



TOWN OF DRYDEN • DRYDEN, NEW YORK

65 EAST MAIN STREET, DRYDEN, NEW YORK 13053

607-844-9120

In the Heart of the Finger Lakes Region

ZONING & BUILDING CODE ENFORCEMENT

May 2, 2005

Steven M. Trumbull, Supervisor, Town of Dryden

Re: Electrical Inspection within the Town of Dryden

Dear Steve:

As you may or may not recall, during the April 14th Town Board meeting there was a discussion concerning the quality of electrical inspections being performed by the various electrical inspectors within the Town of Dryden. The F & T facility at Royal Road was cited as an example of a lesser quality inspection.

At the conclusion of the discussion, the Board asked me to review the Town's current policy for electrical inspections within the Town. As follows is brief description of current policy.

Local Law #3 of 1981:

Local Law #3 of 1981, "The Electrical Code of the Town of Dryden" established a process for inspection and certification of existing and new installations of electrical service and equipment. A copy of Local Law #3 of 1981 is attached for your consideration.

Electrical Inspections:

I would direct your attention to section #4 "Electrical Inspector". Section 4 provides authority for the Town Board to by resolution, appoint one or more Qualified Electrical Inspectors at the expense of someone other than the Town.

Firms Authorized to Conduct Electrical Inspections:

Since the adoption of Local Law #3 of 1981, the Town of Dryden has by resolution appointed (3) inspection agencies authority to conduct electrical inspections within the Town exclusive of the Villages of Dryden and Freeville. Agencies include A) New York Board of Fire Underwriters B) Atlantic Inland, Inc. of New York and C) Commonwealth Electrical Inspection Service, Inc.

Certified Electrical Inspector Consultation:

I have consulted with Floyd Ferris a Certified Electrical Inspector currently employed by Commonwealth, Village of Lansing, Town of Lansing and Town of Groton and formerly a NY Board inspector about the qualifications to be an electrical inspector within New York State.

I will start by advising you, this report is based in part on my discussion with Mr. Ferris. I would also disclose, as a Certified Electrical Inspector, Employed by Commonwealth, Mr. Ferris is authorized to conduct electrical inspections within the Town of Dryden and does. That said, I have known Mr. Ferris for about 20 years and

have great respect for his ability to conduct electrical inspections, his knowledge of electrical technical knowledge and integrity. Based on Mr. Ferris's qualifications, I consulted with him for preparation of this report.

Qualifications to Conduct Electrical Inspections:

Electrical Inspections may be conducted by anyone at any time with no prior training, knowledge or qualifications. There are no New York State requirements to be an electrical Inspector.

Currently, to the best of my knowledge, of those persons conducting electrical inspections within our Town jurisdiction, 2 have completed an Electrical Inspectors Training Course and are Certified Electrical Inspectors. Mr. Ferris is one and Chas Bruner of New York Board is the second. Both completed a voluntary training and certification course provided by the International Association of Electrical Inspectors. All NY Board Inspectors are required to successfully complete this training.

Quality of Inspection and Liability:

Two potential factors arise from a situation which permits anyone authority to (without required qualifications), to conduct electrical inspections. One is the quality of the inspection and the second is potential liability the Town may be exposed to. If the quality of electrical installations and the compliance inspections find such installations to be in conformance with the applicable provisions of the National Electrical Code (NEC) then there is no concern. On the other hand, if the quality of installation is not in conformance with the NEC and subject inspections do not expose defective installations, does the Town become exposed to any liability for resulting damage? It must be considered, when this office issues a Certificate of Occupancy, it is in part based upon other party inspections including the electrical inspection certification. I assume Town exposure to liability should be discussed with legal counsel.

Agency or Agent of the Town:

Generally, permit authority establishes other involved permit authorities as an agency. Examples of this are Environmental Health, (Health Department) on site septic systems. These other involved agencies I believe are responsible for their permit actions. Electrical inspectors may not fit that scenario as this authority for conformance appears to remain with the Town's Building Permit authority.

The electrical inspection appears to be part of the Towns permit. In the case of a construction permit, which authority the Town has by local law delegated to another, is the electrical inspector an agent of the Town? Again legal counsel may have an opinion.

