

CAB Minutes
June 8, 2018

UNIFORM CONSTRUCTION CODE ADVISORY BOARD
Minutes of Meeting, June 8, 2018

Location
101 South Broad Street
Trenton, New Jersey 08625

Attendance

Board Members

Beth Pochtar, Chair
John Scialla, Vice Chair
Douglas Boydston
Andy Cattano
Kathy Herity
Henry Kelly
Arthur Londensky
Bob Mellohusky
Tony Neibert
Michael Seeve
Valerie Waricka

DCA Staff

Edward Smith, Director, Division of Code and Standards
Michael Baier, Supervisor, Code Assistance Unit
John Terry, Assistant Director, Division of Code and Standards
Robert Austin, Code Assistance Unit
Paulina Caploon, Elevator Safety Unit
Marie Daniels, Code Assistance and Code Development
Keith Makai, Code Assistance Unit
Jose Paulino, Code Assistance and Code Development
Tom Pitcherello, Code Assistance Unit
Emily Templeton, Code Development Unit
Michael Whalen, Code Assistance Unit

Guests

Tom Polino, Plumbing Subcode Committee
Michelle Wood, Building Subcode Committee

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 June 9, 2017

Mr. Art Londensky made a motion, which was seconded by Mr. Tony Neibert, to approve the minutes without change. The motion carried unanimously.

B. Subcode Committee Reports

Building Subcode Committee: Mr. John Scialla, Chair, reported that agenda items were discussed electronically.

Electrical Subcode Committee: Mr. Tony Neibert, Chair, reported that agenda items were discussed electronically.

Elevator Subcode Committee: Mr. Douglas Boydston, Chair, reported that the Elevator Subcode Committee met on May 10, 2018; the committee discussed recommended amendments to the maintenance requirements of Subchapter 12 of the Uniform Construction Code.

Fire Protection Subcode Committee: Mr. Arthur Londensky, Chair, reported that agenda items were discussed electronically.

C. Old Business

1. Draft Rule: Enforcement Activities Reserved to the Department (N.J.A.C. 5:23-3.11)

Mr. Michael Baier summarized this issue. The draft rule grants the local enforcing agency jurisdiction for the plan review of electrical substations. This draft rule had been referred to the Building, Electrical, and Fire Protection Subcode Committees; each Committee approved the draft with no recommended changes. The chair of each of those committees reported that the committee recommended approval.

Mr. Art Londensky made a motion, which was seconded by Henry Kelly, to approve the draft rule. The motion carried unanimously.

2. Code Change Proposals: Rehabilitation Subcode, Electrical and Fire Protection (N.J.A.C. 5:23-6.7(e)9vi and 6.8(b)4)

Mr. Michael Baier summarized the two code change proposals. The first proposal would require upgraded grounding when a repair or renovation project occurs. This proposal was referred to the Electrical Subcode Committee. One board member spoke in favor of the change, adding that 95% of these projects already include upgrading the grounding system and that the average cost of such upgrade is \$33.

The second code change proposal would delete the requirement for quick-response sprinkler heads in an alteration project. This proposal was referred to the Fire Protection Subcode Committee. Mr. Art Londensky reported that the Committee agreed to the change.

Mr. Art Londensky made a motion, which was seconded by Mr. Tony Neibert, to approve the code change proposals. The motion carried unanimously.

D. New Business

1. Draft Rule: One Correction and Two Reassignments of Jurisdiction (N.J.A.C. 5:23-2.15, 4.3A, 6.2)

Mr. Michael Baier explained that these proposed amendments to N.J.A.C. 5:23-2.15 correct a cross reference in the Uniform Construction Code. Mr. John Terry

CAB Minutes
June 8, 2018

explained that the change to N.J.A.C. 5:23-4.3A would grant jurisdiction to the local enforcing agency for repairs, renovations, alterations, and the installation or alteration of fire protection systems in class 1 or class 2 buildings. Such systems are currently submitted to the Department because of fire protection issues in college dorms, however, there are not many class 2 municipalities with class 1 buildings. Mr. John Terry further explained that the change at N.J.A.C. 5:23-6.2 would clarify that work performed in a licensed health care facility must comply with the “Guidelines for Design and Construction of Health Care Facilities.” Compliance with the Federal Guidelines is required for reimbursement through Medicare.

There was a brief board discussion.

Mr. Andy Cattano made a motion, which was seconded by Mr. Art Londensky, to approve the draft rule. The motion carried unanimously.

2. Code Change Proposal: Rehabilitation Subcode, Electrical (N.J.A.C. 5:23-6.10)

Mr. Michael Baier explained that the Department received this code change proposal, which would which would require electrical service clearances to be approved in the rehabilitation subcode. This could increase the scope of work quite a bit.

