

CAB Minutes
October 9, 2015

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, October 9, 2015

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

Beth Pochtar, Chair
John Scialla, Vice Chair
Mark Caputo
John Fritzen
George Hrin
Henry Kelly
Jason Kliwinski
Arthur Londensky

DCA Staff

Edward M. Smith, Director, Division of Codes and Standards
Michael Baier, Bureau of Code Services
Robert Austin, Code Assistance Unit
Paulina Caploon, Bureau of Code Services
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
John Terry, Code Assistance Unit
Michael Whalen, Code Assistance Unit

Guests

Jennifer Allen, Mercer County Community College (MCCC) Technical Assistants (TA)
Class—Florence Township
Alexi Assmus, Citizens Group
Gail Brewi, MCCC TA Class-West Amwell Township
Gwen Calder-Layne, MCCC TA Class-Willingboro Township
Dawn Caromano, West Windsor Township TA
David Castiml, SMWLUZZ
Terry Ezzo, Township of Bordentown TA
Leslie Grillo, MCCC TA Class, West Amwell Township
Thomas LaMonaco, New Jersey Electrical Contractor
Bob Longo, AIA NJ
Tony Neibert, Borough of Carteret
Michael Perna, MCCC TA Class
Thomas Polimo, West Windsor Township

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Brenda Sirkis, MCCC TA Class, Instructor, and West Windsor Township TA

Ms. Beth Pochtar, Chair of the Uniform Construction Code Advisory Board (CAB), called the meeting to order at 9:30 a.m.

A. Approval of Minutes of the Code Advisory Board Meeting of December 12, 2014

Mr. Alan Wilkins made a motion, which was seconded by Mr. John Fritzen, to approve the minutes with one amendment: to reflect John DelColle's attendance at the meeting. The motion carried and the minutes were approved unanimously with one amendment.

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 met on August 7, 2015; agenda items were discussed.

Electrical Subcode Committee: In Mr. Alan Wilkins's absence, Mr. David Greenhill reported that the Electrical Subcode Committee met on May 28, 2015; agenda items were discussed.

Elevator Subcode Committee: Mr. George Hrin, Chair, reported that the Elevator Subcode Committee did not meet.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported that the Fire Protection Subcode Committee did not meet.

Mechanical/Energy Subcodes Committee: Mr. John Fritzen, Chair, reported that the Mechanical/Energy Subcodes Committee held an electronic meeting in July and another electronic meeting in September; agenda items were discussed.

Plumbing Subcode Committee: Mr. Thomas Pitcherello, staff liaison to the Committee, reported that the Plumbing Subcode Committee did not meet.

C. Old Business

1. Draft Bulletin: Determination of Group Designations for I and R Occupancies

Mr. John Terry informed the Board that the Department made an effort in the adoption of the 2015 national model codes to limit the number of changes. The designation of Group occupancy and classification will remain as determined in the International Building Code (IBC), except where modifications to accord with State law are required. The draft bulletin would provide a quick reference for determining group classifications.

The draft bulletin was referred to all committees for review.

Mr. John Scialla reported that the Building Subcode Committee recommended approval of the draft bulletin.

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Mr. Arthur Londensky reported that the Fire Protection Subcode Committee recommended approval of the draft bulletin.

Mr. Arthur Londensky made a motion, which was seconded by Mr. George Hrin, to approve the draft bulletin. The motion carried unanimously.

2. Draft Rule: Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) Contractors (N.J.A.C. 5:23-2.15, 2.15A)

Mr. John Terry framed the issue for the Board. The draft rule would incorporate the requirements of the State Board of Examiners of Heating, Ventilation, Air-conditioning, and Refrigeration (HVACR) into the Uniform Construction Code. Now that approximately 4,000 contractors have been licensed, it is time to require that proof of licensure be required prior to the issuance of a permit. Once the rule has been proposed, it must be adopted with one year of the proposal date, so the Department will be able to monitor the licensing process at the Division of Consumer Affairs; the rule will be adopted when it is clear that an adequate number of HVACR contractors have been licensed and that requiring proof of licensure will not interfere with construction in New Jersey.

