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DEPARTMENT OF STATE

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Minutes of the NYS Fire Prevention and Building Code Council meeting on Friday, March 4, 2022, commencing at 10:05 a.m. and held by videoconference call (WebEx).

Council members and designees present:

Matthew Tebo, Presiding
Benjamin Keller
Vincent Rapacciuolo
Joseph M. DeStefano
Claudia Braymer
Shawn Hamlin

Timothy DeRuyscher
Robert Hughes
William W. Tuyn
Patrick Dolan
Dominic Marinelli
Joseph Toomey

Staff present:

John Addario, Panagiota Hyde, Kevin Duerr-Clark, Emma Gonzalez-Laders, Gregory Benton, China Clarke, Daniel Carroll, Jeanne Rice, and Chad Sievers.

Agenda Item 1. Welcome.

Chairperson Tebo called the meeting to order, welcomed all, noted that Division of Building Standards and Codes (the Division) has one new staff member who will be assisting the Code Development Unit, Jeanne Rice, welcomed back Daniel Carroll to the Energy Code Services Unit, and noted that the Department of State has a new Secretary of State, Robert Rodriguez. Chairperson Tebo noted the recent tragic NYC fire.

Kevin Duerr-Clark explained that the meeting was being held via videoconference pursuant to Chapter 417 of Laws of 2021 and the procedures to be followed during the meeting.

Kevin Duerr-Clark called the roll and announced that twelve (12) Code Council members were present. Chairperson Tebo noted that there was a quorum.

The following change to the agenda was noted:

- The Town of East Hampton repealed their local law, so this item has been removed from Agenda item 6.

Agenda Item 2. Draft Minutes – December 3, 2021 – consideration of motion to approve.

Chairperson Tebo asked if anyone wished to propose changes to the minutes of the December 3, 2021, meeting. Benjamin Keller proposed correcting the spelling of the Town of Cortlandt. Chairperson Tebo invited a Code Council member to make a motion to approve the minutes with the corrected spelling. Joseph Toomey made the motion, Timothy DeRuyscher seconded it, and the motion was approved unanimously by voice vote.

Agenda Item 3. Department of State Updates

Panagiota Hyde noted recent changes to Article 18 of the Executive Law which impact the Uniform Code. Noted changes included:



**Department
of State**

- New Subdivision (4) of Executive Law §382 regarding civil penalties up to \$7,500 for certain Uniform Code violations where such alteration impedes a person's egress from such building during a fire or other emergency evacuation. (*Chapter 333 of the Laws of 2020, Chapter 47 of the Laws of 2021*)
- Amended Subdivision (3) of Executive Law §382 by adding that a justice of a New York city civil court, a city court, district court or county court in addition to a justice of the supreme court that may order the removal or the building or an abatement of the condition in violation of such provisions. (*Chapter 507 of the Laws of 2021*)
- Amended Subdivision (2) of Executive Law §382 regarding minimum fines for Uniform Code violations that remain uncured for an extended period. (*Chapter 571 of the Laws of 2021*)
- New Subdivision (18) of Executive Law §378 requiring the Uniform Code to include standards for grease traps or interceptors (See Agenda Item #4 for more details). (*Chapter 753 of the Laws of 2021, Chapter 47 of the Laws of 2022*)

John Addario noted the following:

- The Climate Action Council has released their draft scoping plan: the scoping plan was made available on Jan. 1, 2022 for public comment and will continue to be available for 120 days (until May 1, 2022). John Addario encouraged everyone to review it, stating that the Climate Action Council website indicates that they will be holding at least 6 public hearings across the state within the 120-day public comment period.
- The items listed below were addressed by the Governor in the State of the State address, and relate to the Division and the Code Council. The Division is a member of an interagency group that meets weekly working on how these plans will be implemented.
 - A plan to achieve 2 million climate-friendly, electrified or electrification-ready homes by 2030,
 - A plan to require zero on-site greenhouse gas emissions for new commercial construction no later than 2027, and
 - NYSERDA to mandate energy benchmarking for large buildings, making it easier to track energy-efficiency improvements over time.
- The Governor has put forward legislative proposals for new construction codes which could affect the Code Council, the Uniform Code/Energy Code, and the Division. These proposals include:
 - Incorporate greenhouse gas reduction objectives in developing the new construction code and expand the scope of the Energy Code.
 - Update cost-effectiveness criteria to account for the full lifetime of installed equipment instead of a 10-year payback.
 - Expand the New York State Fire Prevention and Building Code Council to include the President and CEO of NYSERDA and the Commissioner of the Department of Environmental Conservation (DEC).
- The ICC Group B Hearings will be held in Rochester, NY from March 27 – April 8, which will include hearing updates to the IEBC, IRC-B (Building), and IBC-S (Structural). These hearings will address proposed changes to the 2021 ICC code books to create the 2024 ICC code books. Kevin Duerr-Clark will serve on the IEBC committee at the hearings.

