**Technical Building Codes and Standards Board Meeting Minutes**

**July 23, 2015**

**9:00 a.m. in Florian Hall**

Meeting opened at 9:10 a.m.

**BOARD MEMBERS PRESENT**: Bob Ellis, Marc Veilleux, Eric Dube, Dick Lambert, Dick Tarr, Mike Pullen, Roger Rossignol, Jeff Ohler and Russ Martin

**Excused**: Barry Chase

**REVIEW OF THE APRIL 29, 2015 MINUTES**

Motion: Dick Lambert motioned to accept the minutes as presented.

Seconded: Marc Veilleux

Vote: unanimous with two abstentions

**FINANCIAL UPDATE**: $308,909.91 in the Building Codes account as of today.

**REPORT FROM BOARD CHAIR - RICH MCCARTHY**

The Fire Marshal’s Office has been working on the Noyes St Portland fatal fire and Grand Jury on this case. The Landlord was charged with six counts of manslaughter and four misdemeanor code violations. The Plans Review staff are getting a lot of plans for new retail in the State. Nine or ten Autozones, seven or eight Rite-Aids, 15 or so Dollar Generals etc.. The financial level of incoming projects is back up to where it was before the economic downturn several years ago. Question about the Seasonal Building Definition the board generated in the past months – three letters have gone to the Legislature and no response about the Definition that was submitted. We will then make it a part of Rulemaking this next round. Board member Jeff Ohler, advised on the commercial side, that plans for new hospitals is almost dead, just a lot of renovations being done. Board member Dick Tarr, advised on the residential side that there is a lot going on for building and a lot of quotes being given for materials.

**LEGISLATIVE UPDATE – RICH MCCARTHY**

**LD 1182** – “**An Act to Exempt Certain Agricultural Buildings from the Maine Uniform Building and Energy Code**” that ensures that buildings used to house livestock or harvested crops are not subject to code, passed in the Legislature. We will put this into Rulemaking. It has to follow NFPA 101 codes, but is exempt from the Building Codes. This pertains to undomesticated animals and no human occupancy.

**LD 1191** – “**An Act to Remove the Municipal Mandate to Enforce the Maine Uniform Building and Energy Code**” which would have allowed, but not required municipalities of more than 4,000 residents but less than 10,000 to adopt the MUBEC – was dead in the Session, then came back and changed from 10,000 to 8,000, it won in the house, failed in the Senate for 10,000 and then when it was 8,000 – failed in both.

**LD 623** – “**An Act to Expand Maine’s Carbon Monoxide Detectors Law**” expands the carbon monoxide law and requires them now in fraternity and sorority houses, dorms associated with education facilities, children’s home, emergency children’s shelters, children’s residential care facility, shelter for homeless children or specialized children’s home; or a hotel, motel, inn or bed and breakfast licensed as an eating and lodging place or a lodging place under Title 22, Chapter 562. Detectors need to be powered

**-2-**

by both electrical and a battery or a non-replaceable 10 year battery. UMO and the College system testified against, but it did pass after being vetoed and overridden.

**LD 697** – “**An Act to Restore Public Safety Programs in the Department of Public Safety**”

This act increases the fees charged for inspections of mechanical rides by the Fire Marshal’s office to help cover costs with no extra staff to perform inspections.

Bill Nash from ICC, present at the meeting, advised that CEO Paul Demers worked very actively with the LCRED Committee on these bills during this past session.

**ADOPTION OF 2015 CODES AND STANDARDS**

Now that the Legislative session is over and we know what the status of the Building Codes related bills are, we can move ahead with the adoption of the 2015 Codes. We need to review the 2015 and compare it to the existing Rules that were created for the 2009 Codes that were adopted. We can highlight anything that needs Board attention with any differences between the two. The Rulemaking deadline is in October. Rich will procure the 2013 ASHRAE standards for the Board. General agreement they would like the digital copy, not the PDF.

Board member Russ Martin, advised that also the ASHRAE standards and the 2015 IECC need to be looked at for differences. The upcoming Energy/Mechanical TAG meeting will focus on four parts: Energy, Mechanical/Ventilation, Residential and Commercial.

Bill Nash, ICC addressed the board to discuss what New England States have in place currently for the IECC: VT is the only NE state to adopt the 2015. CT and NH are looking to adopt the 2015. RI currently has 2012 in place. MA is reviewing the 2015, but also has the 2012 IECC currently in place. The Energy Savings between the 2009 code and the 2015 code is 30% savings. From the 2009 code to the 2012 code is only a 1% savings. Bill can get the Board a coupon for the Pool & Spa Code downloads and will email Kathy with it.

