

STATE CODES AND STANDARDS COMMITTEE (C&S)

Wednesday, November 8, 2023 – 1:00 PM (Teams-online)

[Instructions for attending the meeting can be found as an attachment of the agenda]

AGENDA

1. CALL TO ORDER

2. ATTENDANCE

3. APPROVAL OF MINUTES OF THE **October 11, 2023, MEETING**

4. COMMUNICATIONS:

SUBJECT & DATE RECEIVED	FROM - TO	DESCRIPTION
Complaint Received 09/11/2023	Melisa Moone, Brooklyn, CT CS	C-23-04 RE: Complaint against [John Berard, Brooklyn B.O.] ACTION: _____ _____
Complaint Received 10/17/2023	Kenneth LeClerc, DEEP Emergency Response Unit Supervising Emergency Response Coordinator Southern Region CS	C-23-05 RE: [90 Nearbrook Drive, Newtown, CT 06470] Complaint against John Poeltl, Newtown Building Official ACTION: <u>Complaint form sent to Complainant on 10/23/23.</u>

5) SUBCOMMITTEE REPORTS

- a) Codes Amendment Subcommittee (CAS) (Free)
- b) Ethics/Procedural Regulations Subcommittee (Harwood)

6) OLD BUSINESS

7) NEW BUSINESS

- a) Staff Report
 - i) Omarys Vasquez, State Building Inspector
 - ii) William Abbott, State Fire Marshal
 - iii) Anne Peterson/Rebecca Tamborra, Staff Counsel–
- b) Fire Prevention Code Advisory Committee (Harwood & Sinsigalli)
- c) Training Councils
 - i) Building Code Training Council (Musco)
 - ii) Fire Marshal Training Council (Harwood)

d) **Report on Bills (Vasquez)**

8) **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: Glenn Neilson, Lou Free, Henry Miga.** Per Don Harwood's ethics report, we are waiting until the whole process is put together before we formally meet. Admin mailed out complaint form on 10/5/23. Per Chair, when completed complaint form is received, Admin to schedule Compliance Panel Meeting. On 10/12/23 Admin reached out to Complainant to check status on complaint form – complainant responded that he would email to Admin before the week is out. Admin received notarized complaint form on 10/12/23 – will schedule Compliance Panel Meeting. Meeting scheduled: Tuesday, 10/24/23 at 9:00a.m. On 10/17/23 parties responded that they will be present at the hearing. On 10/18/23, Complainant requested the hearing rescheduled due to prior obligations. **CANCELLED** Hearing date: Tuesday, November 7, 2023 – 11:00am. **This meeting will be scheduled for some time in December.**
- b) **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 mailed out complaint form on 10/5/23. **Per Chair, when completed complaint form is received, Admin to schedule Compliance Panel 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.**
- c) **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. Correspondence received 6/1/23 from Heide Mizak. **Compliance Panel assigned: David McKinley, Tim Mikloiche, Mike Sinsigalli.** Compliance Panel Meeting 7/19/23 at 9:00a.m. Per Counsel, Compliance Meeting cancelled until Compliance process is finalized. Admin mailed out complaint form on 10/5/23. **Per Chair, when complaint form is received, Admin to schedule Compliance Panel Meeting.** 10/13/23 Admin sent follow-up email to confirm receipt. On 10/13/23 Ms. Mizak confirmed receipt. **On 10/20/23 received the completed complaint form. Hearing date: Thursday, November 9, 2023 at 1:00pm.**
- 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. 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: 7/12/23 at 9:00 a.m. Hearing held. A motion (LF) was made and seconded (AC) to continue hearing when a brief is received from Applicant (Mr. Kramer) by Friday, August 11, 2023. All in favor. None opposed. Motion carried. Hearing scheduled: Wednesday, August 16, 2023 at 9:00 a.m. 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.**

- 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. 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. **Counsel met with AG, and she will get back to us. 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. 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).**
- 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 scheduled:** Wednesday, October 11, 2023 at 9:00 a.m. Hearing cancelled due to unforeseen circumstances. Admin to coordinate new hearing date. The hearing rescheduled to Friday, October 27, 2023 at 1:00pm. **Hearing held. Panel Members will continue the**

Deliberations to do more research before making a final decision. Deliberations date: Wednesday, November 8, 2023 at 12:00pm-1:00pm.

- 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 the Compliance Assessment Committee. Admin sent out packet on 10/5/23. Per Chair, when completed complaint form is received, set up **Complaint Review Committee meeting**. 10/13/23 Admin sent follow-up email to Mr. McNiece - he confirmed receipt. Completed Complaint form received. Schedule meeting with Complaint Review Committee. **Meeting scheduled: Tuesday, 10/31/23 at 9:00a.m. OSBI to follow up and provide feedback to Panel.**
- k) **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 sent out packet on 10/5/23. Per Chair, when completed complaint form is received, set up Complaint Review Committee 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.**
- l) **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.** Hearing scheduled: Monday, October 16, 2023 at 11:00 a.m. **Appellants requested to reschedule the hearing as they are working to resolve the issues.** Hearing date: Monday, 11/13/23 9:00a.m. **On 11/6/23 Appellant Bryce Sens withdrew appeal.**
- m) **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.**
- n) **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.**
- o) **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 10:00am-11:00am.**

9) GOOD OF THE ORDER

The next Codes and Standards Committee meeting is set for **Wednesday, December 13, 2023, 1:00 p.m.** Meeting format (on-line or in person) will be determined prior to the meeting (SEE TEAMS LINK ON NEXT PAGE TO ENTER MEETING)

10) ADJOURNMENT

Online Meetings

Codes and Standards Committee

January 2023 – December 2023

Overview

Due to the COVID-19 situation and pursuant to Governor Lamont's Executive Order 7B issued on March 14, 2020, the regularly scheduled meetings of the Codes and Standards Committee and the Codes Amendment Subcommittee will be held online using Microsoft Teams.

How to Join the Meetings

The meetings can be joined in the following ways:

1. **Video and voice** through a computer or smartphone.
 - If using a computer, no Teams account is required – just your regular browser.
 - If using a smartphone, the Teams app and a free account will be needed.
2. **Voice only** using a landline or cell phone.
 - No special equipment is required.

Please join by clicking the link or calling the number that follow:

Microsoft Teams meeting

[Click here to join the meeting](#)

Meeting ID: 259 291 320 891 Passcode: sXc39T

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 860-840-2075](#) Phone Conference ID: 393 675 578#

Meeting Etiquette

Teams Users or Non-Users:

- Existing Microsoft Teams users will join using their existing accounts, which will ensure their name is displayed.
- If joining the meeting as a non-Microsoft Teams User, please ensure you enter your full name and committee, company or industry affiliation when joining.

The meeting admin may mute all users' microphones at the commencement of the meeting.

- Committee members and assigned staff members may unmute at any time.
- Public attendees and non-assigned staff members should not unmute unless called upon. One or more public comment periods may be included at the chairperson's discretion.