Chairperson Tebo noted that Division and Code Council will be busy in coming years.

Agenda Item 4. Notice of Emergency Adoption and Proposed Rule Making - Grease Interceptors (add new Part 1229 to 19 NYCRR)

Chairperson Tebo invited Kevin Duerr-Clark to present the Notice of Emergency Adoption and Proposed Rule Making related to grease interceptors.

Kevin Duerr-Clark informed the Code Council that they had been provided with the documents related to the rule making and gave an overview of the development of the rule, which included Bill No. A8770 / S7887 being signed into law by the Governor on February 24, 2022. The bill then became Chapter Law number 47 of the Laws of 2022, which amended Executive Law §378. The amendments to Title 19 of the New York Codes, Rules and Regulations (“NYCRR”) were drafted; more specifically, the proposed rule text amends the Uniform Code by adding a new Part 1229 to Title 19 of the NYCRR, and contains specific provisions to address the newly signed law in relation to the installation, modification, use, and maintenance of grease interceptors and grease traps. It also amends section 1219.1 of Title 19 of the NYCRR to provide that new Part 1229 is part of the Uniform Code.

Kevin Duerr-Clark noted that the draft rule text was made public in the following ways: it was posted on the Division’s website as a Notice of Rule in Development; it was sent to regulated parties via *Building New York*, an e-bulletin hosted by DOS; and an email was sent to over 500 waste haulers who are registered with the Department of Environmental Conservation to haul “Grease Trap Waste.” As a result of this outreach, the Division made some changes to the draft rule text and those changes were included with the Notice of Emergency Proposed Rule Making documents sent to the Code Council. A brief description of each of the changes was provided as follows:

- The Chapter Law number of “47” was inserted into the blank space for the Laws of 2022 identifying the statutory authority for the rule.
- In the definition of grease interceptor, reference was made to gravity grease interceptors being not less than 500 gallons. A comment from a manufacturer of these devices indicated that the standard that regulates these types of grease interceptors references a minimum volume of 300 gallons. The definition was updated accordingly to better align with the reference standards.
- The dimensions of the required signage were modified to require “a minimum nominal width of 14-inches and a minimum nominal height of 10-inches.” This revision was made to account for sign companies that produce varying dimensions for signs, which could differ by roughly half an inch from the stated dimensions, and to provide flexibility for the use of such signs.
- Upon further review of Chapter 47 of the Laws of 2022 signed on February 24, 2022, it was determined that, while requiring existing grease interceptors to comply with the provisions of the rule on the law’s effective date of March 22, 2022, may in some instances be impracticable, the change in law does not allow for leeway in compliance or establishment of a grace period. The prior version of the draft rule provided for a six-month grace period for existing grease traps or interceptors, with a compliance date of September 22, 2022; however, the rule now requires all grease traps or interceptors (both new and existing) to comply with the requirements as of the effective date of March 22, 2022. Accordingly, the definitions of “new grease interceptors” and “existing grease interceptors” were removed.

Kevin Duerr-Clark relayed the Division’s recommendation that the Code Council adopt the Rule on an emergency basis in order to have the rule in effect as of March 22, 2022, as required by the last change to the law listed previously, and to have the Division proceed with a Notice of Proposed Rule Making for the permanent rule.

Kevin Duerr-Clark requested that, due to the timing of this emergency rule and the permanent rule, the Code Council move the previously scheduled June 24 Code Council meeting to June 17 to allow the Division time to file the Notice of Adoption for the permanent rule, and to allow a readoption of the emergency rule to bridge the gap between the expiration of the 90-day emergency adoption and the effective date of the permanent rule.