The draft rule was referred to the Building, Electrical, Fire Protection, Mechanical/Energy, and Plumbing Subcode Committees for review.

Mr. John Scialla reported that the Building Subcode Committee recommended approval of the draft rule without change.

In Mr. Wilkin's absence, Mr. David Greenhill reported that the Electrical Subcode Committee recommended approval of the draft rule without change.

Mr. Arthur Londensky reported that the Fire Protection Subcode Committee recommended approval of the draft rule without change,

Mr. John Fritzen reported that the Mechanical/Energy Subcodes Committee recommended approval of the draft rule without change.

Mr. Tom Pitcherello reported that the Plumbing Subcode Committee discussed the draft rule prior to the retirement of Mr. Alex Tucciarone, former Chair, and recommended approval of the draft rule without change.

Mr. Arthur Londensky made a motion, which was seconded by Mr. Henry Kelly, to approve the draft rule for publication without change. The motion carried unanimously.

D. New Business

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

Mr. John Delesandro, Supervisor, Education and Licensing Units, explained to the Board that the Department is seeking input in reviewing and updating the educational requirements for construction code inspector licensure. The Department asks the Board to review and comment on a current regulations, particularly experience and education requirements.

Copies of the current regulations, with a request for review and discussion, were referred to all Committees. The Committees will have four months (two meetings) to consider changes.

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

Mr. John Terry reported that the draft rule on permit and certificate requirements would ensure that N.J.A.C. 5:23-2.6, Change of Use, which addresses the need for a new certificate of occupancy prior to a change of occupancy, and N.J.A.C. 5:23-2.23, Certificate requirements,

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which addresses the need for a certificate to change back to a previous occupancy once a change of use has occurred, will have the same language, to ensure that the code user will have consistent requirements in both places.

The draft rule was referred to the Building, Electrical, Fire Protection, Mechanical/Energy, and Plumbing Subcode Committees.

3. Draft Bulletin 15-X (Energy)

Mr. Robert Austin explained that this draft bulletin would update the references to the International Energy Conservation Code/2015 and the American Society of Heating, Refrigeration, and Air-conditioning Engineers (ASHRAE) 90.1/2013.

The draft bulletin was referred to the Building and the Mechanical/Energy Subcodes Committees for comments in advance of this Board meeting.

Mr. John Scialla made a motion, which was seconded by Mr. John Fritzen, to approve the draft bulletin without change.

4. Draft Update: Bulletin 05-2 (Seismic)

Mr. John Terry explained that this draft would update Bulletin 05-2 to reflect the adoption of the 2015 national model codes.

The draft bulletin was sent to the Building Subcode Committee in advance of this Board meeting.

Mr. John Scialla reported that the Building Subcode Committee recommended approval without change.

Mr. John Scialla made a motion, which was seconded by Ms. Beth Pochtar, to approve the draft bulletin without change. The motion carried unanimously.

5. Draft Update: Bulletin 94-8 (Snow)

Mr. John Terry explained that this draft would update Bulletin 94-8 to reflect the adoption of the 2015 national model codes.

The draft bulletin was sent to the Building Subcode Committee in advance of this Board meeting.

Mr. John Scialla reported that the Building Subcode Committee recommended approval without change.

Mr. John Scialla made a motion, which was seconded by Ms. Beth Pochtar, to approve the draft bulletin without change. The motion carried unanimously.

6. Draft Update: Bulletin 03-5 (Special Inspections)

Mr. John Terry explained that this draft would update Bulletin 03-5 to reflect the adoption of the 2015 national model codes.

The draft bulletin was sent to the Building Subcode Committee in advance of this Board meeting.

Mr. John Scialla reported that the Building Subcode Committee recommended approval without change.

Mr. John Scialla made a motion, which was seconded by Mr. Arthur Londensky, to approve the draft bulletin without change. The motion carried unanimously.

