

City of Keene  
New Hampshire

**BUILDING & FIRE CODE BOARD OF APPEALS**  
**MEETING MINUTES**

**Wednesday, November 9, 2022**

**5:00 PM**

**Miller-Vincent Room,  
Keene Public Library**

**Members Present:**

Malcolm Katz, Chair  
Steve Walsh  
Donald Flibotte  
Doug Brown

**Staff Present**

John Rogers, Building & Health Official  
Corinne Marcou, Administrative Assistant  
Donald Farquhar, Fire Chief  
Meghan Manke, Fire Prevention Officer  
Steven Dumont, Sr., Fire Prevention Officer

**Members Not Present:**

Corinne Park

**1) Call to Order**

Chair Katz called the meeting to order at 5:05 PM.

**2) New Business**

Chair Katz opened the public hearing, asking for introductions from those present.

Mr. Rogers suggested that the Fire Chief present the violation letter to the Board, and then hear from the applicant, Mr. Tousley. As Chief Farquhar was to begin, Mr. Tousley interrupted for clarification as to the order of the hearing, stating that this was his appeal and he should present first. Mr. Flibotte stated that the Fire Chief has the opportunity to present to the Board information from the agenda packet. Mr. Tousley stated that he isn't sure if the Fire Chief would present new information that he isn't aware of, hence not able to defend himself. Mr. Brown stated that the Board understands a lot of time was put into the compiling the information from both Mr. Tousley and the Fire Chief, hence the reason to hear from each individual, with each having the appropriate time to speak. With that, Mr. Brown directed the Chief to begin.

Chief Farquhar stated that he will direct his presentation to the Board with what is in the document, and if he deviates from such, to please let him know. He continued that the document in front of the Board is a notice violation order to correct letter sent to Mr. Tousley, delivered in hand by a City of Keene Police Officer, establishing formal notice. The document takes into account three separate inspections that happened over a period of time and as a conclusion, with Fire Department's overall feeling of the general status of the building.

Chief Farquhar continued that he would provide a high overview for context for each violation as the document is quite lengthy. He stated that the first inspection done on April 14, 2022 was an

inspection for the casino, which is part of that property and part of the Fire Departments annual assembly permit inspections. The first run of code has to do with that inspection and the sprinkler report provided to the Fire Department at the time of that inspection.

Chief Farquhar stated the next section of the document begins with Fire Incident #22-007193. He stated that this incident occurred on the other end of the building when a motor vehicle accident that penetrated the structural walls of the building. Part of the assessment of that structural stability by the Fire Department, access was gained by that particular area. He continued that as Fire Chief, under the RSA, he is obligated to inspect under certain times, one of those times he is obligated to inspect is when there is notification of a potential fire code issue. That notification of a fire code issue is also something that the Fire Chief or one of the sworn Fire Fighters see during an incident. The Chief continued that the Fire Department inspected the area localized that they had access to in the affected area, which is a carpet shop. He explained that the pictures presented to the Board are associated with each violation. Broadly speaking, there was a large cluster of violations, such as exit lights were out, fire extinguishers expired, and many electrical cords run as permanent wiring, which the Chief explained that annually, are the top three causes of fires. That is of great concern. He continued that the content of the building is mostly carpets, which is mostly synthetics, which has a great amount of BTU's if they burn. He also explained that there were partial walls constructed that the carpet rolls were laying against, clearly impeding sprinkler heads. Chief Farquhar explained that when a sprinkler head discharges, it puts out an umbrella of water and anything in that discharge pattern is considered to be an obstruction. An obstructed sprinkler head is a non-functioning sprinkler head. The Chief continued that in this particular area, there were many combustibles and many items that burn at a very high heat rate, impeded sprinklers, expired fire extinguishers, and exit signs that were all deficient. The Fire Chief continued that with a building such as this one, the building owner is obligated to have some sort of program for monthly evaluation of exit signs and annual battery tests. He continued that when items such as these violations are so obvious, it speaks to a potential broader issue of where the building owner is non-compliant with those inspections. He continued that there might be other problems that are present.