Chairperson Tebo asked if there are any questions regarding the rule, Shawn Hamlin asked for background on the events that prompted the bill and subsequent rule change. Kevin Duerr-Clark relayed an event that took place in Rochester NY several years ago, where a small child fell through the cover of an outdoor, below grade, grease interceptor and drowned; then added that Monroe County created laws to prevent this from happening again, and that the legislation was in response to that event.

Joseph M. DeStefano asked why the scope of the new rule extends to “under the sink” style interceptors, and expressed concern that small businesses may be negatively financially impacted by the expense of complying with the new rule; then asked who will be responsible for annual inspections and who is required to submit a report to the local code official; and finally, who makes determinations about the exceptions.

Kevin Duerr-Clark replied that the rule does not require any additional inspections beyond the required fire safety and property maintenance inspections. The local Authority Having Jurisdiction will need to determine if inspection intervals need to be increased to meet the required inspections; adding that a typical inspection might include checking that the sign is correct and in the right location, and that the cover is not accessible to unauthorized parties.

With no other discussion or questions, Chairperson Tebo proceeded to make two motions, read by Panagiota Hyde. The first found that the rule caused no significant environmental impact and the second was to file the Notice of Emergency Adoption and Proposed Rule Making. Shawn Hamlin and Joseph Toomey seconded the first and second motions, respectively. There was no discussion on the motions and both passed 11-1 (Joseph DeStefano voted “no” for both motions).

Agenda Item 5. International Code Council (ICC) Model Code Review

Kevin Duerr-Clark presented the Code Council with information and data, collected and compiled by Division staff, that will impact the future of the Uniform Code and Energy Code. The following items and issues were presented:

- Division staff prepared a document listing the notable changes based on the 2021 International Code Council (ICC) model codes, which was provided to the Code Council members. This included a high-level look at the redlined documents as well as the significant change documents published by ICC. Division staff highlighted items determined to be a notable change specifically for New York State. The analysis did not include the effects of the notable changes, nor did it include any recommendations for or against any of the changes.
- Division staff has been monitoring and participating in the proposed changes to the 2024 ICC Codes.
- Kevin Duerr-Clark will be serving on the Existing Building Code committee at the Group B, 2022 Committee Action hearings in Rochester.
- The Division has prepared multiple proposals to defend at the Group B, 2022 Committee Action hearings in Rochester.
- The Division is aware of changes being proposed to the 2024 ICC model codes which may aid New York in satisfying the potential Climate Leadership and Community Protection Act (CLCPA) goals and the Governor’s efficiency goals, assist with complying with any legislation that passes, and/or help to eliminate New York State specific changes the Code Council currently makes. For example, there is potential code language for the use of low GWP refrigerants, improvements were made to the bathroom provisions that enable the safe use of all persons regardless of sex, and a number of proposals submitted by Division Staff have also been tentatively approved in Group A. Additionally, for 2024, the ICC has separated the International Energy Conservation Code from the remaining International Code books development process, placing it into the ICC’s American National Standards Institute (ANSI) approved

standards process, with the anticipation that this will allow for more in-depth scientific and economic deliberations, a quicker progress to meeting public and private sector goals, and the development of a broader consensus to support wider application and adoption.

- Emma Gonzalez-Laders is a voting Consensus Committee Member for the development of the 2024 IECC and is the Chair of the Envelope and Embodied Carbon Subcommittee.
- A significant update to the Uniform Code and Energy Code typically takes about two years or more to accomplish.

Kevin Duerr-Clark gave the recommendation from the Division that at this time, the Division recommends that the Code Council does not take any immediate action on updating the Uniform Code or Energy Code until the pending legislation and CLCPA goals have been finalized as these will have a significant impact on the direction of both Codes. Additionally, by that time, the 2024 versions of the International Codes will be established, which will allow the Code Council to do a single update that can incorporate the 2024 ICC code changes, meet CLCPA goals, and comply with any legislative requirements into one single update.

Kevin Duerr-Clark added that attempting to address these in multiple successive or individual updates would result in years of added time and repetitive work, while waiting will only cause a short delay of 8 to 12 months in the overall update timeline, and would place New York State in a position to adopt the 2024 ICC model code on a more progressive schedule while also including any new legislative changes and updates, allowing for time to accommodate suggestions from the ICC pandemic task force and any potential ICC recommendations based on the Surfside Florida building collapse.

