

Minutes of the NYS Fire Prevention and Building Code Council meeting on Friday, July 10, 2020, commencing at 10:05 a.m. and held by videoconference call (WebEx).

**Council members and designees present:**

Matthew Tebo, Presiding  
Benjamin Keller  
Vincent Rapacciuolo  
Keith Wen  
David Seeley  
Claudia Braymer  
Michael Weber

Joseph Toomey  
Shawn Hamlin (Joined at 10:22 am)  
Timothy DeRuyscher  
Robert Hughes  
William Tuyn (Joined at 10:30 am)  
Dominic Marinelli  
Patrick Dolan

**Staff present:** John Addario, Panagiota Hyde, Kevin Duerr-Clark, Emma Gonzalez-Laders, China Clarke, Gregory Benton, and Chad Sievers.

**Agenda Item 1. Welcome.**

Mr. Tebo welcomed everyone.

Mr. Duerr-Clark called the roll and announced that 12 Council members were present. Mr. Tebo noted that a quorum was present, called the meeting to order, and introduced new Code Development staff, Chad Sievers.

Mr. Duerr-Clark explained the general rules and procedures for the videoconference and asked Council members and staff to remain on mute, to unmute themselves prior to speaking, and to state their name before speaking.

**Agenda Item 2. Minutes of the meeting of March 6th, 2020. Consideration of motion to approve.**

Mr. Tebo asked if anyone wished to make changes to the minutes of the March 6th, 2020 meeting. Hearing none, Mr. Tebo asked for a motion to adopt the minutes. The motion was made by Mr. Toomey and seconded by Mr. Dolan. The motion was approved unanimously by voice vote.

**Agenda Item 3. More Restrictive Energy Code Filing Procedure (Energy Law §11-109)**

Mrs. Clarke provided a summary of the filing process for a More Stringent Local Energy Conservation Construction Code pursuant to Energy Law §11-109 and its differences from a More Restrictive Local Standard for construction pursuant to Executive Law §379.

**NYSERDA Presentation on NYStretch Code**

Marilyn Dare, representing the New York State Research and Development Authority (NYSERDA), provided a presentation on the studies and analyses comparing the NYStretch Code to the State Energy Conservation Construction Code (the State Energy Code), as prepared by Vidaris, Inc (commercial) and Resource Refocus (residential).

Mr. Tebo announced that Mr. Tuyn and Mr. Hamlin were present, although Mr. Tuyn was still having connectivity issues.

Mr. Tebo asked if there were any questions for Ms. Dare.

Ms. Braymer asked if NYSERDA had conducted an analysis on the construction cost difference between the NYStretch Code and the State Energy Code. Ms. Dare responded that payback was less than 10 years and that links to the reports were provided in the NYSERDA website. Mr. Duerr-Clark noted that the reports were also included with the More Stringent Local Energy Conservation Construction Code filing submission packet shared with Council members prior to the meeting.

Mr. DeRuyscher asked if there was a special conditions requirement for a municipality to adopt a more restrictive Energy Code. Mr. Duerr-Clark answered that neither special conditions nor compliance with accepted engineering methods were required and that the only requirements were submission within a 30-day window and evidence of the adopted code being more restrictive. Ms. Hyde confirmed.

Mr. Tebo asked if the more restrictive requirement applied to the adopted code as a whole. Ms. Hyde responded in the affirmative.

#### City of Beacon – Local Law No. 02 of 2020

Mrs. Clarke presented a summary of the filing from the City of Beacon, which is based on the NYStretch Code without modification, with the Division's recommendation that the Code Council find that the NYStretch Code, as adopted by the City of Beacon, is indeed more restrictive than the State Energy Code, per the NYSERDA presentation.

Mr. Tebo made a motion, read by Ms. Hyde, to approve the City of Beacon Local Law No. 02 of 2020 which adopted the NYStretch Code without modifications. The motion was seconded by Mr. Keller.

Ms. Braymer asked, since action by the Council is not required in this case, whether the Council would be voting as a backstop.

Mr. Tebo expressed his decision to present these requests to the Code Council for approval rather than allowing the municipality to enforce based on the Council's inaction.

The motion carried unanimously (Mr. Tuyn was absent for the vote due to connectivity issues).

#### Village of Hastings-on-Hudson – Local Law No. 08 of 2020

Mrs. Clarke presented a summary of the filing from the Village of Hastings-on-Hudson, which is based on the NYStretch Code without modification, with the Division's recommendation that the Code Council find that the NYStretch Code, as adopted by the Village of Hastings on the Hudson, is indeed more restrictive than the State Energy Code per the NYSERDA presentation.

Mr. Tebo made a motion, read by Ms. Hyde, to approve the Village of Hastings-on-Hudson Local Law No. 08 of 2020 which adopted the NYStretch Code without modifications. The motion was seconded by Ms. Braymer and carried unanimously.

#### **Agenda Item 4. Workgroup Update**

Mr. Duerr-Clark provided a general summary update of the workgroup since the last Code Council meeting. The group has met four times and discussed 10 topics. The group drafted summaries of 8 topics and is on track to have a complete summary document in the first quarter of 2021.

Mr. Tebo requested that Mr. Duerr-Clark circulate a letter recently received from “Gas it Up” to the rest of the Code Council members since the letter was addressed to the Code Council.

Mr. DeRuyscher asked that the list of topics discussed during the workgroup meetings also be shared for the benefit of those Council members who are not part of the workgroup.

**Agenda Item 5. Public Comment Period**

Mr. Duerr-Clark read a portion of Executive Law pertaining to public comments.

A member of the community, representing herself, expressed a concern about a possible code violation resulting in a stagnant pond of storm water drainage on her property. She indicated having filed complaints with the city, county, and state. Mr. Duerr-Clark and Mr. Addario indicated that they would follow-up with the Oversight Unit.

**Agenda Item 6. Future Meetings**

Mr. Tebo announced that the tentative dates of September 25, 2020 and December 4, 2020 remain unchanged.

**Agenda Item 7. Other Business.**

Mr. Tebo thanked everyone for their time and patience and exhorted all to remain safe.

Hearing no other business, Mr. Tebo made a motion to adjourn, no objections were presented.

**The meeting adjourned at approximately 10:57 a.m.**