



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

JAY ASH
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Professional Licensure
Office of Public Safety and Inspections
Board of Building Regulations and Standards
1000 Washington Street, Suite 710 • Boston • Massachusetts • 02118

JOHN C. CHAPMAN
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

ROBERT ANDERSON
ADMINISTRATOR

Meeting Minutes
STATE BOARD OF BUILDING REGULATIONS AND STANDARDS
BUILDING OFFICIAL CERTIFICATION COMMITTEE
Sturbridge Public Safety Building, 346 Main Street
Sturbridge, MA
November 7, 2018 9:00 a.m.

Meeting called to order by the Chairman at 9:10 a.m. followed by roll call:

1. Roll Call

- | | | |
|---|----------------------------------|---------------------------------|
| a. Donald R. Torrico, Chairman
<i>-Building Officials of Western Massachusetts Member, Adams</i> | ✓ present | <input type="checkbox"/> absent |
| b. Matthew Hakala, Vice Chairman
<i>-Member At Large, Westford</i> | ✓ present | <input type="checkbox"/> absent |
| c. Jeff Richards
<i>-Massachusetts Building Commissioner's Association, Weymouth</i> | ✓ present | <input type="checkbox"/> absent |
| d. Robert Speroni
<i>-MetroWest Building Officials Association, Hopedale</i> | ✓ present | <input type="checkbox"/> absent |
| e. Bonnie Weeks
<i>- Member At Large, Palmer</i> | <input type="checkbox"/> present | ✓ absent |
| f. Andrew Bobola
<i>- Member At Large, Mattapoissett</i> | <input type="checkbox"/> present | ✓ absent |
| g. Michael Clancy
<i>- Southeastern Building Official's Association, Hingham</i> | ✓ present | <input type="checkbox"/> absent |
| h. Michael Giampietro
<i>-Member At Large, Millis</i> | <input type="checkbox"/> present | ✓ absent |
| i. Roger Fuller
<i>- Massachusetts Municipal Association Representative</i> | <input type="checkbox"/> present | ✓ absent |
| j. David Lenzie
<i>- Member from Academia</i> | <input type="checkbox"/> present | ✓ absent |
| k. Bill Horrocks
<i>- BBRS Representative</i> | ✓ present | <input type="checkbox"/> absent |

Guest Present:

Kimberly Spencer, Office of Public Safety and Inspections
Natasha Belizaire, Deputy Counsel, Department of Professional Licensure
Dave Sullivan, Office of Public Safety and Inspections

2. The minutes from the BOCC meeting on **October 15, 2018**, were reviewed by members present; MOTION to approve, with changes, these minutes was made by **Robert Speroni**, and seconded by **Michael Clancy**.



3. Application for Certification Packets

- a. On a MOTION by Jeff Richards and seconded by Michael Clancy it was unanimously VOTED to approve the application of **Allan B. Fraser** (No Affiliation) for certification in the capacity of **Local Inspector** having met the minimum qualifications for said position defined by MGL c 143 § 3. (BO-2050).
- b. On a MOTION by Bill Horrocks and seconded by Robert Speroni it was unanimously VOTED to TABLE the application of **Christopher McWhite** (City of Lowell) for certification in the capacity of **Inspector of Buildings / Building Commissioner**.