Chairperson Tebo noted that the Division was asked to look at the 2021 and 2024 ICC code changes as an aid to discussing the next Uniform Code and Energy Code update dates. Chairperson Tebo agreed with the Divisions recommendation, noting that adopting the 2021 ICC model codes would take until mid 2024, but adopting the 2024 ICC model codes could be done by late 2024 or early 2025, only losing 9 months (as compared to adopting the 2021 codes), and New York State would be adopting “cutting edge” codes. Chairperson Tebo then added that moving to the 2024 ICC model codes would allow for better coordination with NYSERDA and the development of the NYSERDA Stretch code.

Chairperson Tebo asked the Code Council to offer their thoughts on which ICC codes to adopt.

Robert Hughes agreed with going to the 2024 ICC model codes and expressed concern that code officials may be resistant to such a large jump, but suggested that training and outreach will alleviate this fear, and should be offered in copious amounts. Robert Hughes added that the training should be not just to get approved training credits but also include Q & A sessions to promote a deeper understanding. Chairperson Tebo concurred and stated that online training has been implemented and will be expanded.

Ben Keller agreed with Robert Hughes and stated that there are a lot of tools in the upcoming 2024 ICC model codes that will assist the Fire Service in dealing with Energy Storage and other energy-related technologies which are changing faster than the Fire Service can keep up with. Ben Keller then asked if the 2024 ICC model codes are used, is the goal then to stay on the same yearly cycle as the ICC. Chairperson Tebo confirmed that is the intent.

Tim DeRuyscher asked how the Division goes through the code change process, asked why the process takes so long, asked if the process can be changed to make it faster and easier for Division staff and the Code Council, and suggested producing a document to explain the process. Chairperson Tebo asked Kevin Duerr-Clark to follow through with the suggested

task. Chairperson Tebo also described the 12- to 18-month long SAPA process which is not inclusive of the Division staff and Code Council review.

Tim DeRuyscher then asked why the NYStretch code process is shorter. Kevin Duerr-Clark noted that because NYStretch is not a regulation, it did not have to go through the SAPA process. Kevin Duerr-Clark then used the Grease Trap legislation to highlight the extent to which one small legislative change might impact the length of a code cycle. Chairperson Tebo agreed.

Robert Hughes expressed an understanding that there are procedures that must be followed but offered that there must be a better way. John Addario mentioned that the concept of shortening the cycle was evaluated for the 2015 update with the introduction of the supplement document and a review/reduction of the New York Specific changes. John Addario noted; however, that there were many complaints about the supplement option, it didn't shorten the time as much as expected, and that New York State specific books is a better product when it is integrated with ICC model codes.

Chairperson Tebo stated there are a lot of New York specific changes, some of which can be eliminated when jumping to 2024 and that Division is attempting to staff up, which should speed up process.

Robert Hughes suggested that by keeping up with ICC model codes in adoption, there might be a reduction in the number of changes needed for new code adoptions.

Joe Toomey agreed with going to the 2024 ICC model codes, and then asked if there is any way to shorten the required SAPA process. Chairperson Tebo stated that this would require a change in legislation.

Bill Tuyn stated that Division staff review process for code updates is a tremendous effort and huge task, and commended Division staff efforts on updates to the codes. Bill Tuyn supported pursuing the 2024 ICC model codes, but asked how significantly different the 2024 ICC model codes are from the 2021, with the exception of the Energy provisions. Kevin Duerr-Clark responded by saying there is not a huge concern with going to the 2024 and that the benefits of the 2024 to assist the Code Council to combine all of the goals and pending legislation into one update is very beneficial. Additionally, Division staff are fully engaged in the ICC proposal process for the 2024.

Bill Tuyn expressed a desire for the Code Council and Division staff to take a close look at the technical limitations of the electrification legislation while expressing concerns about the legislative initiative to become fully electric by 2027 without regarding the capacity of the grid, or to the collapse of this part of the State's economy. Chairperson Tebo noted that there is a committee, which includes Division staff as well as New York State Department of Public Service, New York State Energy Research and Development Authority, New York State Department of Environmental Conservation, and New York State Division of Housing and Community Renewal who are looking at these issues.

