**Technical Codes and Standards Board Meeting Minutes**

**March 23, 2017**

**Champlain Conference Room**

**10:00 a.m.**

**Board members present**: Mike Pullen, Steve Wintle, Marc Veilleux, Roger Rossignol, Robert Ellis, Eric Dube, Barry Chase and Richard Lambert

(Russ Martin added in as of 4/20/17)

**Excused**: Richard Tarr and Jeff Ohler

**Staff present**: Richard McCarthy, Chair and Kathy Robitaille, Secretary

Meeting opened at 10:05 a.m.

Introductions and Welcome

**Review of 5/20/16 Meeting Minutes**

**Motion**: made by Mike Pullen to accept the minutes as presented

**Seconded** by Roger Rossignol

**Unanimous vote** with 3 abstentions

**Financial Report**: $329.744.00 as of today’s date in the Building Codes account as reported by Rich McCarthy.

**Report from Board Chair – Rich McCarthy**

Rich gave the background on the proposed move during this legislative session, of the Building Codes and Standards from the Dept. of Public Safety where it is currently housed in the State Fire Marshal’s office, to the Dept. of Economic and Community Development. As it stands today, the part of the budget has been passed by the Criminal Justice Committee that once again pays Rich’s salary 100% from the Fire Marshal’s Office, instead of splitting his salary between the FMO and the Building Codes, removing him from the Building Codes program. However, the proposed move of the program was voted on by the LCRED Committee and it was a split vote 6-4 to leave it currently in the Dept of Public Safety. It was then passed to the Appropriations Committee where it was a split vote. They voted to table the move. The only way it can be brought up again is if someone asks Appropriations to do so.

Rich had a meeting with the Governor’s Office per their request on the Energy Code changes that had been submitted for Rule-making.

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At that time, the Administration was supportive of the move. There were concerns about the Energy Code – leaving the Residential portion at the 2009 and moving the Commercial section to the 2015, plus the blower door test requirements and

other requirements. If we stayed with the IECC 2009 for both, that seems amenable to the Governor’s Office. Do we want the Rulemaking back to add tiny houses, roll back all of the IECC to 2009 and remove the other requirements of the Energy code?

Russ Martin, Board member advised that he was in favor of moving all of the IECC back to the 2009 residential and commercial. Dick Lambert asked Rich if he could ask the Governor’s Office what was problematic before we resubmitted the Rules? Rich said he could. Steve Wintle, Board member advised that he would oppose most of what was sent over in the first rulemaking attempt, except for the blower door tests. Adding $1800 to ventilation requirements. Russ said he would like to have the Rulemaking sent back to the Board, schedule a Board meeting on what we want to do with it for this second round and would tiny houses be considered in this round?

Board member Dick Lambert advised that he and and Board member Eric Dube testified at a joint meeting of the Appropriations and the LCRED Committees. They advised the Committees that they were not notified of this move, how was it going to work? What would be the staff in place? Dick advised that the Fire Marshal’s Office understands codes and conflicts and Rich had stepped up quickly and done a great job of overseeing the Building codes program once it came into the FMO in 2011. Dick Lambert doesn’t want Building Codes to go down in flames and if it does get moved, he wants to see the plan, and will make sure things are in place to make it right. Eric Dube then addressed the Board and said that we didn’t hear of the move before the Public Hearing on it. He is upset over the lack of communication over the move. Once 2015 codes go into effect, there will be Conflicts to be worked out quickly and efficiently.

Neither DPS nor DECD can add any headcount (positions) at this time, even though we have the money in the building codes account to hire someone.

Dick Lambert asked if we can ask DECD to put a plan together on how this will all work? Rich will request that from Assistant Commissioner Denise Garland and Director Deb Johnson. Rich advised he will get things out to the Board as it comes along.

Rich asked the Board then based on the discussion above….

1. Go to the Rule-making if they wished to revisit it? Look at the Chapter 6 IECC and remove the three items we had put in the Rulemaking?

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**Motion**: Dick Lambert motioned to review the Chapter 6 IECC items and remove the three items placed, also stay with the 2009 IECC for both residential and commercial code and 2. ask for the Rule-making back from the Governor’s office to make these changes and re-submit. **Unanimous vote**

**Motion re: Tiny Houses** Dick Lambert motioned to put the Appendix V into the adoption of the 2015 IRC for Tiny Houses and re-submit the Rulemaking.

**Seconded**: Marc Veilleux

Russ asked to also include ventilation in Tiny Houses.

**Unanimous vote**

**Legislative Update – Rich McCarthy**

**LD #873 “An Act to Adopt Tiny House Standards in the Maine Uniform Building and Energy Code”** is currently in Legislature. Discussion ensued – this could be added into the 2015 IRC in the process of the adoption, adding it into 10 MRSA §9721. sub-§5. Rich spoke with Bob LeClair at Manufactured Housing about this. Bob advised that tiny houses don’t belong under manufactured housing and it’s not covered under NFPA as a recreational vehicle, because it’s lived in year round.

The Board could adopt Appendix V in the 2015 IRC as part of the Rulemaking. Dick Lambert advised that that would be ok if it doesn’t add to the delay of the current Rule-making.

**New Business**

**Code Book purchases for 2015**

Dick Lambert inquired about the purchase of Code books for the 2015 adoption for the CEOs. Options might include: 1. purchase the books, or purchase the ICC membership that gives free books, or leave it as is. Bill Nash, from ICC, present at the meeting advised that there are no longer the code discs, everything is a download. Just buying “books” for 100 Maine communities could cost $23,000. But if you bought the memberships, it could be $13,500 so a significant cost savings. Rich advised that it would have to be spelled out in the budget language that this occurred each year for the municipalities of 4,000 and above in population plus for those municipalities that also adopted the code.

**Motion**: by Mike Pullen to use the surcharge monies if appropriate use, to purchase ICC memberships for the MUBEC communities and those that have adopted the code annually (government memberships).

**Seconded**: by Dick Lambert

**Unanimous vote**

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**Public Comment**

The ISO (Insurance Services Office) reviews all code offices in Maine every five years. The purpose is to give enhanced credits to Insurance Companies for the

municipalities depending on the current Building Codes, Fire Safety, etc. that are adopted in the community. The better level the code in place, the greater benefit from the ISO rating. Paul Demers, CEO, advised that they have started with York County. If you are more than two code cycles out, the rating is a lot higher – from 1-10 with 10 being the worst and right now his town is a 10. He is anxious to have the 2015 Building Codes adopted soon to get into the timeline and change the 10 to a better rating.

Scott Davis, CEO in Bath is working with Chris Mann at the AG’s Office on the Building Codes Statutes. They can’t find the requirement by the Board that they cannot be more than two code cycles out and can’t find the livestock portion that was put into place.

Rich presented plaques of Appreciation to Board members Dick Lambert and Russ Martin for their years of service on the Technical Building Codes and Standards Board as they are both stepping down this year. Many thank yous to both for the outstanding work they have done in making Maine a safer place to live through Building Code Safety.

Meeting ended at 12:05 p.m.

Respectfully submitted,

Kathy Robitaille, Secretary