

STATE CODES AND STANDARDS COMMITTEE MEETING MINUTES

December 12, 2018

The Chair called to order the regular meeting of the State Codes and Standards Committee at 1:00 PM. The meeting was held in 2 North Conference Room B, at 450 Columbus Boulevard, Hartford, Connecticut.

Attendance was taken and a quorum was present.

In Attendance:

- John J. Butkus, AIA, Architect
- Johnny Carrier, Residential Contractor
- Paul Costello, Electric Trades, C&S Secretary
- John Cox, P.E., HVAC Member
- Keith Flood, Fire Marshal, C&S Vice Chair
- Louis Free, Architect, CAS Chair,
- Donald Harwood, Public Member
- George Iskra, Fire Protection Engineer
- Mark Mastropasqua, Labor
- David McKinley, Advocacy
- Henry Miga, Building Official
- Michael Musco, P.E., Electrical Engineer
- Glenn Neilson, Building Contractor
- Eric Shutt, Plumbing Trades Contractor
- Michael Sinsigalli, Fire Marshal
- Carlton Smith, C&S Chair, Building Official
- Fred Wajcs, Jr., Public Member

Also Present:

- Joseph Cassidy, State Building Inspector
- Jenna Padula, DAS/DCS Legal
- William Abbott, OSFM, State Fire Marshal
- Tim Baldwin, DDS
- Dan Bonyai, Town of Branford

1) MINUTES

- a) A motion (L. Free) was made and seconded (P. Costello) to accept the minutes of the *December 12, 2018* meeting. **All in favor. None opposed. Motion carried.**

2) COMMUNICATIONS

- a) 11/20/18 Request for Appeal received from Keith R. Rudzik, Esq., Howard, Kohn, Sprague & Fitzgerald - (A-20-18) RE: Republic@Linden – 10 Capitol Ave, Hartford, CT, Hartford Building Official's Nuisance Violation. Issue associated with IMC Sections 501.3 and 506 Commercial Kitchen Hood Exhaust. Hearing panel assigned: Henry Miga (Panel Chair), Mark Mastropasqua (Panel), Fred Wajcs (Panel) and Carlton Smith (Alternate).
- b) 11/23/18 Request for Appeal received from Vianca T. Diaz, Esq. – (A-21-18) 229 Franklin Avenue, Hartford, CT. Appellant is seeking an appeal of the State Fire Marshal's decision, dated October 24, 2018, deny her request for modification pursuant to CSFSC Part IV Section 31.2.4.1. Hearing panel assigned: Michael Sinsigalli, (Panel Chair), Carlton Smith (Panel), David McKinley (Panel) and Paul Costello (Alternate).

- c) 11/30/18 Correspondence received from David Anderson - **(A-17-18) – Withdrew Appeal** - RE: [FM-0152-18 & FM-0155-18] 78 Washington Street, Norwich, CT.
- d) 11/27/18 Certificates of Emeritus received from Bonnie Becker, Director, Office of Education & Data Management for: John Alexander, Michael Ciccarelli, Robert Dragh, and James Kurasz.
- e) 12/04/18 Request for Appeal received from Robert Meyers – **(A-22-18)** RE: Appealed the decision of the East Haddam Building Official – On 11/29/18, he received a letter from 1st Selectman Emmet Lyman which states that “he has not been able to assemble a board of appeals within the allotted time frame”. **Hold under hearings.**
- f) 12/11/18 Request for Appeal received from Attorney Stephen L. Savarese, Taras Lisowitch & Vasyl Ivoniuk **(A-23-18)** RE: 27 Indian Valley Road, Weston, CT. RE: “denial of Building Permit Application under CGS R104.3.1.2 subsection (f) of Section 8-3. That no building permit shall be issued, in whole or in part, for a building, use of structure subject to the zoning regulations of a municipality without certification in writing by the official charged with the enforcement of such regulations that such building, use or structure is in conformity with such regulations or is a valid nonconforming use under such regulations”. **Hold under hearings.**

