

## C&S STATE CODES AND STANDARDS COMMITTEE MEETING MINUTES

November 8, 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 - **Absent**  
Mike Musco, P.E. Electrical Engineer  
Glenn Neilson, Building Contractor - **Retired**  
Ilona Prosol, P.E., **C&S Vice Chair**, Fire Protection Engineer  
Mike Sinsigalli, Fire Marshal  
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  
Jenna Padula, DAS/Legal  
Anne Peterson, DAS/Legal  
Rebecca Tamborra, DAS/Legal  
Darren Hobbs, DAS/Deputy Commissioner  
William Abbott, State Fire Marshal  
David Woods, OSFM, Fire & Life Safety Supervisor  
Joseph Duval, OSFM  
Bethy Guiles, DAS/OSBI - Admin

### PUBLIC:

Patrick Holland  
William J. Nash  
Dragana Thibault

### 1) MINUTES

- a) A motion (KF) was made and seconded (DH) to accept the minutes of the **October 11, 2023**, meeting minutes. **All in favor. None opposed. Motion carried.**

2) COMMUNICATIONS

- a) **C-23-04** Complaint received on 9/11/23 from Melisa Moone, Brooklyn, CT RE: John Berard, Brooklyn Building Official. Completed Complaint form received. Schedule CAC review meeting.
- b) **C-23-05** Complaint received on 10/17/23 from Kenneth LeClerc, DEEP Emergency Response Unit, Supervising Coordinator Southern Region. RE: [90 Nearbrook Drive, Newtown, CT] against John Poeltl, Newtown Building Official. Admin sent Complaint Form to Complainant on 10/23/23. Per Chair, once completed form is received. Schedule CAC review meeting.

3) SUBCOMMITTEE REPORTS

- a) **Codes Amendment Subcommittee (CAS) (Free)** – No report; CAS meeting will follow
- b) **Ethics/Procedural Regulations Subcommittee (Harwood)** – No report

4) OLD BUSINESS

- a) There was no old business.

5) NEW BUSINESS

- a) Staff Report
  - i) **Omarys Vasquez, State Building Inspector** – Hired Secretary 2 to help with modification decisions – start date, Friday, 11/17/23. Currently interviewing for State Inspectors.
  - ii) **William Abbott, State Fire Marshal/David Woods** – no report
  - 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)** – Meeting scheduled for 12/7/23
  - ii) **Fire Marshal Training Council (Harwood)** – No report.
- d) **Report on Bills (Vasquez)** – No report.

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: 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 will send complaint packet to Complainant – await direction from Counsel. **Admin mailed out complaint form on 10/5/23. Per Chair, when completed complaint form is received, Admin to schedule Compliance Panel Meeting. 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'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. 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. 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. 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.**
- 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. **Panel assigned: Mike Sinsigalli, Chair; Keith Flood, Panel; Iona Prosol, Panel; Donald Harwood (Alternate). (Admin to Coordinate with Counsel Anne on schedule). 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. Forward to Office of the State Fire Marshal. Admin forwarded to OSFM on 8/10/23. OSFM is working with Appellants seeking 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. 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 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. **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 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 12:00 noon. **Deliberations held. Decision will be mailed out in 90 days (2/8/2024). Hold on 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 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. 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. Hold on agenda.**
- 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. **Hold on agenda.**

- 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. Appellants requested to reschedule the hearing as they are working to resolve the issues. Hearing date: Monday, November 13, 2023 at 9:00 a.m. **On 11/6/23 Mr. Bryce Sens withdrew appeal. Remove from agenda.**
  
- 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. Hold on agenda.**
  
- 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. **OSFM will work on resolving. Hold on agenda.**
  
- 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 at 10:00 a.m. Hold on agenda.**

#### 7). GOOD OF THE ORDER

The next Codes and Standards Committee meeting is scheduled for, **Wednesday, December 13, 2023-1:00 p.m.** Meeting format (on-line or in person) will be determined prior to the meeting,

#### 8). ADJOURNMENT

*Johnny Carrier (bag)*

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