There was brief board discussion concerning the original framework of the rehabilitation subcode, which was designed to allow the building owner to determine the scope of work and to require that “work done must comply.” The rehabilitation subcode includes some provisions that expand a planned project, but the work expansion is enumerated in the rehabilitation subcode and is related to the extent and type of the work being undertaken, not on a retrofit requirement.

Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to deny the code change proposal. The motion carried unanimously.

3. Draft Rule: Change in Jurisdiction Residential Health Care Facilities (N.J.A.C. 5:27A-2.2)

Mr. Michael Baier explained that the draft rule is intended to give local enforcing agencies jurisdiction for the plan review of Residential Health Care Facilities (RHCs). These facilities are neither overly complex nor politically contentious.

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

4. Draft Rule: Definitions – Small Job (N.J.A.C. 5:23-1.4)

This draft rule would delete the definition of ‘small job’ from the Uniform Construction Code because the term is not used in the Uniform Construction Code.

Mr. Henry Kelly made a motion, which was seconded by Mr. Art Londensky, to approve the draft rule. The motion carried unanimously.

5. Arc Fault Circuit Interrupter (AFCI)

Mr. Michael Baier explained that this item was included on the agenda for clarification because the Department wanted to be sure it understood the Board’s position on requiring arc fault circuit interrupters (AFCI) in kitchens and laundry areas. There used to be a concern that this requirement would lead to nuisance tripping in kitchens, however, there is no evidence that such issue would occur. A board member stated that AFCI in kitchens is fine. However, there is a problem for laundry areas since there is no

CAB Minutes
June 8, 2018

definition of what constitutes a laundry area. There was discussion among the board members on what constitutes a laundry area; one consideration was that a laundry area is within six feet of laundry appliances. One board member stated that basements could pose an issue if there is nuisance tripping of the sump pump receptacle.

Mr. Tony Neibert made a motion, which was seconded by Mr. Art Londensky, to propose the rule to adopt the National Electrical Code 2017 with the AFCE requirements and draft guidance to define 'laundry area.' The motion carried unanimously.

6. Draft Rule: Manufactured Homes (N.J.A.C. 5:23-1.1, 2.2, 2.22, 3.19, 4B.1, 4B.4, 4B.5, 4B.7, 4B.9, 4B.10, 4B.11, 4C.1, 4C.2, 4C.3, 4C.5)

The draft rule would give the Federal government jurisdiction for the installation of manufactured homes.

Mr. Michael Baier provided a brief history of the regulations pertaining to manufactured homes. Until the 2000s, the Federal government regulations were limited to what happened in the factory. In 2000, the Federal Manufactured Homes Improvement Act required the Federal government to implement installation standards for these homes. In the years following, the rules the Department had in place were considered sufficient for compliance with the Federal requirements. In 2015, the Federal government began to look more aggressively at the installation of these homes and determined that the State inspection process was non-compliant. For compliance, the State's rules would need to be at least as stringent as the Federal rules and follow the Federal system of inspection. Inspectors would need to be certified by the Federal government. Currently, when manufactured homes are installed, they are inspected by both the local enforcing agency and the Federal Government. This is neither cost effective nor sustainable. If the State remains an Administrative Agency for these homes, the Department would have to create an entirely new licensing program as well as develop new rules that are as stringent and specific as the Federal rules; it does not have the wherewithal to do so. Only 300-400 of these homes are installed annually throughout the State.

Board discussion followed this explanation. In response to a question, it was explained that this draft rule does not apply to modular units. Manufactured homes are HUD units and are defined in both the Uniform Construction Code and in the Federal regulations. One Board member was concerned about whether the Federal requirements include carbon monoxide detection. Board members recommended that guidance be issued to clarify what constitutes a manufactured home. Additionally, one Board member stated that Bulletin 07-1 may need to be updated as a result of this draft rule.

Mr. Art Londensky made a motion, which was seconded by Mr. Douglas Boydston, to propose the rule and publish guidance regarding the classification of Manufactured Housing. The motion carried unanimously.

E. Information

1. CAB Log
The updated Code Advisory Board activity log was included in the meeting packets.
2. List of Pending Legislation

CAB Minutes
June 8, 2018

A list of pending legislation on issues that impact construction and the Uniform Construction Code was provided to the members of the Board electronically.

F. Public Comments

There were no comments from the public.

G. Adjourn

The public portion of the meeting was adjourned at 10:10 a.m.

H. Executive Session

The Executive Session was called to order at 10:13 a.m.

I. Executive Session Adjourn

The meeting was adjourned at 10:15 a.m.