3) SUBCOMMITTEE REPORTS

- a) **Codes Amendment Subcommittee (CAS) (Free)** – This is just a reminder that next month after the regular meeting, we will hold a CAS meeting to outline the next code cycle adoption process.
- b) **Ethics/Procedural Regulations Subcommittee (Harwood)** - We reviewed the following items and will be developing an action plan in the future:
 - A guide for conducting appeals
 - Connecticut General Statutes in the Member Handbook
 - Uniform Administrative Procedures Act (UAPA)
 - Revisions to the guidance document. The opening statements sections with appeal hearings follows specific formats (who, what, where, why – key issues only)
 - The development of a Summary Guidance Document for the Appellant that outlines how the hearing is conducted
 - Defining the case in-chief – clearly defining which type of information is encouraged (supporting documents, photos, drawings, dimensions, models, etc.)
 - Developing an outline for Closing Arguments – (summation format)
 - Establish 5 minute limitations on Opening Statements and Closing Arguments
 - How to determine Timeliness parameters.
 - Briefs
 - Statements
 - Continuances
 - Protocol for correspondence

We will have our next meeting January 2019.

4) OLD BUSINESS

- a) There was no old business

5) NEW BUSINESS

a) Staff Report

- i) **Joseph Cassidy, State Building Inspector** – No report
- ii) **William Abbott, State Fire Marshal** – Continued review of Code with ICC/IFC. We are just about done with NFPA.
- iii) **Jenna Padula, 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)** – No Report

- d) **Report on Bills (Cassidy)** – No report – Legislature is not in session

e) **Nominations and Election of Officers Codes & Standards Committee:**

- **Don Harwood** *motioned/nominated Keith Flood* for Chair of C&S Committee – **Lou Free** *Second the nomination*. All were in favor. None opposed.
- **Henry Miga** *motioned/nominated Paul Costello* for Vice Chair of C&S Committee – **Lou Free** *Second the nomination*. All were in favor. None opposed.
- **Don Harwood** *motioned/nominated Johnny Carrier* for Secretary of C&S Committee – **Henry Miga** *Second the nomination*. All were in favor. None opposed.

6) APPEAL HEARINGS

- a) **A-10-17** Request for Appeal received 5/12/17 from John Coppola c/o Attorney Zullo-Zullo and Jacks, LLC RE: 10 Caroline Street, Milford, CT RE: The original denial of Joseph D. Griffith, Milford Building Official dated March 30, 2017 - notice alleges that Mr. Coppola is in violation of State Building Code R1101.1. Panel assigned: Louis Free, Chair, Mike Sinsigalli (panel), Carlton Smith (panel) and Paul Costello (alternate). Hearing date is 7/12/17 @ 12:00 noon. Briefs due 9/8/17. Appellant requested extension of brief deadline to November 15, 2017 at 3:00pm; granted by panel. Appellant requested a second extension for brief deadline; panel granted extension to 1/15/18. Appellant requested a third extension for brief deadline to March 15, 2018; granted by panel. Appellant requested a fourth extension for brief deadline to June 15, 2018; granted by the panel. Appellee and Appellant briefs received on 6/15/18. **Panel will meet for deliberations following the December 12, 2018 regular C&S Monthly Meeting. Hold on agenda.**

