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Executive Session Minutes

**Board of Building Regulations and Standards (BBRS)
Ashburton Café, One Ashburton Place, Boston MA 02108
May 12, 2015.**

1. RC asked for roll call to enter Executive Session. The roll call is noted here:

Richard Crowley V-Chair (RC)	x present <input type="checkbox"/> absent	Structural Engineer (<i>open slot</i>)	<input type="checkbox"/> present <input type="checkbox"/> absent
Robert Anderson (RA)	x present <input type="checkbox"/> absent	Thomas Perry (TP)	x present <input type="checkbox"/> absent
John Couture (JC)	x present <input type="checkbox"/> absent	Stephen Coan*(SC)	x present <input type="checkbox"/> absent
Kevin Gallagher (KG)	x present <input type="checkbox"/> absent	General Contractor of Commercial or Industrial	
Jerry Ludwig (JL)	<input type="checkbox"/> present x absent	Buildings (<i>open slot</i>)	<input type="checkbox"/> present <input type="checkbox"/> absent
Alexander MacLeod (SM)	x present <input type="checkbox"/> absent	Harry Smith (HS)	x present <input type="checkbox"/> absent

* Jacob Nunnemacher (JN) was designee for SC. Also in attendance from DPS were Deirdre Ann Hosler (DH), Tom Riley (TR), Mike Guigli (MG), and Doug Martland, Assistant Attorney General (AAG).

This executive session was held to discuss *Sheet Metal Workers Local 17 v. Board of Building Regulations & Standards and another*, Suffolk Superior Court, CA No. 2014-04043. AAG Martland noted that Official Interpretation 2014-02 (Exhibit A) does not take into account the jurisdiction of the Board of Examiners of Sheet Metal Workers (“BESM”), as the definition of sheet metal work encompasses “louvers”, and louvers are a component of building envelopes. The Board discussed the possibility of the BESM and the BBRS coming to agreement regarding mixed jurisdiction over building envelopes, but AAG Martland advised against filing an Answer to the Complaint, which was imminently due, before that agreement could be reached. RC noted that the BESM has new members that may be open to consideration of elimination of conflict and duplication between 780 and 271 CMR, although all members conceded that an agreement between the BESM and the BBRS with respect to the subject matter of Exhibit A was not guaranteed to occur before the Answer filing date. RC and others expressed deep concerns that the companies which install exterior wall assemblies are unfairly affected by the jurisdictional conflict with respect to building envelopes, and that the building envelopes are in fact regulated by the building code. However, heeding the advice of counsel, and in the hope that the BESM would approve some sort of cooperative working relationship on code development and department policies between it and the BBRS, the BBRS approved rescission of Exhibit A. The Motion to rescind Exhibit A was made by KG and seconded by SM, and a roll call vote was taken. RC voted against; TP, RA, JC, JN, KG, HS, SM, voted in favor (3:53 to 4:40, approximate).

Exhibits (listed as file names)

A. 2014-02-official-interpretation-exterior-walls-approved