

C&S STATE CODES AND STANDARDS COMMITTEE MEETING MINUTES

September 13, 2023

The Chair called to order the regular meeting of the State Codes & Standards Committee at 1:00 p.m. The meeting was held online using a Teams format.

Attendance was taken and a quorum was present.

In Attendance:

Anthony Bruno, Health
John Butkus, AIA, Architect
Johnny Carrier, P.E., **C&S Chair**, Residential Contractor Member
Anthony Cinicola, Building Official
Paul Costello, Labor Trades
Hank Cullinane, HVAC Member - **Absent**
Thomas DiBlasi, P.E., Structural Engineer Member
Donald Doeg, Esq, Public Member - **Absent**
Keith Flood, Fire Marshal
Louis Free, Architect, **CAS Chair**,
Donald Harwood, Public Member
David McKinley, Advocacy
Henry Miga, Building Official
Tim Mikloiche, Electrical Contractor
Mike Musco, P.E. Electrical Engineer - **Absent**
Glenn Neilson, Building Contractor
Ilona Prosol, P.E., **C&S Vice Chair**, Fire Protection Engineer
Mike Sinsigalli, Fire Marshal
Eric Shutt, Plumbing Trades Contractor - **Absent**
Fred Wajcs, Jr., **C&S Secretary**, Public Member
William Zoeller, Energy Efficiency

Also Present:

Omarys Vasquez, AIA, NOMA, State Building Inspector
Peter Zvingilas, Assistant Director, Regulatory Compliance
Anne Peterson, DAS/Legal -
Rebecca Tamborra, DAS/Legal
William Abbott, State Fire Marshal - **Vacation**
David Woods, OSFM, Fire & Life Safety Supervisor
Joseph Duval, OSFM
Bethy Guiles, DAS/OSBI - Admin

PUBLIC:

Joseph Kingston (retired), Hannah Kalichman, Paul Gawrych,
Steven Venditti, William J. Nash, Patrick Holland, Michael Ross,
Joseph Versteeg, David Raynor; Elite Energy Consulting;
James Starr; Elite Energy Consulting, Joseph Peabody

1) MINUTES

- a) A motion (KF) was made and seconded (PC) to accept the minutes of the **August 9, 2023**, meeting minutes. **All in favor. None opposed. Motion carried.**

2) COMMUNICATIONS

- a) **A-23-11 RE:** Request for Appeal received 8/14/23 from Steven Venditti, PE, Spark Fire Protection Engineering, LLC. **RE: [100 York Street, New Haven, CT]** State Fire Marshal's denial that the building does not meet the requirements for code sections 31.3.9.5.2 and 31.3.5.9.3. **Panel assigned: Keith Flood, Chair; Donald Harwood, Panel; Louis Free, Panel; Timothy Mikloiche, Alternate.**
- b) **C-23-03 RE:** Correspondence received 8/14/23 from Attorney Glenn W. Dowd, Day Pitney LLP. **RE: Complaint about town of Southington Building Official-Jeffrey Pooler.** Referred to Complaint Review Committee. **Admin will send complaint packet to Complainant – await direction from Counsel.**
- c) **A-23-12 RE:** Request for Appeal received 8/16/23 from Hans Winkel, Don Hammerberg Architects. **RE: [580 Cottage Grove Road, Bloomfield, CT]** State Building Inspector's denial to allow the installation and use of a wheelchair lift in a building that has an elevator. **Correspondence received 9/11/23 - Appellant withdrew appeal. Remove from agenda.**
- d) **A-23-13 RE:** Request for Appeal received 8/16/23 from Bryce Sens **RE: [40 Apple Ridge Road, Danbury, CT]** State Building Inspector's denial to allow breakaway clips to be used for lateral bracing of a gypsum fire wall. **Panel assigned: Johnny Carrier, Chair; Timothy Mikloiche, Panel; Thomas DiBlasi, Panel; Fred Wajcs, Jr., Alternate.**
- e) **C-23-02 RE:** Correspondence received 8/19/23 from Adam P. McNiece, Niantic, CT **RE: Complaint against town of Montville Building Official-David Jensen. Referred to the Compliance Assessment Committee. Admin will send complaint packet to Complainant – await direction from Counsel.**

3) SUBCOMMITTEE REPORTS

- a) **Codes Amendment Subcommittee (CAS) (Free)** – We will meet with the State Building Inspector to discuss the Public Act 23-143 and 23-102.... lighting on state buildings and gas detectors. OSBI has asked that the State Fire Marshal participate in said meeting as it pertains to the gas detectors.
- b) **Ethics/Procedural Regulations Subcommittee (Harwood)** – We had a secondary meeting to ensure all parties had the opportunity to speak if they had interest in the way the form and/or complaint – procedural process was going to move forward. There was very minor change to the form and subsequently legal had provided more reference statutes. The statutes that he had sent - I reviewed yesterday were put in place at the time that CPU credits were put in place and the different classifications were put in place for both the Fire Marshall and Building Officials. The flow chart - there was a typo in it and just a minor change. The Ethics Committee is very comfortable with taking this as a template to move forward. A motion (DH) was made to accept the Complaint Form as presented and seconded (TD). All in favor. None opposed. Motion carried.