Can we set a date for 2016 for the adoption of the 2015 codes to go into effect or we can put it off?

Target date of 2015 to review, go through Public Hearing, Rule-Making and the rest of the process for adoption.

**Motion**: Mike Pullen motioned that we set a proposed date of July 1, 2016 for the new codes to be in effect?

**Second**: by Dick Lambert

**Unanimous Vote**

Drew Morris, DECD CEO Training asked the board in terms of the requirement in statute for CEO training – are we training to the 09 or 2015? Rich advised probably should train to the 2015 on the changes between the 2009 and the 2015. ICC has a transition class that does that and covers the changes. Could Bill Nash send a page synopsis of this class? \*He will check and provide it if so.

**UNFINISHED BUSINESS**

Peter Blachly, who addressed the board a few months ago re: Air B ‘n B – status on him? Rich advised the CEO of Bath continued to not allow Mr. Blachly to be able to rent so Rich thinks that Mr. Blachly is suing over it.

**-3-**

Dick Tarr brought up the inconsistencies between towns and CEOS in terms of interpretation and enforcement. How do we fix this? Other states have a Chief Building Code person who oversees CEOS. Training hasn’t fixed the inconsistencies of interpretations by CEOS of the various towns and cities.

General agreement that there should be some kind of oversight on these CEOS and these issues.

**NEW BUSINESS**

**Conflict submitted on Ground Improvement versus Piles by Dean Sciaraffa, P.E. from H.B. Fleming. 2012 IBC Section 1705 and 1810, page 385, 408-420**

“Section 1705 does not address special inspections and tests for ground improvement techniques. The code requires continuous inspection for driven pile, cast-in-place deep foundations and helical pile. Section 1810 “deep foundations” addresses the design of deep foundations and the design of structures built on deep foundations. Ground improvement techniques claim to improve over the bearing capacity of the soil, but the code does not require testing to verify this claim. If the claim of increased soil bearing capacity cannot be verified through soil borings, then the ground improvement columns should be treated as deep foundation elements and designed as such.” Mr. Sciaraffa is asking the board to consider updating the requirements for the design and construction of deep foundations. Ground improvement technology has advanced in recent years, but the requirements for design, inspection and testing of these new methods has not kept current. (Letter also submitted from Mr. Sciaraffa.)

Eric Dube, Board member advised that there is definitely newer technology in this area for ground improvement; instead of putting a pile into the ground, there are doing it with some kind of grout. Maine has a lot of clay soils. Glacial till you can work with, but clay soils is another ballgame. Testing would be required by geo technical engineers but is not required by code. Eric advised that some geo technical engineers should come in and talk to the board, it isn’t so much a structural issue. He also advised the ground improvement is more expensive – spread footing, piles = pile caps = cap beams. Is there more info on this in the 2015 IBC? If so, it needs to be looked at further. Perhaps the geo technical engineers should come to an IBC TAG meeting? Bill Nash, ICC, suggested that someone reach out to ICC for some technical interpretation. Agreement that #1. \*\*Eric will look to see if this is addressed in the 2015 IBC. If not….#2 \*\*Eric and Rich will ask ICC for an interpretation and #3 then the recommendation will be given to the IBC TAG.

**Motion**: by Mike Pullen to defer this to the IBC TAG to consider and bring recommendations back to the Board.

**Seconded**: by Marc Veilleux

**Unanimous vote**

**PUBLIC COMMENT**

**Proposed Acceptance Criteria for Fire Retardant Coatings Field-applied to Prefabricated Wood I-Joists from Randy Poulton, presented by Bill Nash, ICC.**

An email was sent for consideration on the new proposed ICC-ES Acceptance Criteria for Intumescent Fire-Resistant Coatings Field-Applied to Prefabricated Wood I-Joists (AC450) which was discussed during 2013 Evaluation Committee hearings but was voted by the Committee to hold the proposal for further study. Discussion on submittal.

**Motion:** by Dick Lambert if the ICC-ES does not support Assembly then it is not approved in Maine.

**Seconded**: by Bob Ellis

**Unanimous Vote**

**-4-**

Reminder of the Energy TAG and Mechanical/Ventilation TAG meeting coming up on 8/12/15. \*\*Add Bob Ellis to the IECC TAG.

Meeting ended at 11:10 a.m.

Respectfully submitted,

Kathy Robitaille, Secretary