4. Examination Approval Packets

- a. On a MOTION by Bill Horrocks and seconded by Robert Speroni it was VOTED to **DENY** the request of **Bun Song Chhuon** (No Affiliation) for approval to take the required exams to become certified as a building code enforcement official. The Committee was unable to determine if Mr. Chhuon meets the minimum qualifications as defined by MGL c 143 § 3. Jeff Richards and Matthew Hakala opposed.
- b. On a MOTION by Jeff Richards and seconded by Michael Clancy it was VOTED to grant the request of **Luciano Diepietrantonio** (No Affiliation) for approval to take the required exams to become certified as a building code enforcement official. Mr. Diepietrantonio meets the minimum qualifications set forth by the BBRS for said position of local inspector and inspector of buildings / building commissioner defined by MGL c 143 § 3 and was granted permission to proceed with the required examination process. Bill Horrocks opposed.
- c. On a MOTION by Matthew Hakala and seconded by Jeff Richards it was VOTED to grant the request of **Daniel Lazarz** (No Affiliation) for approval to take the required exams to become certified as a building code enforcement official. Mr. Lazarz meets the minimum qualifications set forth by the BBRS for said position of local inspector and inspector of buildings / building commissioner defined by MGL c 143 § 3 and was granted permission to proceed with the required examination process. Robert Speroni opposed.
- d. On a MOTION by Matthew Hakala and seconded by Michael Giampietro it was VOTED to **deny** the request of **Gary Sagar** (No Affiliation) for approval to take the required exams to become certified as a building code enforcement official. The Committee was unable to determine if Mr. Sagar meets the minimum qualifications as defined by MGL c 143 § 3. Jeff Richards, Bill Horrocks and Robert Speroni
- e. On a MOTION by Bill Horrocks and seconded by Jeff Richards it was VOTED to grant the request of **John Zachariewicz** (No Affiliation) for approval to take the required exams to become certified as a building code enforcement official. Mr. Zachariewicz meets the minimum qualifications set forth by the BBRS for said position of local inspector and inspector of buildings / building commissioner defined by MGL c 143 § 3 and was granted permission to proceed with the required examination process. Robert Speroni opposed.

5. New Employee Report Form Packets

- a. On a MOTION by Robert Speroni and seconded by Matthew Hakala it was unanimously VOTED to **not acknowledge** the *New Employee Report Form* of **Gregory Briggs** appointed to the position of **Local Inspector** for the Town of Granby. *NERF signed by Town Administrator – Town of Granby Bylaws ‘the inspector of buildings shall be appointed by the Board of Selectmen’.*
- b. On a MOTION by Jeff Richards and seconded by Matthew Hakala it was unanimously VOTED to acknowledge the *New Employee Report Form* of **Christopher Canney** appointed to the position of **Building Commissioner** for the Town of Holliston on September 25, 2018/August 31, 2018. *NERF signed by Town Administrator.*
- c. On a MOTION by Michael Clancy and seconded by Matthew Hakala it was unanimously VOTED to acknowledge the *New Employee Report Form* of **Jeff Carter** appointed to the position of **Local Inspector** for the Town of Barnstable. Appointed, not yet certified, on July 25, 2018. Twelve month grace period expires July 31, 2019. *NERF signed by Town Manager.*
- d. On a MOTION by Jeff Richards and seconded by Michael Clancy it was unanimously VOTED to acknowledge the *New Employee Report Form* of **Lawrence Hester** appointed to the position of **Local Inspector** for the Town of Milford on September 10, 2018. *NERF signed by Chairman.*
- e. On a MOTION by Jeff Richards and seconded by Matthew Hakala it was unanimously VOTED to acknowledge the *New Employee Report Form* of **William A. Scott** appointed to the position of **Building**

Commissioner for the Town of Agawam. Appointed, not yet certified, on October 22, 2018. Eighteen month grace period expires April 30, 2020. *NERF signed by Mayor.*

- f. On a **MOTION** by Robert Speroni and seconded by David Lenzie it was unanimously **VOTED** to **not acknowledge** the *New Employee Report Form* of **David Gardner** appointed to the position of **Building Commissioner** for the Town of Granby. *NERF signed by Town Administrator – Town of Granby Bylaws ‘the inspector of buildings shall be appointed by the Board of Selectmen’.*
- g. On a **MOTION** by Jeff Richards and seconded by Matthew Hakala it was unanimously **VOTED** to acknowledge the *New Employee Report Form* of **Shaun Shanahan** newly appointed to the position of **Building Commissioner** for the Town of Chelmsford on August 2, 2018. *NERF signed by Town Manager.*
- h. On a **MOTION** by Michael Clancy and seconded by Jeff Richards it was unanimously **VOTED** to acknowledge the *New Employee Report Form* of **Paul Viliott** newly appointed to the position of **Local Inspector** for the City of Haverhill. Appointed, not yet certified, on September 24, 2018. Twelve month grace period expires September 30, 2019. *NERF signed by Mayor.*
- i. On a **MOTION** by Michael Clancy and seconded by Jeff Richards it was **VOTED** to acknowledge the *New Employee Report Form* of **Kristian White** newly appointed to the position of **Building Commissioner** for the Town of Fairhaven on October 1, 2018. *NERF signed by Town Administrator.* Bill Horrocks abstains.