Chairperson Tebo summed up that consensus is to plan the next update to the Uniform Code and Energy Code to be based on the 2024 ICC model codes, with the intention of it becoming the 2025 New York Codes.

Agenda Item 6. More Restrictive Energy Code Filings (Energy Law §11-109)

Chairperson Tebo introduced the agenda item and Emma Gonzalez-Laders explained that a common trend of jurisdictions that adopt NYStretch as a supplement to the State Energy Code is to sever Section R403.6.2, which requires Energy Recovery Ventilators (ERV) or Heat

Recovery Ventilators (HRV). Emma Gonzalez-Laders reminded the Council that Chris Sgroi from NYSERDA spoke at the December 3, 2021, Code Council meeting and said that even with this provision severed, NYStretch remains more restrictive than the State Energy Code. Gonzalez-Laders stated that the Town of North Salem, Town of Humphrey, and Town of Orangetown adopted NYStretch according to that trend and relayed the Division's recommendation that those codes be found to be more restrictive than the State Energy Code.

Town of North Salem (LL No. 1 of 2022)

Panagiota Hyde read a motion on behalf of Chairperson Tebo, finding the local energy conservation construction code to be more restrictive than the State Energy Code. The motion was seconded by Joseph Toomey and it was unanimously approved by the Code Council.

Town of Humphrey (LL No. 5 of 2021)

Panagiota Hyde read a motion on behalf of Chairperson Tebo, finding the local energy conservation construction code to be more restrictive than the State Energy Code. The motion was seconded by Robert Hughes and it was unanimously approved by the Code Council.

Town of Orangetown (LL No. 8 of 2021)

Panagiota Hyde read a motion on behalf of Chairperson Tebo, finding the local energy conservation construction code to be more restrictive than the State Energy Code. The motion was seconded by Joseph Toomey and it was unanimously approved by the Code Council.

Village of Lima (LL No. 3 of 2021)

Emma Gonzalez-Laders presented a summary of the Division's review of the local law, which included severing the mechanical ventilation provision and attempting to include future updates to NYStretch. Gonzalez-Laders relayed the Division's recommendation that the Code Council find, consistent with similar local laws, the local law for the Village of Lima to be more restrictive than the State Energy Code and to specify in the motion that the findings are based only on the currently available NYStretch Version 1. Panagiota Hyde read the motion on behalf of Chairperson Tebo, finding the local energy conservation construction code adopting NYStretch Version 1 to be more restrictive than the State Energy Code. The motion was seconded by Joseph DeStefano. Robert Hughes asked if the Village would be notified that future versions of NYStretch aren't approved and therefore unenforceable. Kevin Duerr-Clark and Chairperson Tebo stated that this would be highlighted in notification to the Village. The motion was then unanimously approved by the Code Council.

Town of Esopus (LL No. 14 of 2021)

Emma Gonzalez-Laders presented a summary of the Division's review of the local law, which consisted of adoption of NYStretch without modifications. Emma Gonzalez-Laders relayed the Division's recommendation that, based on previous action and NYSERDA's presentations, the local law be found more restrictive than the State Energy Code. Panagiota Hyde read the motion on behalf of Chairperson Tebo, finding the local energy conservation construction code to be more restrictive than the State Energy Code. The motion was seconded by Shawn Hamlin and was unanimously approved by the Code Council.

Town of Southampton (LL No. 25 of 2021)

Emma Gonzalez-Laders presented a summary of the Division's review of the local law, which included adoption of NYStretch, including appendices CB and CC, a requirement for HERS rater verification of a more stringent Energy Rating Index (ERI), and procedures for the issuance of waivers. Emma Gonzalez-Laders relayed the Division's recommendation that the local law be found more restrictive than the State Energy Code. Panagiota Hyde read the

motion on behalf of Chairperson Tebo, finding the local energy conservation construction code to be more restrictive than the State Energy Code, specifying that any waivers issued under the local law would be specific to provisions of the same and in no event apply to provisions of the State Energy Code. The motion was seconded by Robert Hughes and was unanimously approved by the Code Council.