The Fire Chief stated that the third inspection occurred in one of the tenant spaces in the building as an inspection of a residential resources, occurring on July 8, 2022. That inspection was required because that particular occupancy is licensed by the State of New Hampshire as an adult day care; requiring an annual inspection. The Chief explained that the Fire Department was asked by the tenant to conduct the inspection. To conduct that inspection, they needed access to the common hallway, which was the first time the Fire Chief had been in that part of the building, walking in the common hallway. It was during this time that the Fire Chief explained they viewed some pretty frank fire code violations that were very concerning. Violations such as exit signs were out and locks on fire doors, which is an extreme risk. Chief Farquhar continued that they also saw fire extinguishers not properly tested. He stated that going into the occupancy, during the inspection, ceiling tiles were viewed for an above ceiling inspection; they saw a lot of HVAC ductwork that was impeding sprinkler head access. The Chief explained that there was the HVAC ductwork, then the sprinkler system above that, which has two negative effects in a fire where the ductwork shields the sprinkler heads from the temperature from the fire, delaying the activation of the sprinkler system. Once the system is activated, the water will not hit the fire as designed.

Chief Farquhar continued that it looked like walls had been moved, which effects sprinkler head locations. He referred to the sprinkler system report, stating that the system had been inspected and there were a few minor issues, which could be resolved. The Chief continued that the largest issue with the sprinkler system is that the building has been modified over time and every time something is moved, such as moving a wall or adding an HVAC system, that changes the design of the sprinkler system. He stated that the sprinkler system is exactly as it was when it was owned by the previous occupant. The importance of permitting is if there were to have HVAC trunks installed, there would be a drawing of that work, and inspections, at which time the inspector would have notified the owner of the sprinkler heads being blocked. Fire Chief Farquhar continued that there had been three small slices of inspections on this building, with each one driving home the point that there are many unknowns in that building, there are a lot of occupants of the building. He continued that they believe there are at least two permitted assemblies occupying in the building. Chief Farquhar stated that there is no central fire detection system in the building, where this becomes very important is if someone is on the top floor of the building, and there is a raging fire below, that individual does not know the fire is happening. A building of this square footage needs to have a fire alarm system that notifies the occupants of a fire. Chief Farquhar gave the example of a mom with their children at the hair dressers on the second floor, and the wood working space is on fire, the building will burn adding smoke in the hair dressers with no one knowing until it is too late. He continued, that once smoke is seen, they need to get through corridors that are probably not code compliant, with a hodge podge of exit doors that may or may not be locked, and exit signs that probably won't work. Chief Farquhar stated that it he and his colleagues have spent a lot of time researching and discussing this building as it is a dangerous building. He further stated that the central part of the violation document and the focus of this discussion, is that the fire code could only apply if the occupancies are known, what the firewall separation is, and if they know what the building is. The Fire Chief stated that he can't apply the fire code properly if he doesn't know what the fire separation is, if he doesn't know the exit discharge length is. He further stated that the request is to go through each violation one by one, but the heart of the matter was that through fire code, NFPA 1, the Fire Department has the authority to order Mr. Tousley, the property owner to hire a Fire Protection Engineer to do a complete building assessment. The Fire Chief stated that is the only meaningful way to move forward and that if this were not to happen there is the risk of misapplying a fire code and actions being taken that may not be needed, making it the cleanest place to start. Another benefit for Mr. Tousley, is with a complete fire protection review of the building, there are many ways to work around it. Fire code can only be waived or amended by one person and that is through the NH State Fire Marshall. Part of waiving a fire code is to offer equal level protection, such as with a long hallway, if there is a sprinkler system this makes an exchange. He continued that with a complex building that is so far down the road of bad when it comes to the fire code, it makes sense in a meaningful way to have a Fire Protection Engineer go through the building. In the end, the building will be safe; working with the Fire Protection Division of the Fire Department, where meaningful corrections can be made that will be accurate, defensible, and less expensive.