Typically, Town agents have been required to demonstrate they have in place liability insurance. I do not know whether or not electrical inspectors/agencies provide the Town with liability protection. Examples of those who do provide liability protection would be engineering consultants.

Inspection Company Profile:

I have verified each of the 3 inspection companies do provide liability protection for inspection decisions. Atlantic Inland has advised their liability insurance names each municipality as an additional insured. Atlantic Inland is sending a copy of their current liability policy for Town consideration. Also NY Board and Commonwealth carry liability insurance but I do not know the limits or policy details.

I have verified, each of the 3 agents currently authorized to conduct inspections do (in their opinion) employ each of their inspectors as opposed to subcontracting inspection service. At least two (NY Board & Atlantic Inland) participate in some kind of ongoing training. At least one (NY Board) provides that each inspector complete a certificate program provided by the International Association of Electrical Inspectors (IAEI). The quality of the IAEI Certification program is unknown to me.

How should the Town proceed:

I believe there are at least 3 options available for consideration.

- a) Proceed with no change to current practice
- b) Require our agent electrical inspector companies provide at least a minimum liability protection acceptable to the Town and it's legal counsel. A second requirement might be to require electrical inspectors who conduct inspections within the Town of Dryden meet some type of minimum qualification/certification requirement.
- c) The Town may want to consider hiring a person part time or full time to conduct electrical inspections. Currently fees range, depending on construction, typically \$60.00 to \$175.00. Fees appear to generate \$10 to \$12 thousand yearly.

Locally, the Town of Lansing, Groton, Village of Lansing and City of Ithaca have taken this direction.

I don't believe the Town needs to panic but should begin by review of the current Local Law #3 of 1981 Electrical Code to determine appropriateness or potential need for revision. Attached is a copy of Local Law #3 of 1981.

I await further instruction but stand by to assist as necessary.

Very truly yours,

Henry M. Slater, Code Enforcement Officer
Town of Dryden

HS/ks

cc: Town Board
Mahlon R. Perkins, Dryden Town Legal Counsel
Bambi Hollenbeck, Dryden Town Clerk
Our File

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Dryden
Town
~~Village~~
Local Law No. 3 of the year 19 81

A local law to be know as The Electrical Code of the Town of Dryden
(Insert title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Dryden as follows:
Town
~~Village~~

Section 1 -- TITLE. This local law shall be known as The Electrical Code of the Town of Dryden.

Section 2 -- STATEMENT OF PURPOSE. Since there is danger to life and property inherent in the use of electrical energy, this local law is enacted to regulate the installation, alteration of wiring for electric light, heat or power and signal systems operating on fifty (50) volts or more, in or on all real property within the Town of Dryden, exclusive of the Villages of Dryden and Freeville.

Section 3 -- NATIONAL CODE ADOPTED. All electrical installations heretofore mentioned shall be made in conformity with the requirements of the National Electrical Code except where the provisions of this local law or any other local ordinance or building Code of the Town of Dryden shall differently prescribe, in which event compliance with the provisions of such local law, Ordinance or Building Code shall be recognized as proper compliance with this local law. The requirements of the National Electrical Code shall be those known as National Fire Association Pamphlet #70, as approved and adopted by the American Standards Association.

Section 4 -- ELECTRICAL INSPECTOR. The Town Board of the Town of Dryden shall appoint by resolution one or more qualified Electrical Inspectors, who, upon their appointment are hereby authorized and deputized as agents of the Town of Dryden to make inspections and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the Town of Dryden.

Section 5 -- DUTIES OF THE ELECTRICAL INSPECTORS. (a) It shall be the duty of the Inspector to report in writing to the Building Inspector or zoning Enforcement Officer, whose duty it shall be to enforce all the provisions of this local law, all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code, and of all local laws, local Ordinances, and Building Codes as referred to in this local law insofar as any of the same apply to electrical wiring. The Inspector shall make inspections and reinspections of electrical installations in and on properties in the Town of Dryden upon the written request of an authorized official of the Town of Dryden or as herein provided. The inspector is authorized to make inspections and reinspections of electrical wiring installations, devices, appliances, and equipment, in and on properties within the Town of Dryden where he deems it necessary for the protection of life and property. In the event of an emergency it is the duty of the Inspector to make electrical inspections upon the oral request of an official or officer of the Town of Dryden.

(If additional space is needed, please attach sheets of the same size as this and number each)