

C&S STATE CODES AND STANDARDS COMMITTEE MEETING MINUTES

May 10, 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 - **Absent**
Johnny Carrier, P.E., **C&S Chair**, Residential Contractor Member
Anthony Cinicola, Building Official - **Absent**
Paul Costello, Labor Trades
Hank Cullinane, HVAC Member
Thomas DiBlasi, P.E., Structural Engineer Member
Donald Doeg, Esq, Public Member - **Absent**
Keith Flood, Fire Marshal - **Absent**
Louis Free, Architect, **CAS Chair**, - **Absent**
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
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
Anne Peterson, DAS/Legal
Rebecca Tamborra, DAS/Legal
William Abbott, State Fire Marshal
David Woods, OSFM, Fire & Life Safety Supe
Joseph Kingston, OSFM (retired)
Joseph Duval, OSFM
Bethy Guiles, DAS/OSBI - Admin

PUBLIC:

Tasneem Osman Joseph Cassidy Michael Hart

1) MINUTES

- a) A motion (TD) was made and seconded (MM) to accept the minutes of the **April 12, 2023**, meeting minutes. **All in favor. None opposed. Motion carried.**

2) COMMUNICATIONS
NO APPEALS

3) SUBCOMMITTEE REPORTS

- a) **Codes Amendment Subcommittee (CAS) (Free)** – No report.
- b) **Ethics/Procedural Regulations Subcommittee (Harwood)** – Held a meeting on 5/5/23 at 10:00 a.m. We are working on a few items – Our action items are related to specific code references and statutes to ensure we understand our role, what path do we follow, The Complaint process, Administrative Section Review. Rebecca (DAS Counsel) is working on a Complaint Form that we are going to use. We are reviewing the different committees and their roles. We will have another report at the next meeting.

Ethics Committee Members are as follows: Don Harwood, Chair, Keith Flood, Tom DiBlasi, Jack Butkus, and Lou Free. Staff Counsel Anne Peterson and Rebecca Tamborra participates.

4) OLD BUSINESS

- a) There was no old business.

5) NEW BUSINESS

- a) Staff Report
 - i) **Omarys Vasquez, State Building Inspector** – IBC PDF's will be available on 5/22/23. The digital online and printable purchasable versions will be available 6/1/23. IRC PDF's will be available on 6/15/23. The digital online and printable purchasable will be available 6/27/23.
 - ii) **William Abbott, State Fire Marshal** – No report
 - iii) **Anne Peterson, Staff Counsel** – No report
- b) **Fire Prevention Code Advisory Committee (Harwood & Sinsigalli)** – No report
- c) **Training Councils**
 - i) **Building Code Training Council (Musco)** – Coordinating a meeting with Mike Fullerton and Lisa Rochester for the first week of June 2023. I will get the list of members out to the Committee.
 - ii) **Fire Marshal Training Council (Harwood)** – I will get the list of members out to the Committee.
- d) **Report on Bills (Vasquez)** – (see Omarys for report)

6) APPEAL HEARINGS

- a) **A-06-21 RE:** Request for Appeal received 06/02/21 from Mr. Mayer Muller, Owner; common Hartford Accommodation RE: [2370-2374 Main Street, Hartford, CT]. Order to Vacate due to Fire/Life Safety Hazards – Connecticut State Fire Safety CGS Section 29-306(c). Appeal was originally held over to August 2021 meeting. Mr. Mayer has recently reached out to request a hearing on the appeal. Keith Flood will meet with Counsel. A motion (HM) was made and seconded (PC) to hold on the agenda until we receive a report from staff and counsel by the January 2023, meeting. All in favor. None opposed. Motion carried. Counsel reports that there was a verbal order issued to vacate the building based on five emergency circumstances; followed up with a written abatement order that listed approximately a dozen fire safety code violations. Therefore,

the property owner is entitled to pursue an appeal to this committee on the fire safety code abatement order and listed violations. However, Applicant no longer owns the building. Counsel will draft letter limited to fire safety code violations which falls under the jurisdiction of the Codes & Standards Committee. Panel Assigned: Keith Flood, Chair; Iona Prosol, Panel; Henry Miga, Panel; Mike Sinsigalli, Alternate. Hearing scheduled: March 8, 2023; 9:00 a.m. Hearing held; appeal dismissed due to lack of jurisdiction of the Codes & Standards Committee. Decision will be mailed out in 90 days (June 8, 2023). The decision will be mailed out in 30 days. **Counsel will mail the final decision out before the next scheduled monthly meeting. Hold on agenda.**