4) OLD BUSINESS

- a) There was no old business.

5) NEW BUSINESS

- a) Staff Report

- i) **Omarys Vasquez, State Building Inspector** – we have 2 new team members that will join our construction services team. One starting at the end of next week and another starting in October. We are happy to have them join our team.
 - ii) **William Abbott, State Fire Marshal/David Woods** – OSFM is fully staffed.
 - iii) **Anne Peterson/Rebecca Tamborra, Staff Counsel** – no report
- b) **Fire Prevention Code Advisory Committee (Harwood & Sinsigalli)** – no report
- c) **Training Councils**
- i) **Building Code Training Council (Musco)** – no report
 - ii) **Fire Marshal Training Council (Harwood)** – Don will be setting another meeting in the fourth quarter and in the interim, there will be some dialogue with Mike.
- d) **Report on Bills (Vasquez)** – No new bills other than the ones I announced at the last meeting that had passed. However, the new legislative bills proposals are in under way for the next session, and those proposals are due to them by October 2nd – some of the new ones are starting to come in, but we'll hear about it at the next session.

6) APPEAL HEARINGS

- a) C-22-01 RE: Complaint regarding Richard Leighton, Chester Building Inspector and Fire Marshal RE: [43-45-47 Main Street, Chester, CT] received 5/3/22 from John R. Schroeder, AIA LLC. Referred to OSBI to seek more information from Complainant to substantiate complaint. Complainant reports that he does not have any additional information to submit. The Complaint Review Committee will make a recommendation to the full Committee. Recommend Committee to send status letter to dismiss. Counsel will send out status letter to dismiss. **Final decision was mailed on 9/11/23 - Remove from agenda.**
- b) **C-22-02 RE:** Complaint regarding Town of Chester, Richard Leighton, Building Inspector & Fire Marshal. This is in reference to the building permits issued for buildings located RE: **[189-191 Middlesex Avenue, Chester, CT]** received 5/3/22 from Mr. Thomas A. Gribbin A.I.A Noyes Vogt Architects. Referred to OSBI. OSBI investigated and submitted a report to the Committee. Compliance Panel assigned: Glenn Neilson, Lou Free, Henry Miga. Per Don Harwood's ethics report, we are waiting for the whole process is put together before we formally meet. **Admin will send complaint packet to Complainant – await direction from Counsel. Hold on agenda.**
- e) **C-22-03** Correspondence received 9/27/22 from Patricia A. Cofrancesco, Esq., Law Offices of Patricia A. Cofrancesco RE: **[60 Pinehurse Drive, East Haven, CT – Elaine Cioffi (Owner)]**; Seeking Revocation of East Haven Building Official's License (James Bassett). Referred to OSBI for investigation. The Complaint Review Committee will make a recommendation to the full Committee. Compliance Panel assigned: Henry Miga, Paul Costello, William Zoeller, Anne Peterson (DAS/Legal), Rebecca Tamborra (DAS/Legal). Compliance meeting scheduled: 7/13/23 9:00 a.m. **Admin will send complaint packet to Complainant – await direction from Counsel. Hold on agenda.**
- f) **C-23-01 RE:** Complaint received 2/28/23 from Heide Mizak, RE: [69 Lohse Road, Willington, CT] James Rupert, Willington Building Official's "alleged" Work Ethics Violations (see attached email (2/14/23) and complaint letter to Willington Selectmen dated 11/22/22). Referred to OSBI for further investigation. Hold on to the agenda until we gather more information. Compliance

Panel assigned: David McKinley, Tim Mikloiche, Mike Sinsigalli, Anne Peterson, (DAS/Legal), Rebecca Tamborra, (DAS/ Legal). Correspondence received 6/1/23 from Heide Mizak RE: [Willington Town Inspector, Mr. Rupert]. Compliance Panel Meeting 7/19/23 at 9:00a.m. Per Counsel, Compliance Meeting cancelled until Compliance process is finalized. **Admin will send complaint packet to Complainant – await direction from Counsel. Hold on agenda.**