- b) **A-06-18** Request for Appeal received 4/16/18 from Jeffrey Shulman & Debra Rosen c/o Attorney Andrea C. Sisca, Ivey, Barnum & O'Mara, LLC, RE: 180 Wildwood Road, Stamford, CT RE: Denial by the Deputy State Building Inspector of a modification request [M-0231-18] regarding removal of a section of the fence located between the pool and the Mianus River and to allow the river to be considered a natural barrier in accordance with section 429.83 of the 1970 BOCA Code portion of the 1971 State Building Code. Panel assigned: John Butkus (Chair), John Cox (panel), Louis Free (panel), Henry Miga (alternate). Hearing date 6/13/18-11:30am, 2N Conf. Room B. A continuance of the hearing was requested by the appellant and granted by the panel to 9/12/18, 1:30pm. 2N Conf. Room B. In correspondence dated August 29, 2018, the appellant's attorney informed the panel *"At this juncture, Mr. Shulman & Ms. Rosen have no further or different evidence or information to offer to the Committee, without prejudice to their right to make an application at a later date should circumstances change. Therefore, the September 12, 2018 continued hearing date is unnecessary and we will await the Committee's decision on the appeal"*. Deliberation held on 9/12/18. **Decision to be mailed out in 90 days (12/12/18). Hold on agenda.**
- c) **A-10-18** Request for Appeal received 5/11/18 from AH Min Holding LLC c/o Attorney Brian C. Courtney, Updike, Kelly & Spellacy, P.C. RE: City of Hartford Fire Marshal's issuance of Notice of Fire Code Violations dated April 13, 2018. Referred to State Fire Marshal for Investigation. State Fire Marshal's office contacted Attorney seven times (7x), no response to date. Send status letter based on September correspondence. Status letter mailed on 11/1/18. Attorney Courtney responded on 11/13/18 *"I have just confirmed with our buyer that our closing is now scheduled for November 21 for the sale of this project. I would expect that after the sale the appeal will be withdrawn". Please pass this on to the Committee for consideration of our extension request at tomorrow's meeting"*. **Admin will send a second status letter. Hold on the agenda.**
- d) **A-11-18** Request for Appeal received 5/23/18 from Bruce J. Spiewak, AIA, Consulting Architect, LLC RE: 1 Museum Drive, Greenwich, CT. RE: Deputy State Building Inspectors denial of modification request [M-0392-18] that proposed a 3-story, 41,266 square feet of Type IIA construction to be added to an existing building of construction Type IIIA without providing a fire wall between the new addition and the existing building. Panel assigned: Glenn Nielson (Chair), Henry Miga (panel), Mark Mastropasqua (panel), Carlton Smith (alternate). Hearing scheduled September 12, 2018 @ 10:00a.m. 2N Conf. Room B. **Hearing was held, decision will be mailed in 90 days (12/12/18). Hold on agenda.**
- e) **A-16-18** Request for Appeal received 8/3/18 from Jane Davila, Managing Director, NEST Arts Factory (Bridgeport, CT). RE: 345 Railroad Avenue, Bridgeport, CT RE; Deputy State Building Inspector's denial of accessibility Waiver request [W-41-18] to IBC Section 3411.4.2 that proposed not to provide an elevator to service the second and third floors which exceeds 11,000 square feet each. Panel assigned: David McKinley (Chair), Fred Wacjs (panel), Henry Miga (panel), John Butkus (alternate). Hearing scheduled September 12, 2018 @ 11:30a.m. 2N Conf. Room B. Hearing rescheduled to 11/14/18 @ 10:00a.m., Conf. Room B. **Hearing Held. Decision will be mailed in 90 days (2/14/19). Hold on agenda.**
- f) **A-17-18** Request for Appeal received 8/9/18 from David Anderson, Properties Warden RE: Christ Episcopal Church, 78 Washington Street, Norwich, CT. RE: State Fire Marshal's denial of two modification requests [FM-0152-18 and FM-0155-18]. Panel assigned: Keith Flood (Chair), Don Harwood (panel), John Cox (panel), Henry Miga (alternate). Hearing held on 10/10/18 @ 11:00a.m., Conference Room B. Hearing continued for at least 60 days. **Appellant withdrew appeal on 11/30/18. Remove from agenda.**

- g) **A-18-18** Request for Appeal received 8/23/18 from Joseph Citino c/o Vianca T. Diaz, Esq., Dianea, Contie & Tunila, LLP. RE: 229 Franklin Avenue, Hartford, CT RE: Hartford Fire Marshal's Abatement Order of Fire/Life Safety Hazards. Referred to State Fire Marshal's Office for review. SFM still investigating pending meeting with appellant's attorney. **Panel assigned: Keith Flood (Chair), Don Doeg (panel), Fred Wajcs (panel), Johnny Carrier (alternate)**. Hearing date and time to be scheduled after the meeting.

- h) **A-19-18** Request for Appeal received 11/5/18 from James McElroy RE: [M-0766-18] 54 Naugatuck Ave, Milford, CT RE: Modification of Section 705.8, of the 2012 IBC portion of the 2016 SBC which states in part that "The maximum area of unprotected or protected openings permitted in an exterior wall in any story shall not exceed the values set forth in Table 705.8 (0 to 3 feet no opening allowed)". Appellant denied to install two unprotected openings (windows) within an existing 2-hour rated exterior wall with a zero fire separation distance. A hearing panel was set and consists of Glenn Nielson, Panel Chair, Louis Free and Don Harwood. Henry Miga will be the alternate. Hearing date and time to be scheduled after the meeting.

7) GOOD OF THE ORDER

- a) The next Codes and Standards Committee meeting is set for **January 9, 2019**, and will be held in the **2 North Conference Room B**, 450 Columbus Boulevard, Hartford, Connecticut.

8) ADJOURNMENT



Carlton Smith, Chair
Connecticut State Codes & Standard Committee