulletins and FTOs: A chart of the Bulletins and FTOs, identifying those that have been updated to include new code sections as a result of the adoption of the 2015 national model codes was provided as information.

2. CAB Meeting Dates 2016: A list of the meeting dates for 2016 was included in the meeting packets.

3. CAB Log: The updated Code Advisory Board activity log was included in the meeting packets.

4. List of Pending Legislation: A list of pending legislation on issues that impact construction and the Uniform Construction Code was included in the meeting packet.

**F. Public Comments**

In response to the Board's discussion of possible changes in education and experience requirements, Mr. Dave Castner, Sheet Metal Local 22 and Heating Ventilation, Air-conditioning, and Refrigeration (HVACR) contractor, recommended that contractors and the Department work together to determine whether contractors would be interested in becoming licensed as inspectors.

**G. Adjourn**

The meeting was adjourned at 11:05 a.m.

**H. Executive Session—Reappointment of Subcode Committees**

The Executive Session was called to order at 11:10 a.m.

**I. Executive Session Adjourn**

The Executive Session was adjourned at 11:25 a.m.