6. Extension Requests to be Certified Packets

- a. On a **MOTION** by Jeff Richards and seconded by Michael Clancy it was unanimously **VOTED** to grant the request of **Stephen Brodo (Town of Mattapoisett)** for a third extension of time to become certified as a local inspector. Said extension shall expire November 30, 2019.
- b. On a **MOTION** by Matthew Hakala and seconded by Michael Clancy it was unanimously **VOTED** to re-open third extension granted February, 2018 of **William McGrady**.

On a **MOTION** by Robert Speroni and seconded by Jeff Richards it was **VOTED** to grant the request of **William McGrady (No Affiliation)** for an extension of time to become certified as a building commissioner. Said extension shall expire May 31, 2019. Bill Horrocks abstains.

- c. On a **MOTION** by Jeff Richards and seconded by Michael Clancy it was unanimously **VOTED** to grant the request of **John Moran, Sr. (Town of Monson)** for a second extension of time to become certified as a building commissioner. Said extension shall expire May 31, 2019.
- d. On a **MOTION** by Jeff Richards and seconded by Michael Clancy it was **VOTED** to re-open third extension granted April, 2018. of **Patrick Sands**. Bill Horrocks and Robert Speroni opposed.

On a **MOTION** by Bill Horrocks and seconded by Robert Speroni it was unanimously **VOTED** to **deny** the request of **Patrick Sands (Town of Concord)** for and extension of time to become certified as a local inspector. Mr. Sands is required to appeal this decision and request a hearing before the Certification committee to remain in the position of local inspector for the Town of Concord.

7. Hearings

- a. On a **MOTION** by Robert Speroni and seconded by Michael Clancy it was unanimously **VOTED** to revoke the inspector of buildings / building commissioner of **Charles Brett (00-12-1180)**, BOCC 16-2018, for failure to maintain said certification according to 780 CMT R7.
- b. On a **MOTION** by Robert Speroni and seconded by Michael Clancy it was **VOTED** to **deny** the request of **John Gibney (City of Methuen)**, BOCC 38-2018 for an extension of time to become certified as an inspector of buildings / building commissioner.
- c. **Anthony Paroline (14-06-1907)**, BOCC 33-2018, accepted credit hours as submitted and is current with certification for training cycle ending December 31, 2017.
- d. A hearing was scheduled for James Soper, Building Commissioner City of Everett, BOCC 39-2018, to provide an explanation as to the role of private contractor *4 Leaf, Inc.* for the City of Everett. According to Mr. Soper:
 - o MGL 44.53g allows a planning board to hire special consultants without bids for permitting issuing officers. He, as the Building Commissioner, administers the plan review.
 - o 104.4 No requisite for their certification. Building Commissioner shall make all necessary inspections or shall have the authority to accept reports of inspections by approved agencies as

- approved by the building official or other individuals. Acting under the jurisdiction as a building official and operating under the code
- The permitting fee would be 18 million for casino project. Law requires the builders pay the amount of the cost of permitting, plan review and inspections. *4 Leaf, Inc., Maurice Pilette, Deb Ryan and R.W. Sullivan* are all part of the inspection team.
 - *4 Leaf, Inc.* has four full time building inspectors. Plumbing and Electrical inspectors cannot be contracted out so the City of Everett hired two part-time plumbing inspectors and one full time electrical inspector.
 - *4 Leaf, Inc.* will provide all rough inspections and final inspections. Plan review is completed in California and returned to the Building Commissioner with a *Plan Check*.

BH - Are the members doing the inspections appointed as Local Inspectors or as a company?

James - Do not need to be local inspectors they are consultants

BH - Acts of 802 requires all inspector to be certified; According to Chapter 258 is the City of Everett or *4 Leaf, Inc.* indemnified?