Chair Katz asked for questions for the Fire Chief. Mr. Brown asked that with a little guidance, there could be some decisions made, since the building is what it is. To some degree, the uses will always be mixed, further asking what the workout will be, if there is to be one. Fire Chief

Farquhar replied that it starts with a better understanding of the building, as the Fire Department has seen this building in slices. In his response to Mr. Tousley's appeal, the Fire Chief asked that if he wished, he could allow access to the State Fire Marshall's office to walk through the building, to gain a better understanding of the building, as there isn't one as of now. Ultimately, that building is so complex and has so many different occupants; it would be above the Fire Department's ability to look at, it would need to be someone formally trained, like a Fire Protection Engineer. For an example, the wood shop in the back of the building is an area of concern because if that wood shop is not properly separated from the rest of the building that is a big problem. He continued that in terms of fire protection, this wood shop is a really big risk, there can be help with proper fire wall protection. The Chief explained that with proper firewall protection, it becomes essentially two separate buildings. He continued by stating that this situation is very complex as this building has a ton of HVAC ductwork; HVAC systems pick up and move air. The reason why fire alarm systems, smoke detection and HVAC systems, if there is a small fire in a closet, with air, the HVAC system can be a giant distributor of smoke. He continued that the majority of fire deaths are smoke driven. The Fire Chief stated that the Department would need to look at where the firewalls are, to gain an understanding of where they are and are not. Each firewall would have to have a detection system that would be able to close a fire damper that is a complex system. The Chief continued that even if he were able to say exactly what it is, for the mediation phase, the property owner would still have to hire a professional to design an alarm system that is very complex as there are many moving parts in the building. They would still need to have the sprinkler system evaluated. The Chief stated that the very valid point of the sprinkler system, which this building does have and it is better than not having one; but if there are sprinkler heads blocked, the system is not as effective. He explained that a sprinkler system is designed to suppress, not extinguish a fire and that the way a system is designed is calculated for the use, such as if it is a low or high hazard use. The way the design is, only the flow to a couple of sprinkler heads occurs at one time. If a system were designed to flow to all of the sprinkler heads at one time, there would be a massive amount of piping on the ceiling. It is an engineered system; a system that includes what is on the walls, the size of the walls, and where the heads are located. The Chief continued that if there is a fire below the HVAC trunk on the ceiling, the heat from the fire won't get to the sprinkler system for a long time, causing a delay. When the heat does reach the sprinkler system, it will flow from one sprinkler head to another, causing the system to be overwhelmed. The Chief did say that it is half-correct in saying that the building has a suppression system, but there is no way to understand the efficacy of the system especially when the hazard is unknown. The Chief explained not knowing, for example, what is in the wood shop. He continued that on its face, there are assemblies that the Fire Department believes are operating that don't have permits that is frank violation of the RSA. Fire Chief Farquhar stated that if they were to move forward, establishing a functioning working relationship with Mr. Tousley, he would return to his original request to walk through the building with the State Fire Marshall. He continued that the items to happen immediately are to remove all the locks on the fire doors; locks on fire doors is one of the five deadly sins, and is an incredibly high risk. The Chief stated that there was no way the building was permitted with locks on the doors and it would have had to been permitted. He continued that it is such a large cluster of things that are wrong and that the building is in really bad shape.

