

# Minutes Approved

11/15/11

## City of Cortland Examining Board of Plumbers

Examining Board of Plumbers Regular Meeting  
Code Enforcement Office, City Hall  
Wednesday, July 6, 2011 at 4:00 pm

### Members of the Board:

Mark Baranello, Chairman	present
James Romer, Master Plumber	present
Gary Howe, Journeyman	present
Chris Bistocchi, DPW Superintendent	absent
Deputy Fire Chief William Knickerbocker, Plumbing Inspector	present

### Others Present:

Shelley Knickerbocker, Administrative Aide, Code Enforcement Office  
Luke Searles, Master Plumber  
John Delvecchio

Meeting Called to Order: 4:10 PM

### Agenda

- Approval of Minutes from the April 13, 2011 Meeting. Discussion regarding the Flood Heating item on Agenda. Chairman Baranello states that he received calls regarding this situation. Some of it related to whether or not the Examining Board will basically protest these requirements. He states that he would like to make the following points: "Number one it is not in our Powers and Duties anyway (to get this type of issue "thrown out"). It's our job to interpret and enforce the law and generally we do not make the law. Point number two is that the Examining Board is a professional organization that tries to fairly interpret gray areas of the law and tries to administer the law as its written in the most effective and fair way possible and that the Examining Board stands up for plumbers in the sense that it is a professional organization and when the plumbers behave the way professionals behave, then they will find that the Board is on their side all the time. Because the Board stands for fair and just interpretation of the law and when plumbers are acting in that vein, if they are fair and they are just and they are taking the law into consideration, then the Board is automatically standing up for them by definition. And the idea of the Board as an advocacy group that exists to look out for plumbers, I don't think that is what the Board is about. I think the Board is here to administer the law as it relates to the profession of plumbing. And the guys that think we are here to scream every time some new regulation is imposed on us, that we are supposed to brawl over it, they are coming at from at an entirely wrongheaded viewpoint, that is a legislative thing. If there is a big objection to the law as its written, the Examining Board isn't the person you go to; you go to your legislators to complain about something like that. The Board is here to make sure that those laws are administered as fairly as possible and I think a lot of these complainers would

find that if they were making themselves aware of the laws and making themselves aware of all the different things they could do to comply to, do the best job they can do, the professional thing, that is expected of a licensed professional, then they would find the Board was backing them up and doing the right thing.”

Discussion regarding the new flood regulations and that they are from the International Code adopted by the State of New York. All licensed plumbers should have the new code books and keep up to date on the changing regulations.

**Motion by James Romer to approve minutes with the addition of the above amendment. Seconded by Gary Howe. UNANIMOUSLY APPROVED.**

- Franklin Cowles, Heating Technician Applicant. Board signatures of Heating License.
- Revised Plumbing Code Discussion regarding modifying the draft code relating to defining “owner”. Schedule a meeting with City Attorney.

- Plumbing Code 109-1

Discussion regarding the current section in the City of Cortland Plumbing Code. A reminder that this section states “ No person shall do any plumbing of any character or repair any plumbing work, or make extensions to plumbing, or change the location of any fixture until he has made written application therefore to, and received a permit to do same from the Inspector of Plumbing and Drainage; except that no permit shall be required for minor repair of leaks, and the removal of any stoppage in fixtures or waste drain lines when this work can be done without opening a waste line at any place other than regular cleanout openings provided for that purpose.” A reminder that a permit is required anytime you open a drain and this includes the replacement of a fixture. It is discussed that this language has not changed in the draft document and may need attention. New fees also discussed. Fees seem excessive for replacing a fixture. Question as to if there could be an exemption for senior citizens.

### **From the Floor**

John Delvecchio is here because he had a situation come up with a rental property. A kitchen floor had been damaged due to a leaking kitchen sink. The cabinets had to be removed, including the kitchen sink to replace the vinyl flooring and the sub flooring underneath. The Code Office received a complaint that work was being performed in the building without a permit. An Inspector stopped and informed Mr. Delvecchio that he needed a permit for the work he was doing. He did not realize he needed a permit as he was replacing it. He was replacing the floor, a necessary repair. He was putting the same cabinets back, the same sink, the same everything. He opened the trap and remove the two supply lines. Mr. Delvecchio states that there is no definition of cleanout in the City of Cortland Plumbing Code but in this section here it states when a permit is required and when its not required and the exception is when the permit must be obtained and I will read it to you “except that no permit shall be required for minor repair of leaks, and the removal of any stoppage in fixtures or waste drain lines when this work can be done without opening a waste line at any place other than regular cleanout opening”. Mr. Delvecchio further states “ok now I look at this code here and I try to find the definition of clean out opening and there is not one so what I did was I pulled up the

New York State 2007 code and I am not sure if anyone has a copy of it but there is a definition of a cleanout in the New York State Plumbing Code and my understanding is that if there is no definition in the local code the state definition will supersede, it will take effect-is that correct?" W. Knickerbocker states " Not with this document but go ahead, you have a good point". Mr. Delvecchio continues "The definition of cleanout is the access opening in a draining system utilized for the removal of obstructions. Types of cleanouts include a removable plug or cap, and a removable fixture or trap. So any time you are taking the toilet out to replace the vinyl and putting the same toilet back, that toilet is considered a cleanout. The work that I did removing the sink setting it to the side and putting it back, that fixture is considered a cleanout. In my opinion, the way I read it." Mr. Delvecchio was told that he needed a permit and sends his secretary to file for a permit. Meanwhile, the Inspector issues a stop work order for the project and posts it to the building. He is originally charged \$98 dollars for the permit but was charged incorrectly and \$49 of that is returned to him. He is only charged \$49 for the replacement of a fixture. Discussion continues regarding the replacement of the same fixture and the excessiveness of the fee, that is however what the code says and if the Board would like to make modifications to that section to clarify this we can work on a resolution.

Section 109-1 of the City of Cortland Plumbing Code

After the last sentence add:

"furthermore, no permit shall be required for the removal and replacement of a fixture on the same rough in provided no interruption of building water service is required".

Section 109-2 of the City of Cortland Plumbing Code

Strike "without disconnecting a fixture or any appurtenance thereof" replace with "without interrupting water service to the building or changing the fixture rough in piping".

The Board can look at this at the next meeting.

- **Motion by William Knickerbocker to adjourn this meeting. Seconded by James Romer. UNANIMOUSLY APPROVED**

Meeting Adjourned: 5:10 PM

Minutes respectfully submitted:

Shelley A. Knickerbocker