

C&S STATE CODES AND STANDARDS COMMITTEE MEETING MINUTES

December 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
Thomas DiBlasi, P.E., Structural Engineer Member - Absent
Donald Doeg, Esq, Public Member
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
Glenn Neilson, Building Contractor - **Resigned**
Ilona Prosol, P.E., **C&S Vice Chair**, Fire Protection Engineer
Mike Sinsigalli, Fire Marshal - **Absent**
Eric Shutt, Plumbing Trades Contractor
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
David Woods, OSFM, Fire & Life Safety Supervisor
Joseph Duval, OSFM
Bethy Guiles, DAS/OSBI - Admin

PUBLIC:

Vincent Robitaille; Fire Marshal Kozlowski; Joseph Cassidy, P.E.;
Jennifer Forslund; Charlie Miller; Chris Smith; Joseph Versteeg;
James Winters; Patrick Holland

1) MINUTES

- a) A motion (TM) was made and seconded (KF) to accept the minutes of the **November 8, 2023**, meeting minutes. **All in favor. None opposed. Motion carried.**

2) COMMUNICATIONS

- a) **A-23-17** Request for Appeal received from Steven Montgomery 10/26/23 RE: [422 Sport Hill Road, Easton] 2018 and 2022 Building Code sections 111.1; 8-12; Ch.3 Town of Easton Building Code section 252.1 – appealing decision of Peter Howard, Easton Building Official. Panel assigned: Lou Free, Chair, Anthony Cinicola, panel; Timothy Mikloiche, panel; Paul Costello, alternate. Admin to schedule hearing.
- b) **A-23-18** Request for Appeal received from Attorney Majorie Shansky 11/14/23 RE: [198 Commerce Street, East Haven, CT] of East Haven Fire Marshal, C.G.S. Section 29-309. Abatement Order of Fire/Life Safety Hazards – change of use. Refer to OSFM. Hold on agenda.
- c) **A-23-19** Request for Appeal received from Rudy V. Ridberg, AIA Principal Ridberg + Associates 11/27/23 RE: [206 Sound Beach Ave, Old Greenwich, CT] State Building Inspector denial to allow the basement of an existing restaurant to be converted into food service supply storage with 6-foot 4-inch ceilings and 5-foot 4-inch headroom at beams. Panel assigned: Johnny Carrier, Chair, Thomas DiBlasi, panel; Lou Free, panel; Henry Miga, alternate. Admin to schedule hearing.

3) SUBCOMMITTEE REPORTS

- a) **Codes Amendment Subcommittee (CAS) (Free)** – CAS meeting to follow directly after C&S. Topics of discussion: Review the draft report and provide comments for PA 23-102. January 10, 2024 we will kick off with the 2025 Building Code Review.
- b) **Ethics/Procedural Regulations Subcommittee (Harwood)** – No report

4) OLD BUSINESS

Complaint Process Abbreviations

- C&S: Codes & Standards Committee
CAC: Complaint Assessment Committee
CP: Compliance Panel
HP: Hearing Panel

5) NEW BUSINESS

- a) Staff Report
 - i) **Omarys Vasquez, State Building Inspector** – 2 State Construction Services Building Officials join our group January 2024. We are waiting to fill one more position.
 - ii) **William Abbott, State Fire Marshal/David Woods** – Received Fire Prevention Code a month ago – still waiting on access for IFC. NFPA no longer makes or sell PDFs. You can purchase a printed book or subscribe to their online NFPA access.
 - iii) **Anne Peterson/Rebecca Tamborra, Staff Counsel** – no report
- b) **Fire Prevention Code Advisory Committee (Harwood & Sinsigalli)** – We will be having a meeting sometime in January 2024 with our committee.
- c) **Training Councils**
 - i) **Building Code Training Council (Musco)** – Our meeting for December has been cancelled – it's been moved to January 15, 2025. We set dates for the next couple of months as well. I will try to get C&S the monthly report in a few days.
 - ii) **Fire Marshal Training Council (Harwood)** – No report.
- d) **Report on Bills (Vasquez)** – Report for gas detectors is due December 18, 2023.