- g) **A-23-03 RE:** Request for Appeal received 2/21/23 from Bruce Kramer, New Fairfield RE: [20 Cloverleaf Drive, New Fairfield] Abatement Order. The Town of Fairfield does not have an "appeals board". Appellant is asking the Committee to overturn the Notice of Violation and Order to Abate because it creates an undue hardship and is procedurally defective. Per Chair, hold on agenda for further investigation. OSBI to investigate and request more information. OSBI reached out to the Appellant and Building Official and recommends moving forward. Hearing Panel assigned: Johnny Carrier, Chair; Anthony Cinicola, Lou Free, Henry Miga (alternate). Hearing scheduled: Wednesday, August 16, 2023 at 9am. The parties did not submit briefs by August 11, 2023. Continued hearing held 8/16/23 at 9am, followed by deliberations. **Decision will be mailed out in 90 days (11-16-23). Hold on agenda.**
- h) **A-23-04 RE:** Request for Appeal received 3/3/23 from Paul Payne, New Canaan Fire Marshal RE: [17 & 23 Hill Street, New Canaan] appeals/does not support the OSFM approval - Part II Section (3) 503.1.2 and 01.233 – “If agreeable to the owner/applicant & schedule allows. A site visit would be prudent”. OSFM approved modification. Local Fire Marshal requested an appeal of the State Fire Marshal’s decision. Counsel will look further into the jurisdiction of the appeal statute. Counsel requested to hold until next meeting. DAS Counsel is still working on this appeal. **Counsel waiting to hear back from Attorney General’s office. Hold on agenda.**
- i) **A-23-06** Request for Appeal received 5/24/23 from Steven R. Montgomery, Lewis Brisbois RE: **[422 Sport Hill Road, Easton, CT 06612]**. Appeal of a determination made by Peter Howard, the Town of Easton Building Inspector, to issue a Certificate of Occupancy for an indoor equestrian riding arena. Panel assigned: Glenn Neilson, Chair; Lou Free, Tim Mikloiche, Anthony Cinicola (alternate). Hearing scheduled: Friday, July 14, 2023 at 10:00 a.m. Hearing held: A motion was made (LF) to continue the hearing in 30 days to allow additional work to be done. Seconded (GN). All in favor. None opposed. Hearing scheduled Thursday, August 17, 2023 at 9:00 a.m. Due to unforeseeable circumstances with Panel Members, Chair ordered hearing continued to new date. Continued hearing date: Wednesday, August 23, 2023 at 9:00 a.m. **Hearing held. Counsel will draft a final decision/letter. Hold on agenda.**
- j) **A-23-07 RE:** Request for Appeal received 7/13/23 from Justin Meneguzzo, Chris & M.E. O’Connor, Chris Hallenbeck of Yankee Custom Builders RE: [310 Oenoke Ridge Road, New Canaan, CT]. Appeal of OSBI's denial regarding Section AF101.2 of the 2021 IRC - to allow removal of the radon mitigation system for a single-family home with a high-water table. Panel assigned: Timothy Mikloiche, Chair; Johnny Carrier, Panel; Donald Harwood, Panel; William Zoeller, Alternate. Hearing scheduled Monday, September 11, 2023 at 9:00 a.m. **Hearing held - decision will be mailed out in 90 days (12/11/23). Hold on agenda.**
- k) **A-23-08 RE:** Request for Appeal received 7/19/23 from Jennifer Mahr, Middlebury, CT. RE: [68 Abbott Farm Road, Middlebury, CT 06762]. The Town of Middlebury does not have a municipal Board of Appeals; therefore, I am appealing a decision made by Middlebury's Building Inspector (Mark Lubus) RE: Cease and Desist Order dated July 7, 2023, Permit No. 23-52B. **Panel assigned:** Henry Miga, Chair; Ilona Prosol, Panel; Anthony Cinicola, Panel; Johnny Carrier, Alternate.

Hearing scheduled 9/5/23 at 9:00 a.m. **Hearing held - decision will go out in 90 days (12/5/23). Hold on agenda.**

- l) **A-23-09 RE:** Request for Appeal received 7/25/23 from Sam Li, West Hartford, CT. RE: [10-12-14 Mitchell Place, West Hartford, CT 06107]. Appeal of Russel Duffy, West Hartford Fire Marshal's decision (6/27/23) – Fire Safety Code Sections (part IV 8.3.2.2, Part IV 31.3.2.1, Part IV 9.1.2. Forward to Office of the State Fire Marshal. **OSFM is working with Appellants seeking alternatives. Hold on agenda.**
- m) **A-23-10 RE:** Request for Appeal received 8/7/23 from Michael & Kimberly Palmerie, Prospect, CT. RE: [Prospect Memorial – 122 Waterbury Road, Prospect, CT 06712]. Appeal of Antonio Muniz, Prospect Fire Marshal's decision (7/31/23) Fire Safety Code Section (903.2.1.3 Group A-3). Panel assigned: Keith Flood, Chair; Michael Sinsigalli, Panel; Glenn Neilson, Panel; Donald Harwood, Alternate. Hearing scheduled: Friday, September 8, 2023 at 9:00 a.m. Continue hearing for 30 days - parties to discuss possible alternatives. Motion to suspend the hearing for 30 days (MS) – (GN). **Hearing continued to 10/13/2023 at 9:00 a.m. Hold on agenda.**

7). **GOOD OF THE ORDER**

Peter Zvingilas, Assistant Director Regulatory Compliance will work with IT regarding the possibility of drop box where committee can have access to large files.

The next Codes and Standards Committee meeting is scheduled for, **Wednesday, October 11, 2023-1:00 p.m.** Meeting format (on-line or in person) will be determined prior to the meeting,

8). **ADJOURNMENT**

Johnny Carrier (bag)

Johnny Carrier, P.E., C&S Chair
Connecticut State Codes & Standard Committee
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