- b) **A-06-22 RE:** [90 Pine Road Jewett City, CT] Appeal received 4/12/22 from Mr. Pixy Elliott RE: Appealing the decision made by the Town of Griswold Building Department RE: \$200.00 fine for not pulling a permit to replace front door. Referred to OSBI. OSBI worked with Building Official. We will await the withdrawal. Omarys Vasquez, State Building Inspector will follow up on status. OSBI will contact Building Official to see if proper notice was given. Also, will reach out to Appellant for a withdrawal. OSBI confirmed with Building Official that everything has been settled. They have refunded the fine to the applicant. Omarys will follow up to request formal withdraw of appeal. **Appellant withdrew appeal on 4/13/23. Remove from agenda.**
- c) **C-22-01** 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 jrschroeder@jrjaia.com, 69-2 Main Street, Chester, Connecticut 06412, (860)526-5838. Referred to OSBI. OSBI is still working with the parties. Omarys Vasquez, State Building Inspector, reports that she is actively engaged with the Complainant. OSBI directed their team to investigate this matter. OSBI reached out to Appellant. However, they wish to meet with this Committee. In the past we turned it over to the State Police for investigation. Hold on agenda for procedure. Referred to C&S Committee Chair, Vice Chair and Secretary. OSBI will send files and information received from the Appellant for panel to evaluate for proper procedure. Meeting scheduled: February 28, 2023 – 9: 00.m. Referred to OSBI to seek more information from Complainant to substantiate complaint. OSBI has emailed the Complainant to request additional information on 4/12/23 – awaiting a reply from Appellant. **Complainant reports that he does not have any additional information to submit. The Complaint Review Committee will meet on Wednesday, 5/31/23 at 9:00 a.m. to discuss the next steps. Hold on agenda.**
- d) **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., tomgribbin@noyesvogtarchitects.com, Noyes Vogt Architects, 191 Middlesex Ave, Suite 2A, P.O. Box 370, Chester, CT 06412, (860)526-2900. Referred to OSBI. OSBI is still working with the parties. Omarys Vasquez, State Building Inspector, reports that she is actively engaged with the Complainant. OSBI requested a copy of the inspection report from Mr. Leighton. As soon as the report is received, we should have an update for the Committee. OSBI/OSFM request all reports. We received inspection requests with handwritten notes that are not legible. OSBI will send copies to the Chair and the Committee will follow up in January 2023. OSBI reached out to the Building Official for more information – all files pertaining to said property. Referred to C&S Committee Chair, Vice Chair and Secretary. OSBI will send files and information received from the Appellant for panel to evaluate for proper procedure. Meeting scheduled: February 28, 2023 – 9: 00.m. The Chair recommends an informational Compliance Conference. The purpose of the conference is to see if they can collect more information to try and settle the issue at hand or determine if it should be referred to the State Police. Volunteers for the informational Compliance Panel: Glenn Neilson,

Chair; Lou Free, Panel Member, Henry Miga; Panel Member; Tim Mikloiche; Alternate Member.
OSBI will prepare a findings summary for the Compliance Panel. 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. Hold on agenda until we can get a recommendation on processing from Counsel and Omarys. OSBI will continue to investigate. OSBI has received the supplemental report and will review it. Summary of findings submitted to the Compliance Panel on 5/8/23. OSBI reports “after reviewing the Musco Report. In summary, we find there are many concerns of structural nature that concern me, in addition to various minor infractions such as insulation thickness and installation, missing handrail at deck, deck footing dimension and anchoring to name a few. Some items require further investigation to validate some of the items, as noted in the report, and would recommend the BO bring in all his inspection records to substantiate the claims that some of these items may not have been inspected. OSBI finds that is enough for the compliance panel to review and recommend next steps. The Compliance Panel will meet prior to the June 2023 meeting and determine the next steps. **The Complaint Review Committee will meet on Wednesday, 5/31/23 at 9:00 a.m. to discuss next steps. Hold on agenda.**
- f) **A-13-22** RE: Request for Appeal received 10/24/22 from Walter J. Onacewicz, Esquire, Nair & Levin, P.C. for James A. Balch. RE: [250 South Main Street, East Windsor, CT 06016] – State Building Code Section 117 Violation September 14, 2022, Notice of Imminent Danger, Order to Vacate and Posting of Unsafe Structure (“Order”) from Kenneth A. Rich, East Windsor Building Official. 11/4/22 Correspondence received from Brian L. McCann, Esq/Joshua A. Hawks-Ladds, Esq, Pullman & Comley, LLC - Town of East Windsor’s reply to “Notice of Appeal” filed by the Appellant, James A. Balch, dated October 24, 2022. Referred to OSBI for follow up. OSBI reached out to the Building Official. The appeal was filed to reserve their rights. Appellant obtained a permit, the B.O. flagged as an unsafe structure. Contract pulled permit and the building was demolished, renovations are ongoing. This issue appears to be resolved. Reached out to Attorney for a withdrawal of the appeal as they seemed to have worked out the issues. The Attorney feels that they will withdraw but holding on the agenda to protect their appeal rights. Omarys spoke with the attorney, and he says that the building official and the building owner have been collaborating and working together on the situation and correcting some of the non-compliant issues. They are sure that everything is copacetic. I asked them to make sure to let us know and to formally e-mail us that they are going to withdraw the appeal - at the time that they're ready. I would like to give him another month so I can reach out again and ask them if this is still open - Or at least it gives me a timeline on when they think it might end up getting resolved. OSBI reports the local Building Official and Appellant are still working on the issue. **The Chair requests a status letter be sent to the parties. OSBI will collaborate with Staff Counsel regarding a status letter. Hold on agenda.**
- g) **A-14-22** RE: Request for Appeal received 11/14/22 from Robert Leety of Milford, CT RE: [830 W River Street, Milford, CT] RE: State Building Inspector's denial of Section R310.1 2015 IBC- Emergency escape and rescue opening required - to allow two basement bedrooms to have indirect access to an interior stair and an exterior door and the basement story to be protected with an NFPA 13D sprinkler system, instead of having emergency escape and rescue openings that open directly into a public way, or to a yard or court that opens to a public way. Panel assigned: Donald Harwood, Chair; Lou Free, Panel; Glenn Neilson, Panel; John Butkus. Hearing scheduled: January 11, 2023, at 9:00 a.m. Hearing suspended pending resolution with the Office of the State Building Inspector.

