

**MINUTES**  
**BUILDING CODE ADVISORY BOARD**  
**September 21, 2011**

I. The Chairman, Jacek Tomasik, called the meeting to order at 2:08 p.m. in the Vista Center 1<sup>st</sup> Floor Conference Room 1W-47, Palm Beach County Planning, Zoning & Building Department, 2300 North Jog Road, West Palm Beach, Florida.

A. **MEMBERS PRESENT:**

*Jacek Tomasik, Chair*  
*William Higgins, Vice Chair*  
*Steven Kennedy*  
*Doug Wise*  
*Bette Lowe*  
*Rebecca Caldwell*  
*Greg Miller*  
*Joe Byrne*  
*Scott Worley*  
*Howarth Lewis*

**MEMBERS ABSENT:**

*Michael Fichera*  
*Gary Kozan*  
*Maury Jacobson*

**OTHERS PRESENT:**

Ashley Salvati, Recording Secretary  
Bob Boyer, PBC, CPT Coordinator  
Vergie Bain, OSHA

Gentry Benjamin, Asst. County Attorney  
Michael Fox, PBC, CPT Supervisor  
Tim Graboski, Graboski Roofing, Inc.

B. A motion was made to approve the minutes of the July 20, 2011 meeting. The motion was seconded and carried unanimously.

II. **ADDITIONS & DELETIONS**

- Mr. Worley mentioned that he had to leave at 4:00pm, and if we needed to take votes on any items, to please make them early.
- Ms. Caldwell requested moving "Roof Coatings" to the second item.

III. **COMMITTEE REPORTS**

A. Code Interpretation – NONE

B. Code Amendments – NONE

C. Product Evaluation – NONE

D. Regulatory Climate Oversight Committee – SEE BELOW

IV. **OLD BUSINESS**

1. Regulatory Climate Survey – Universal Permit Application – Doug Wise & Chris Roog

- Mr. Wise would like to ask for board approval to send out to city managers and building departments to let them know it is BCAB endorsed, accepting that it may need future fine-tuning and accepting suggestions.

**Mr. Worley motioned to accept and issue the application as a technical advisory. Discussion.**

- Ms. Caldwell realized that on the application's instructions, #7 must be changed to #6 (sub-permits must fill out #1, 3, 6 & 8).
- Mr. Worley asked where he could find the fee schedule referred to in #5.
- Mr. Wise said that each department must supply fee schedule.
- Mr. Worley suggested adding instructions.
- Mr. Tomasik suggested putting it online fillable with instructions specific to each field. He then continued, if we vote on this today what is the course of action?
- Mr. Wise suggested generating a letter stating that it is endorsed for use in 38 municipalities and county.
- Ms. Caldwell said getting BCAB endorsement is the first step. We need to hear back from municipalities that it would be accepted by their Building Division offices. Mr. Wise has pursued League of Cities & BOAF to endorse. She suggested putting this form on BCAB website stating, "A listing of participating municipalities to follow," then continuing to work and concentrate on the promotion of it, rather than details.
- Mr. Worley agreed that BCAB needs to endorse it and get municipalities to approve it so that we can actually have each building department successfully implement its use. The next step is to then go to the Regulatory Climate Committee, as well as getting press releases to show the success of Committee's success on how business and government are working more closely.
- Mr. Wise stated that Economic Council of Palm Beaches has been instrumental in creation of Regulatory Climate Committee and are excited for its release because they want to show off its accomplishment. People all over the state are looking at this – it was discussed statewide at Six Pillars, the cross-functional state-level attempt to streamline government.

**Ms. Caldwell motioned to amend the application, changing #7 to #6 in the sub-permit instruction section. Mr. Wise seconded Ms. Caldwell's motion. Mr. Worley accepted the change to his motion. Discussion. The motion passed unanimously.**

## **2. Roof Coatings - Possible Amendment to the Motion – Rebecca Caldwell**

- Ms. Caldwell noted that the motion was actually made in reference to elastomeric roof coatings; however, she wanted to ensure that the term "elastomeric" did not limit the intent.
- Mr. Wise restated his motion as, "roofing systems used for repair or waterproofing are regulated systems and should be reviewed as such" and explained that he had intended all types of synthetic roof coatings, not only limiting it to elastomeric. Mr. Wise stated that the technical advisory as written adequately addresses his motion.

**Mr. Byrne made a motion to accept the technical advisory as written. The motion was second and carried unanimously.**

## **3. Solar Assisted Air Conditioning System – Staff**

- Mr. Boyer stated that he sent an e-mail to Ann Stanton at the Department of Community Affairs for input, stating that it had been sent to AHRI, Goodman and Nordyne. She forwarded it to Florida Solar Energy Center (FSEC). He read FSEC's response, condemning the system.
- Mr. Graboski argued against FSEC's statement, alleging that they deal with pb photovoltaic and thermal systems and they do not have the capabilities to test refrigeration.
- Ms. Caldwell responded explaining the heat recovery unit, and that the representatives from the Florida Solar Institute
- Mr. Wise asked if staff is still researching this.
- Mr. Boyer said that he is waiting on the response from AHRI and he has resent e-mails to Goodman. We have had a difficult time getting responses to phone calls.
- Mr. Fox stated that he called the manufacturer of the solar collector specified in the plan, Solar Gear Solar Pack T24. He said they told him the solar collector is designed for water use, therefore the maximum pressure of 116 PSI would likely be exceeded in Freon use which should also be of concern.
- Ms. Caldwell stated that we should have further information by next meeting because this company is currently in litigation for fraud for presentation of this theory.