- e) **Annual Election of Officers for 2024** - Per the Connecticut Administrative Code, Title 29 - Public Safety and State Police 251 - Procedure of the Codes and Standards Committee Codes and Standards Committee Procedure, Section 29-251-6b - Election of officers.
- Codes & Standards Committee Chair – Johnny Carrier; Codes & Standards Committee Vice Chair – Ilona Prosol; Codes & Standards Committee Secretary – Fred Wajcs, Jr. **(Keith Flood) Motion to keep the current slate; (Paul Costello) Second the motion. All in favor. None opposed. Motion carried.**

6) APPEAL HEARINGS

- a) **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 (**CP**): Donald Harwood, Lou Free, Henry Miga. Admin received notarized complaint form on 10/12/23. Compliance conference to be scheduled. On 11/13/23 the C&S Chair states that he will seek a Panel Chair for this meeting at our December Meeting. **Admin to coordinate CP meeting. Hold on agenda.**
- b) **C-22-03** Correspondence received 9/27/22 from Patricia A. Cofrancesco, Esq., Law Offices of Patricia A. Cofrancesco RE: [60 Pinehurst 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 Assessment Committee (CAC) will make a recommendation to the full Committee. (**CP assigned:** Henry Miga, Paul Costello, William Zoeller. Admin mailed out complaint form on 10/5/23. Per Chair, when completed complaint form is received, Admin to schedule CP Meeting. On 10/12/23 Admin reached out to Attorney to check status on complaint form – Attorney confirmed receipt and will get the form back to admin. **CP meeting date: Tuesday, 12/19/23 11am. Hold on agenda.**
- c) **C-23-01 RE:** Complaint received 2/28/23 from Heide Mizak, RE: [69 Lohse Road, Willington, CT] James Rupert, Willington Building Official. **CP assigned:** David McKinley, Tim Mikloiche, Mike Sinsigalli. On 10/20/23 received the completed complaint form. Hearing date: Thursday, November 9, 2023 at 1:00pm. CP meeting held; panel to provide recommendation to full Committee. CP reports there is a consensus that the matter does not warrant a hearing panel. Staff Counsel will put together a written recommendation from the Compliance Panel and submit it to full C&S Committee prior to the January 10, 2024 meeting. **Hold on agenda.**
- d) **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. OSBI investigated and recommends moving forward. Hearing Panel assigned: Johnny Carrier, Chair; Anthony Cinicola, Lou Free, Henry Miga (alternate). Hearing scheduled: 7/12/23 at 9:00 a.m. Hearing held. The hearing was continued for 30 days so that the Appellant could submit a brief. The parties did not submit briefs by August 11, 2023. Continued hearing held 8/16/23 at 9am, followed by deliberations. Decision mailed out on 11/29/2023. **Remove from agenda.**

- e) **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. Panel assigned: Mike Sinsigalli, Chair; Keith Flood, Panel; Ilona Prosol, Panel; Donald Harwood (Alternate). Counsel will draft correspondence to Appellant and prepare legal memo for panel members. Admin will coordinate hearing date. **Hold on agenda.**
- f) **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.**
- g) **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.) The Chair ordered Admin to forward file to Office of the State Fire Marshal. Admin forwarded to OSFM on 8/10/23. OSFM is working with Appellants for alternatives. The owner is working with the Town toward resolution of existing violations. They wish to keep the appeal open if no resolution can be reached. OSFM will reach out for status. OSM reached out to Fire Marshal and Appellant. They are working together and making process. Appellant asked to hold appeal on agenda until resolved. **Hold on agenda.**
- h) **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 Safet Code Sections (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. Hearing held followed by deliberations – decision will be mailed out in 90 days **(01/15/24). Hold on agenda.**
- i) **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. Hearing held: Friday, October 27, 2023 at 1:00pm Panel Members held deliberations on 11/8/23. Decision mailed out on 12/4/23. **Remove from agenda.**
- j) **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 CAC. Admin sent out packet on 10/5/23. Per Chair, when the completed complaint form is received, set up CAC meeting. Completed Complaint form received. CAC meeting scheduled: Tuesday, 10/31/23 at 9:00a.m. OSBI to follow up and provide feedback to Panel. OSBI will meet with Building Official to gather more information. OSBI received David Jensen’s contact information for future

correspondence of follow-up documentation. OSBI sent CAC updates. Admin to schedule CAC meeting to review updates from OSBI. **Hold on agenda.**