James - The contract is with *4 Leaf, Inc.*

BH - Are you signing all the Permits and Certificate of Occupancies?

James - Yes

MC - The people working for *4 Leaf, Inc.* are they Engineers or Certified Building Officials?

Tin Htway - 215 - 220 employees in California are licensed engineers, certified inspectors, ICC certified plan reviewers and some are new to the profession who are being trained to be familiar with MGL and Mass Building Code. *4 Leaf, Inc.* is in 8 states and feel there is a need due to the shortage of building inspectors. *4 Leaf, Inc.* is a *tool in your tool box* and can help with school and 110 inspections or fill in when someone is out sick. There are currently 4 certified building officials working on the Everett project. (not certified in MASS)

JR - R7 requires individuals to be certified

James - The City of Everett has the authority to hire contractors. He has 4 local inspectors in the City of Everett but they are not involved in the Casino project.

BH - Who is doing the plumbing inspections?

James - Under MGL plumbing and electrical inspectors cannot be hired through a contractor, they must be hired by the community.

RS - Did you have any input or review the qualifications on the inspectors who work for *4 Leaf, Inc.* and were going to be working for this project?

James - No *4 Leaf, Inc.* knew the criteria

RS - You accepted *4 Leaf, Inc.*'s word the inspectors were qualified?

James - Yes

RS - As the Building Commissioner you had no concerns if they were qualified?

James - was not in the position to say just give me inspectors qualified or certified in MA.

RS - Did not interview or check their qualifications

BH - Did you check their qualifications?

Tin - Yes

BH - Everybody that does the inspections are certified either as a local or commissioner?

Tin - Everyone is not necessarily certified as a local or commissioner. We have staffing at multiple levels, every one of these inspections have been looked over by someone who is qualified as a local or commissioner

BH - They are not all certified?

Tin - No

James - Managing plumbing and electrical inspectors

8. Review Application for Continuing Education

- a. The continuing education submitted was reviewed by members present; MOTION to approve, as amended, was made by Matthew Hakala and seconded by Michael Clancy. MOTION passed by unanimous vote.