Town of New Castle (LL No. 1 of 2022)

Emma Gonzalez-Laders presented a summary of the Division's review of the local law, which included language in the local law that requires NYStretch to be followed unless superseded by more restrictive provisions. Emma Gonzalez-Laders relayed the Division's recommendation that the local law be found not more restrictive than the State energy code, based on the Code Council finding that local laws containing such language pertaining to superseding provisions because without specifically identifying all the provisions of the local law, the municipality could not demonstrate that the local code is more restrictive than the State Energy Code. On behalf of Chairperson Tebo, Panagiota Hyde read a motion that the local energy conservation construction code be found not more restrictive than the State energy code, which was seconded by Patrick Dolan, and was unanimously approved by the Code Council.

Agenda Item 7. More Restrictive Local Standards for Construction (Executive Law §379)

Village of Elmsford – LL No. 2 of 2021

Chad Sievers described the Village of Elmsford Local Law 2 of 2021 and the filing of a Notice and Petition for a More Restrictive Local Standard (MRLS). Chad Sievers summarized the Division's analysis, which recommended denial on the basis that the local law contained provisions that were less restrictive than the Uniform Code.

Antonio Capicotto, Village Engineer, stated that the language of the local law was based on a similar Town of Greenburgh MRLS which was approved in 1996, and that the language found to be less restrictive was directly taken from the approved Greenburgh law. Antonio Capicotto inquired of the Council's disposition in regard to approval of the MRLS in the event that the potentially less restrictive language was removed. Chairperson Tebo noted Division staff is available to help guide municipalities with any code questions in the event of a denial of an MRLS.

Chief Eugene Malone (fire chief, CEO, and fire investigator for the Village of Elmsford and the Town of Greenburgh) spoke of the benefits of sprinkler systems, including increased protection for life and property. Chief Malone stated that, in their experience, commercial buildings in Greenburgh which are equipped with sprinklers have had good firefighting outcomes, and as commercial buildings are further developing in Elmsford, this would provide similar benefits to structures within the Village.

Council members proceeded to discuss the MRLS application. Matters discussed included the benefits of automatic sprinkler systems, fire outcomes in the Town of Greenburgh, and how the MRLS for the Town came to be approved. Chad Sievers stated that, upon review of the archives, it was found that the Town of Greenburgh had a local law which required sprinklers in effect prior to the adoption of the Uniform Code in 1984, and that the 1996 approval was a re-approval on the basis of this law having been established prior to the Uniform Code.

Code Council members then discussed whether approval of the basis for special conditions stated in the Elmsford MRLS application would lead to additional municipalities also applying for MRLSs based on similar justifications, and whether the conditions described in the Elmsford MRLS application fit the definition and intent of Executive Law allowing MRLS based on special conditions. Chairperson Tebo stated that the recommended denial was not based on

special conditions, but solely on the less restrictive requirements. Code Council members also discussed the possibility that the Town of Greenburgh local law was, due to the age of the law, potentially no longer more restrictive than the Uniform Code, and the ramifications that this might have on the Village's application. Shawn Hamlin asked Chief Malone if the Town of Greenburgh local law requires sprinkler systems in one- and two-family dwellings. Chief Malone affirmed that Greenburgh law requires sprinkler systems in one- and two-family dwellings.

Once discussion was concluded, Chairperson Tebo made the motion for denial of the Village of Elmsford MRLS application. The motion was read by Panagiota Hyde on Chairperson Tebo's behalf. The motion was seconded by Robert Hughes and passed 11-1 (Timothy DeRuyscher voted no).

Agenda Item 8. Other More Restrictive Local Standards and Energy Code Filings

Kevin Duerr-Clark informed the Code Council that there are several other municipalities that submitted a notice and petition pursuant to Executive Law §379 and/or filings pursuant to Energy Law §11-109, but for various reasons they are not ready to be formally presented to the Code Council at this time. Kevin Duerr-Clark added that some of them were presented at the previous Code Council meeting but there have been updates in the meantime. A detailed description of each was then provided:

- The Town of Bethel submitted both a notice and petition pursuant to Executive Law §379 and a filing pursuant to Energy Law §11-109 for the Town's adoption of NYStretch. Since the last Code Council meeting, the Town of Bethel has indicated that they have enacted local law that rescinded the portion of NYStretch that required the filing of the Notice and Petition, and requested their Notice and Petition be withdrawn. The Town has not provided a new filing of the new local law pursuant to Energy Law §11-109; Division staff has made the Town aware of the process and timeframes. Therefore, the Division staff has no recommended action at this time.
- The City and Town of Ithaca adopted a local green code and submitted a filing pursuant to Energy Law §11-109. The Division received some supplemental information on November 16, 2021, following the initial submission, and Division staff is continuing to review that information and work with the municipality to present the Division's findings to the Code Council.
- The Village of Saltaire submitted a notice and petition pursuant to Executive Law §379 for a local law that requires automatic sprinkler systems in new and some modified existing buildings. The Village subsequently withdrew their Notice and Petition, with the intent to make several revisions, adopt a new local law, and submit a new notice and petition.
- The City of Kingston submitted both a notice and petition pursuant to Executive Law §379 and a filing pursuant to Energy Law §11-109 for the City's adoption of NYStretch. At the time of submission, the City requested their local law not be presented to the Code Council until the City is able to provide some supplemental information. To date, the Division has not received any additional information. The Division has reached out to the City on several occasions through voicemails and emails with no additional responses from the City. The Division is also working with NYSERDA to coordinate directly with the City. Therefore, no action is recommended at this time.
- The Village of Tully submitted a filing pursuant to Energy Law §11-109 for the Village's adoption of NYStretch on February 25, 2022. It was filed with the Code Council more than 30-days from adoption and the local law is therefore not enforceable until the Code Council acts. However, as the filing was received just one week prior to this Code Council meeting, and appears to be embedded in with a host of other changes to the Village Code that would need to be reviewed to determine if there are any other impacts to the Energy Code, Division staff needs additional time to complete the review and provide a recommendation.

- Lastly, the Village of Hastings-on-the-Hudson adopted a NYStretch local law over a year ago but submitted the notice and petition to the Division beyond the 30 day maximum period. DOS has spoken with the Village Manager and the Village Attorney, who informed DOS that they are working on additional information and the potential adoption of a subsequent local law with a new submission. Therefore, the Division staff has no recommended action at this time.

Chairperson Tebo asked for questions, and hearing none, moved on to the next agenda item.

Agenda Item 9. Workgroup Update

Kevin Duerr-Clark provided updates on the activities of the first Workgroup, stating that the final document was included in the packet provided to the Code Council members, and noted that the Workgroup determined that most items require no action, but that some items will require further action. Timothy DeRuyscher clarified that those requiring no action did not mean a code change was not necessary, just that the Code Council did not need to make a decision. Kevin Duerr-Clark agreed, adding that those items noted as needing action were items on which the Workgroup did not reach a consensus.

Kevin Duerr-Clark stated that the Building Assessment Workgroup has met and corresponded, and that the most recent discussion has centered on the December 7, 2021 virtual discussion hosted by ICC on the topic. Main takeaways of the discussion include:

- The host noted the intent is not to discuss the cause of the collapse because everyone is waiting on the NIST investigation.
- There are a lot of jurisdictions that may not have maintenance provisions at all or have a lack of enforcement of the provisions that exist.
- ICC is working on non-mandatory guidelines for building safety professionals and jurisdictions to assist in managing maintenance and inspections for existing buildings

A video was posted of the December 7 virtual discussion for all who could not attend to watch. The Workgroup has determined additional meetings are not necessary until more information on the subject is provided by either ICC or the NIST report.

Agenda Item 10. Public Comment Period

Chairperson Tebo opened the floor for public comment.

Alan Feltoon, RA., who represents the International Masonry Institute and the International Union of Bricklayers and Allied Craftworkers, stated that they planned to comment on the Miami Florida building collapse, but decided to hold the comments for future meetings where the topic is more central to the discussion; Alan Feltoon then recommended the Code Council read an article in the NY Times Magazine published in January of 2022 related to collapse.

Agenda Item 11. Future Meetings.

The Code Council scheduled meeting dates for 2022 are as follows: June 17, September 23, and December 9, 2022.

Agenda Item 12. Other Business.

Hearing no other business, Chairperson Tebo made a motion to adjourn. The motion was carried by a unanimous voice vote. Chairperson Tebo thanked the Code Council and staff.

The meeting adjourned at approximately 12:56 p.m.