#### **4. Storm Water Retrofit Drain Sizing Follow-Up**

- The Chairman signed the Technical Advisory.

#### **5. Ridge Vent Failure - Industry Follow-Up – Joe Byrne**

- Mr. Byrne said that he has not gotten any written information from the state or local members, just some phone calls and conversations. He further reflected on his own recent experience of a job that was done about 10 or 12 years ago, and has just come to light this week through inspections for wind mitigation. He said he is in the process of finding who the fastener manufacturer was at the time, and will hopefully be able to bring it back at the next meeting. He did state that he had some anecdotes from members but they were unwilling to supply information to him, perhaps due to fear that they would need to tear a roof off.
- Mr. Byrne has found that the problem has been the coated nails.
- Mr. Worley asked what the difference in cost of the fasteners is, and the percent of the total.
- Mr. Byrne responded at least double, and that the cost of the roof increases 5% when using the preferred fasteners.

#### **Mr. Wise made a motion to write a technical advisory to caution industry and write a letter to the ICC and the Florida Building Commission. Discussion.**

- Mr. Fox reminded us that the intention was when Rainbow Roofing brought it to our attention, was to gather data and then bring it to the attention of Miami-Dade Product Control Division, and to the DCA and Florida Building Commission, to ideally have them act on it.
- Mr. Tomasik asked board members to gather more information to further discuss at the next meeting.

### **V. NEW BUSINESS**

#### **1. OSHA Requirements for Fall Protection – Vergie Bain**

- Ms. Vergie Bain introduced herself, and began her PowerPoint presentation on the new OSHA requirements for fall protection to ens
- Ms. Bain explained that we had interim guideline June 1999. December 2010 we rescinded the guideline and we are now changes directives to reflect the new guidelines. As of June 16, employers were required to utilize new fall protection. We extended the changeover period until September, but we are now issuing citations against those who do not follow the new guidelines.
- Ms. Bain highlighted the original fall protection standard, 1926.501(b)(13), which covers residential construction for those doing work 6' or more above the lower level must be protected by what we call conventional fall protection, either: a guardrail system, safety net system, or personal fall arrest system. Additionally, alternative methods are allowed under certain circumstances (barricades, warning lines, monitor, etc.) If the employer can show that it is not feasible to use it, it can be taken into consideration. Ms. Bain went on to show specifics of the different types of protections.
- Ms. Bain specified that requirements include that all employees are trained on how to minimize injuries.
- Mr. Worley said that while his roofers have adopted the proper standards, his shell contractors seem to be on the monitoring method.
- Ms. Bain said that there are suggestions for the most effective protection while working on each part of the house.
- Mr. Worley asked how it is to be done on a one story home.
- Ms. Bain responded through scaffolds or mobile ladders.
- Mr. Worley said he understands how it can be done for a roofer, but that it is more difficult for a truss contractor because he needs to tie off, yet still be mobile. He said many shell contractor may not know how to fulfill these new standards.

- Ms. Bain said that OSHA is willing to educate, and has consultation partners through the University of South Florida that come to the site free of charge to show them.
- Mr. Wise stated that he did not believe that any of the methods that were shown today are appropriate for shell contractors because of the height, and that OSHA needs to educate shell contractors specifically how to do this.

**2. Chapter 1 Amendments to the FBC - Need Sub-Committee – Jacek Tomasik**

- Mr. Boyer stated that Chapter 1 will likely not be out until the beginning of November. He does have bits and pieces of Chapter 1 as it stands.
- Ms. Caldwell would like to create a sub-committee in order look at current model code and begin to compare what we have on the new Chapter 1. The sub-committee member include: Joseph Byrne, Doug Wise, Steven Kennedy, and chairperson Rebecca Caldwell.

**VI. FUTURE BOARD MATTERS FOR SEPTEMBER**

**1. Global Disaster Housing – Temporary Containerized Housing**

- Mr. Boyer said he spoke with Dan at Global Disaster, who is willing to come in; however, he would like to wait until after the new Florida Building Code goes into effect and he can rewrite his presentation to reflect the changes.

**2. NFIP Changes**

- Ms. Caldwell recently finished the annual recertification through the community rating system and they are proposing some fairly significant changes. She wants to put it before the board in order to make everyone aware of the changes. Both state and federal government are giving more responsibilities to the local government.

**VII. BOARD MEMBER COMMENTS**

**1. Next meeting – November 16, 2011**

- Mr. Tomasik reminded board members to arrive so that we can begin promptly at 2:00pm.

**VIII. STAFF COMMENTS**

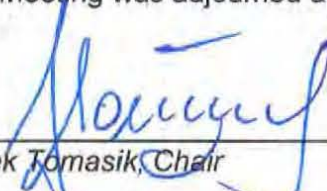
**1. Update on University Testing of Self-Adhered Shingles**

- Mr. Graboski asked if was possible to get an update on the testing being done on the self-adhered shingles at the University at the next meeting.
- Mr. Byrne said that he would likely have information to present by next meeting.

**2. Anchor Point and Inspections**

- Mr. Graboski expressed concern that the anchor points discussed in the OSHA presentation could present the possibility of the failure of building inspections.

The meeting was adjourned at 3:55 p.m.

  
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Jacek Tomasik, Chair

Respectfully submitted,  
Ashley Salvati, Recording Secretary