Name	Date	Course Description	CEU's	Cat	Course Number
PSD	Sept 20, 2018	Energy - Are you Ready for Solar-Ready? And Other Energy Code Updates	3.5	1	C-3122
	Sept 20, 2018	Energy - Commercial: 9 th Edition Energy Code: Top Ten Things You Need to Know	3.0	1	C-3123
		Energy - Residential Stretch Code Overview & Compliance Options	1.0	1	C-3124
		Energy - Commercial Third-Party Documentation & Does LEED=Code	1.0	1	C-3125
		Energy - Commercial Designers, Builders & code Officials Working Together for Energy Code Compliance	1.0	1	C-3126
		Energy - Residential Stretch Code Documentation	1.0	1	C-3127
SEMBOA	Sept 21, 2018	Flood Plain	2.5	1	SE-0918
	Oct 17, 2018	Helical Peirs	2.5	1	SE-1018
Shannon Jarbeau	Oct 11, 2018	Introduction to Floodplain Management Workshop offered by Barnstable County's Cape Cod Coop	7.0	1	C-3128
Joseph Murray	Oct 3, 2018	OSHA 7500 Safety and Health Management	6.0	1	C-3129
MetroWest	Oct 16, 2018	Provisions of NFPA 241 ICC# 10793	3.0	1	MW-1018
David McRae	Sept 26, 2018	Inspecting and Maintaining Swinging Egress and Fire Doors Webinar offered by FCIA	1.5	1	C-3130
Gene Novak	Oct 17, 2018	UL Knowledge Solutions training course Front Line Fire Officer Training: Firestopping & Path of Travel	1.0	2	C-3131
MBCIA	June 21, 2018	Commercial Energy Training by Result	2.5	1	MB-0618
	July 26, 2018	Fire Stopping with Wayne Barrows	2.5	1	MB-0718
	Aug 16, 2018	Fire Treated Wood with Hoover Wood Products	2.5	1	MB-0818
	Sept 20, 2018	Legal Process with Housing Court Justice's	3.0	1	MB-0918
	Oct 18, 2018	ICC Education by John Gibson Assembly egress and Exit Systems	6.0	1	MB-1018
Matthias Mulvey	Jan 24, 2018	The DIIM of Firestopping 101: Inspect and Maintain Installed Firestop Systems offered by FCIA	2.0	1	C-3099*
	Feb 21, 2018	Fire-Resistive Joint Systems: "More than Meets the Eye" offered by FCIA	1.0	1	C-3132
	May 3, 2018	Energy Codes and Zero Energy Homes Training - overview and comparison of the Residential 2009 and 2015 Energy Codes.	6.0	1	C-3133
	Sept 6, 2018	FEMA P-1000, Safer, Stronger, Smarter: A Guide to Improving School Natural Hazard Safety presented under the NETAP	1.5	2	C-3134
	Oct 4, 2018	FEMA/APA webinar 'The Role of Hazard Mitigation in Post-Disaster Recovery' Overview of how to build back after a natural disaster	1.0	1	C-3135
	2018	Member of International Code Council's Reference Standard Committee	10.0	2	NO#
	2018	Member the National Institute of Building Sciences' Multihazard Mitigation Council	10.0	2	NO#
Jeff Dougan	Oct 17-18,2018	Community Access Monitor Program	5.0	1	C-1002*
Tom Gatzunis	Oct 18, 2018	Recertification for School Project Designers and Owner's Project Managers MCPPOP	10.0	1	C-2825*
Ranjit Singanayagam	Oct 11, 2018	Forensic Geology, Concrete Petrography & Ancient Mysteries offered by SEAMass	4.0	1	C-3136
Jeff Taylor	Sept 17, 2018	Roofing, Flashing and Related Materials sponsored by State of CT	3.0	1	C-3137
	Oct 10, 2018	Special Inspections and Tests sponsored by State of CT	3.0	1	C-3138
Anthony Paroline	Oct 29, 2018	6 HR Online MA Restricted CE offered by Bldrs License Trng Inst - 012204	6.0	1	C-3139
	Oct 24, 2018	6 HR Online MA Unrestricted CE offered by Bldrs License Trng Inst - 012205	6.0	1	C-3007*

District 4	May 23, 2018	District Meeting - HVAC / Round Table	2.0	1	D4-0518
	Sept 26, 2018	District Meeting - Round Table discussion of District Matters	2.0	1	D4-0918
Joseph Kent	Oct 23, 2018	OSHA 10 Safety Card	10.0	1	C-035*
Jeff Richards	Oct 21-29, 2018	ICC Annual Conference Richmond, VA	10.0	1	C-3140
	Oct 23, 2018	Civil War Newly Constructed Building Tour (building perspective)	3.0	2	C-3141
	Oct 23, 2018	Dominion Energy Tour / Review of Code Issues	3.0	2	C-3142
	Oct 24, 2018	ICC Global Connections Day	6.0	1	C-3143
	Oct 21, 2018	Pre conference tour Historic Building Tour - Review of Building Code Issues	5.0	2	C-3144
Doug Chapman	Jan 22, 2019	2018 International Building code (this course covers IBC provisions for the scope and administration of the code occupancy classifications, building heights and areas, fire and smoke protection, interior finished, means of egress, and accessibility)	6.5		C-3145
BOWM	Feb 21, 2018	Commercial HVAC	3.0	1	WM-0218
	Mar 21, 2018	2015 IBC/ISPSC/780 Swimming Pool Rules & Regulations	3.0	1	WM-0318
	Apr 18, 2018	IBC CH 5 - Incidental. Accessory and Separated Uses	3.0	1	WM-0418
	Aug 15, 2018	780 CMR and IRC 2015 - Changes from the eight to the ninth edition	3.0	1	WM-0818
	Sept 19, 2018	NFPA 72 13 Single and Multiple -Station Alarms and Household Fire Alarms System	3.0	1	WM-0918
	Oct. 17, 2018	Zoning and MGL Ch 40A	3.0	1	WM-1018
District 5	Oct 23, 2018	District Meeting - Code Review	3.0	1	D5-1018
District 12	Sept 25, 2018	District Meeting Chapter 1	3.0	1	D12-0918
	Oct 31, 2018	District meeting Round Table discussing district issues	3.0	1	D12-1018