Omarys will schedule a meeting with the IRC Sub-Committee to review the sprinkler exemption for the EERO windows. She will then schedule a meeting with the applicant to work on an alternative resolution. Correspondence received 2/22/23. OSBI met with the Appellant to find a mutual solution. OSBI will revise the modification letter as approved based on the mutual solution. **OSBI will reach out to the Appellant to request an official withdrawal. On 4/13/23 Appellant withdrew appeal. Remove from Agenda.**

- h) **A-23-01** Request for Appeal received 1/10/23 from Kathleen Donovan RE: of Ned Dalton, CFEI-Naugatuck Fire Marshal - Abatement Order of Fire/Life Safety Hazards. RE: **[45 Woodland Street, Naugatuck, CT]** CSFSC & CFPC - CGS 29-291A and 293. CT Sec: 12.4.6.6.3.5.2(7); Door self-closing device are not operating properly. The self-closing device shall be operational so that the door fully closes from its fully open position. Referred to Office of State Fire Marshal for review. On 2/3/23 David Woods-OSFM Fire & Life Safety Supervisor submitted the Investigation Report. Panel Assigned: Keith Flood, Chair; Mike Sinsigalli, Panel; Glenn Neilson; Panel; William Zoeller; Alternate. Hearing scheduled: March 15, 2023 – 9:00 a.m. Appellant withdrew opportunity to submit brief. Deliberations held. A motion to deny appeal (WZ), seconded (GN). All in favor – none opposed. Decision will be mailed out in 90 days (June 15, 2023). **Decision was mailed on 5/8/23. Remove from agenda.**
- i) **A-23-02** RE: Request for Appeal received 3/9/23 from Robert Kaye, Riverside Fence **[16 Boomer Road, Ridgefield]** OSBI denial of Section 305.2.5 closely spaced horizontal members - To allow an alternative barrier design comprised of 1"x6" horizontal members angled at 55 degrees from the horizontal, spaced at 11/8 inch and overlapping the horizontal member above/below by 2 3/4 inches from the pool side edge. Panel assigned: Glenn Neilson, Chair; Tim Mikloiche; Panel; Thomas DiBlasi; Panel; Donald Harwood; Alternate. The hearing is scheduled for April 5, 2023, at 8:30am. Hearing held. Deliberations followed. Both parties declined to submit briefs. A motion to deny appeal (TD), seconded (TM). All in favor – none opposed. Decision will be mailed out in 90 days (July 5, 2023). **Decision was mailed on 5/8/23. Remove from agenda.**
- j) **C-23-01** 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). Meeting scheduled February 28, 2023, with Chair, Vice Chair and Secretary. Referred to OSBI for further investigation. Hold on to the agenda until we gather more information. OSBI will reach out to all parties prior to the next meeting. 5/8/23, OSBI submitted two summaries of the conversation with Mr. Rupert. It seems that Mr. Rupert and the contractor are working with the owner to rectify the concerns. The hanging carrying beam sounds like it was not required structurally by code and there were some existing non-permitted works that may have contributed to the pinched electrical wire situation. I believe there is enough here for the compliance committee to recommend the next steps. The Compliance Panel will meet prior to June 2023 meeting to discuss next steps. **The Complaint Review Committee will meet Wednesday, May 31, 2023, at 9:00 a.m. to discuss next steps. Hold on agenda.**
- k) **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. OSBI will provide a full report on**

Wednesday, 5/10/23. In short, they are working through the appeal. In short, OSBI agree with the Building Official's determination. Hold on agenda.

- l) **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 on the agenda until the next meeting. Counsel is still working on this appeal. Hold on agenda.**
- m) **A-23-05 RE:** Request for Appeal received 4/5/23 from David Taylor RE: [111 Founders Pl/323 Pitkin Street, East Hartford, CT] 2022 CSFSC Part IV 39.4.2.1. Appellant is asking the C&S Committee to review the compliance plan submitted to the East Hartford Fire Marshal (John Pelow) and reverse his decision to reject this plan. A motion to refer to the OSFM (KF), seconded by (MS). All in favor, none opposed. **OSFM is working with Counsel to determine if they have jurisdiction. Hold on agenda for 30 days.**

7). **GOOD OF THE ORDER**

The next Codes and Standards Committee meeting is scheduled for, **Wednesday, June 14, 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
CSMN2305