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7. Draft Rule: Combustible Dust (N.J.A.C. 5:23-2.2)

Mr. John Terry explained that the draft rule would make it clear that equipment, processes or operations that involve dust explosion hazards are not to be considered manufacturing, production or process equipment, and are regulated by the Uniform Construction Code (UCC).

The draft rule was referred to the Building, Electrical, Fire Protection, and Mechanical/Energy Subcodes Committees.

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

Mr. John Terry explained that the Uniform Construction Code (UCC) currently waives the construction permit requirements for 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. One gas utility inquired into whether or not this work could be performed by contractors hired by the utility. As a result of this inquiry, the Department implemented a pilot program. As part of this program, the utility was required to establish a quality control program in which employees of the utility were responsible to oversee the work of the contractors. To verify the effectiveness of this quality control, the utility was required to obtain construction permits for 30 percent of the work performed. After six months, the Department obtained the results of the inspections for the permitted work and found a high rate of compliance.

The draft rule would codify the protocol used in the pilot program. The draft rule would establish several requirements:

- The contractor must be a licensed master plumber or a licensed heating, ventilation, air conditioning or refrigeration contractor. This requirement is consistent with the regulations of the Office of the Attorney General, Division of Consumer Affairs.
- The utility company must establish a quality control program staffed by utility company employees.
 - The utility company must inform the local enforcing agency of all of the addresses where the work will take place and the enforcing agency will choose the ten percent of the properties that will require permits. Certificates of approval will be issued for only those addresses where permits are issued.
 - Should the failure rate of those properties inspected be 20 percent or greater, the local agency will inform the Department and 50 percent of all of this type of work being performed by the utility will be inspected until the failure rate is reduced below 20 percent.

This draft rule would have no impact on the existing permit exemption for utilities performing this work with their own employees.

The draft rule was referred to the Building and Mechanical/Energy Subcodes Committees.

9. Draft Rule: Updates of cross-references in Uniform Construction Code (UCC) for 2015 National Model Codes (N.J.A.C. 5:23-2.7, 2.15, 2.35, 3.2, 3.8, 3.11, 4.26, 12.8)

Mr. Robert Austin explained that the draft rule would update the cross-references in the Uniform Construction Code (UCC) to reflect changes made in the 2015 national model codes.

This draft rule was referred to all committees.

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10. Draft Rule: Limited Use Limited Application (LULA) Elevator Devices- Amendment and Correction (N.J.A.C. 5:23-3.14)

Mr. John Terry explained that in the recent adoption of Chapter 11 of the International Building Code/2015 as the Barrier Free Subcode, one subsection requires amendment to ensure that the accessibility standards continue to provide statutory compliance and consistency with the previously adopted rules. This change would allow the installation of a LULA “to provide a vertical accessible route to a floor or mezzanine of 3,000 square feet or less.” The restriction was inadvertently omitted in the adoption; as adopted, a LULA could be used to provide a vertical accessible route to a floor of any size in a large building.

Mr. John Scialla made a motion, which was seconded by Mr. Art Londensky, to approve the draft rule without change. The motion carried unanimously.

E. Information

1. Draft Rule: Large Open-volume Building Fees (N.J.A.C. 4.18, 4.20)

Mr. John Terry summarized the rule, which was approved by the Board in an electronic vote, to limit the height of a large, open-volume building for fee purposes to 20 feet. The rule has become necessary because there are municipalities with fees that are in compliance with the requirement that the large, open-volume building fees be the lowest municipal code enforcement fee, but the fees that are resulting are still in excess of the work that is required. The rule has been approved by the Commissioner and is under review for publication in the *New Jersey Register* as a proposal.

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

3. 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

Dr. Alexi Assmus, private citizen, asked that the issue regarding Type V construction, which was called to the Board’s attention at its June meeting, be referred to the Subcode Committees for discussion and recommendations on possible actions moving forward. Staff explained to Dr. Assmus that the Board and the Subcode Committees take action on specific agenda items, but do not engage in generalized discussions. The staff recommended that Dr. Assmus continue to work with the Legislature.

G. Adjourn

The meeting was adjourned at 10:25 a.m.