9. Additional Business / Other matters as not reasonably anticipated 48 hours in advance of meeting

- a. For Informational purposes:
 - There are currently 749 certified building inspectors -- 309 Local - 440 Inspector of Buildings
- b. Ranjit Singanayagam (City of Cambridge) BOCC-14-2018 follow-up/ update; Mr. Singanayagam completed a total of 46 credit hours to bring him in compliance with the training cycle ending December 31, 2017. Mr. Singanayagam had 40 credit hours completed 105 - 2017 and 6 credit hours completed September, 2018. He is actively participating in continuing education courses for the current training cycle.
- c. *DRAFT* Policy for Continuing Education for Maintenance of Certification Status
 - o The changes have been made due to the fact Building Official Certification is now generated through the *MLO Database* 60 days prior to the end of the training cycle providing all building officials sufficient time make sure they have the required credit hours by December 31.
 - o CS Licensees cannot renew their license if they are missing the required CEU's, building officials should not be able to renew their certification unless they have the required 45 credit hours by December 31 of the end of the three year training cycle

On a MOTION by Robert Speroni and seconded by Mathew Hakala accept changes and forward to Board of Building Regulations and Standards for approval
- d. Continuing discussion should a CSL be required for building official certification? Ongoing discussion
- e. Information has been received for the reappointment to the Building Official Certification Committee:
 - 1) Michael Clancy representative for SEMBOA through April, 2021
 - 2) Jeff Richards representative for MBCIA through February, 2021
 - 3) Andrew Bobola Member at Large, through the MFBO, representing Southeast Mass through July, 2021

e.

f. Discussion about a proposed code change language for R7 regarding privatization of building departments.

DT – received a copy of the proposed code change from Felix Zemel, a copy was not provided for the Committee members. The code change was focused more on *Companies* than individuals.

BH – This goes back to the City of Everett; the Community did not hire *4 Leaf, Inc.* the Building Commissioner oversaw the project

- Town of Tisbury hired Felix Zemel, Building Commissioner and his local inspectors
- How long can a Community hire a temporary company while they do not have a permanent Building Inspector?
- Opposed because this is giving recognition to privatizing building departments
- 143.3 says every city and town must appoint an Inspector of Buildings. Appointed by the Mayor in a city and a Chairman in a town.
- Chapter 258 – who is indemnified?

John C. – Contracting building inspections like in Everett who has a Building Commissioner is acting like the 3rd party inspections for Manufactured Buildings program.

- Hire a company like *4 Leaf, Inc.* is violation of law. A company that has numerous inspectors that may not be in that community for any length of time would not be able to understand the personalities within that Community
- Town of Douglas wants to hire *4 Leaf, Inc.*, the Town requires to appoint a Building Commissioner

RS – If a city or town hires *4 Leaf, Inc.* or Felix Zemel and company who would be the Zoning Officer according to 40A

John C – City of Everett mentioned Law 54g and the law quotes 40A, 40B and Conservation but does not mention 143

BH – Think of the APPEAL. Who would you appeal to? Who is indemnified?

RS – Concerned *4 Leaf, Inc.* inspectors are not certified in Massachusetts. Tin Htway indicated they were all qualified.

BH – 104 allows city or town to bring a third party in to review plans with Building Commissioner because the Building Commissioner does not have the expertise. 104 is not intended to bring in a third party for 100 inspections.

BH – Acts of 802 clarifies the Appointing Authority ‘...the Mayor of each city or Chairman of each town shall ... employ and designate an Inspector of Buildings , Building Commissioner as well as such other local inspectors... to enforce the building code...’ This verbiage did not get fully inserted into Chapter 143.3. This is also why *4 Leaf, Inc.* cannot be hired in a city or town.

Natasha Belizaire will review statutes and regulations with regards to plumbing and electrical inspectors.