- k) **C-23-03 RE:** Correspondence received 8/14/23 from Attorney Glenn W. Dowd, Day Pitney LLP. RE: Complaint RE town of Southington Building Official-Jeffrey Pooler. Referred to CAC. Admin sent out packet on 10/5/23. Per Chair, when completed complaint form is received, set up CAC meeting. 10/13/23 Admin sent follow-up email to Attorney Dowd to confirm receipt. On 10/17 Attorney Dowd confirmed receipt – that he will be completing form the committee recently adopted. Admin reports complaint form not received as of 12/13/23. **Hold on agenda.**
- l) **A-23-14** Request for appeal received 9/29/23 from Steven Montgomery RE: [422 Sport Hill Road, Easton, CT]. Appeal of 2018 Building Code Sections 111.1; 8-12; Ch.3 Town of Easton Building Code Section 252 – 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, Panel; Anthony Cinicola, Panel; Tim Mikloiche, Alternate. Hearing date: Thursday, November 9, 2023 at 9:00 a.m. Counsel will reach out to Appellant and seek a request for withdrawal due to new appeal assigned (see #A-23-17). Counsel received a withdrawal of appeal from Appellant. **Remove from agenda.**
- m) **A-23-15** Request for appeal received 10/6/23 from Attorney James C. Winters c/o William Conroy, S.P.A.C.E. Systems, LLC RE: **[210 Realty Drive, Cheshire, CT]** Abatement Order of Fire/Life Safety Hazards dated 9/1/23 issued by Michael Kazlowski, Fire Marshal of the Town of Cheshire, CT. Referred to the OSFM to gather more information. OSFM will work on resolving. Hold on agenda. OSFM reached out to the local fire marshal – unable to resolve. Panel assigned: Keith Flood, Chair; Tim Mokloiche, panel; Henry Miga, panel; William Zoeller, alternate. **Admin to coordinate hearing. Hold on agenda.**
- n) **A-23-16** Request for appeal received 10/6/23 from Joseph V. Cassidy, P.E. RE: [215 Elm Street, Old Saybrook, CT] Seeking to reverse the decision by the State Building Inspector to deny the use of the Limited-Use Limited Application in lieu of a standard elevator in a small two-story building. Panel assigned: David McKinley, Chair; Johnny Carrier, Panel; Fred Wajcs, Panel; Jack Butkus, Alternate. Hearing scheduled: Wednesday, November 15, 2023 10:00 a.m. Hearing held. Decision to be mailed out in 90 days **(2/13/24). Hold on agenda.**
- o) **C-23-04 RE:** Correspondence received 9/11/23 from Melisa Moone, Brooklyn, CT RE: Complaint about Brooklyn Building Official-John Berard. Admin to coordinate CAC Meeting. CAC meeting scheduled: Tuesday, November 28, 2023 – 11:00am. **Referred to OSBI to investigate further. Hold on agenda.**
- p) **C-23-05 RE:** Correspondence received 10/17/23 from Kenneth LeClerc, DEEP, Emergency Response Unit, Supervising Emergency Response Coordinator, Southern Region RE: Complaint about Newton Building Official-John Poeltl. Admin sent a complaint form to Mr. LeClerc. Chair – Once form is received - Admin to coordinate CAC Meeting. **On 11/9/23,** Admin reached out to Mr. LeClerc to check status on complaint form. Received completed complaint form on 11/13/23. Admin to coordinate CAC meeting. CAC Meeting scheduled: Thursday, November 30, 2023 at 9:00 a.m. **Referred to OSBI to investigate further. Hold on agenda.**

- q) **A-23-17** Request for Appeal received from Steven Montgomery 10/26/23 RE: [422 Sport Hill Road, Easton] 2018 and 2022 Building Code sections 111.1; 8-12; Ch.3 Town of Easton Building Code section 252.1 – appealing decision of Peter Howard, Easton Building Official. Panel assigned: Lou Free, Chair, Anthony Cinicola, panel; Timothy Mikloiche, panel; Paul Costello, alternate. **Admin to schedule hearing. Hold on agenda.**
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- s) **A-23-19** Request for Appeal received from Rudy V. Ridberg, AIA Principal Ridberg + Associates 11/27/23 RE: [206 Sound Beach Ave, Old Greenwich, CT] State Building Inspector denial to allow the basement of an existing restaurant to be converted into food service supply storage with 6-foot 4-inch ceilings and 5-foot 4-inch headroom at beams. Panel assigned: Johnny Carrier, Chair, Thomas DiBlasi, panel; Lou Free, panel; Henry Miga, alternate. **Admin to schedule hearing. Hold on agenda.**

7). **GOOD OF THE ORDER**

The next Codes and Standards Committee meeting is scheduled for, **Wednesday, January 10, 2024-1:00 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
CSMN2312