Mr. Flibotte asked if the casino is in this building. Fire Chief Farquhar replied yes. Mr. Flibotte asked if it had to be inspected before it could open. Chief Farquhar replied yes. Mr. Flibotte asked if it passed. The Chief replied that it did receive an assembly permit. Mr. Flibotte asked if the assembly permit was for a certain amount of people; the Chief replied yes. Mr. Flibotte asked whether the casino had a permit and inspection so that they can occupy the space. The Fire Chief replied that there is a new owner of the casino and that they have an assembly permit that has expired or is close to expiring. They were issued a temporary permit because the owner wanted the other fire code violations corrected. The Chief continued that to return to the question on the original permit, there is a defect in the permit and the way the numbers were calculated, which the Fire Department can work through with the casino. He continued that as constructed, there are not enough exit discharges in the casino the way that it is; they are too close to each other. There appears to be, from the last inspection, unpermitted work in the establishing of a wall in the rear discharge. The rear exit pathway has an unpermitted wall in it, which drives the other codes; the 20-foot bedding corridor, the exit discharge pathway. In addition, if so, there is a hurdle to overcome in establishing a properly functioning exit discharge that discharges into a very large hallway, which the Chief believes has two gyms in it. The Fire Department would need to aggregate the occupancy of the casino with the occupancy of the two assemblies. The Chief continued that if those numbers are what they believe to be, there is not enough exit discharge in that rear hallway. He stated that in one of the gyms it is the Fire Department's understanding that they host MMA events, which is a very dangerous construct. The Chief stated that a personal friend of his was a member of that gym, and has stated they exercise in the hallway, there is a large truck tire they roll that is in the exit discharge, which is all bad. He did continue that there are ways to remedy the casino that are not huge things to manage. He stated there was an error at the initial inspection, and there are constructive ways to work on that with the predication of what is on site. If there is not proper firewall separation, then the protective features of the building have to protect against the highest asset. The Chief continued, that for the other assemblies, they know that the fire separation for the license assembly is appropriate. If he has no idea what the other firewall separations are for what they believe the operative assemblies, and if they don't have the proper firewall separation, then the entire building, conceptionally would have to be brought up to standard of assembly. He understands no one has the money to do that. The Chief stated that the first place to start is getting a better look at the building and he would be grateful to establish a positive relationship with Mr. Tousley. He continued that fire code enforcement is about education and building a plan for compliance. The Chief stated that this building is not the only building with multiple fire code violations, knowing that this building is high on the top. He reiterated that understanding what the problems are, building a plan of action, and understanding what is the immediate hazard were important, which is why the Chief stated in the document under RSA 154, that he has the statutory authority to close the whole building. He continued that he has no desire to do that, but the Fire Department does need to get into the building eventually to take a look at what has been discussed, especially the locks on the fire doors, which can't be there.

Chair Katz asked for clarification that the Fire Department would prefer someone from the State or someone licensed to review for fire code violations, to review the building so that a reasonable approach can be found to solve some of these problems, or some problems don't exist such as the sprinkler heads, making minor adjustments to solve a great deal of problems.

Chief Farquhar stated yes, to develop a strategy. As an example if the wood shop in the back ends up being a problem, as it is a high hazard to protect against and that the firewall separation is the decision point. A proper firewall separation can be built, or equal value in safe fire suppression, or a decision can be made that it is not financially feasible to maintain that space as a rental and it can be turned into something else. He continued that those are decisions that would have to be made and there are no expectations these issues would have to be fixed tomorrow, and probably won't be fixed two years from now. But, the Chief explained that they need to move forward and that a problem can't be fixed if you don't know what the problem is. If the Chief were able to go through the building quickly with the State Fire Marshall's office to do an assessment; in the end, it is above the Fire Department, and there will need to be specialist to understand the building. The Fire Department can provide advice, but it may be misleading, and expensive, but wouldn't take advantage of a true design professional that would remedy strategies. He continued that there are Fire Protection Engineers who specialize in mixed use buildings, as this is what they do for a living. The Chief explained that in his previous position, there was something similar to this with the complexity and danger level, the Fire Protection Engineer ended up being helpful. It ended up being very positive, with some quick decisions as well as some good long-term decisions.

Chair Katz thanked the Chief for his testimony and asked if it would be appropriate to have Mr. Tousley present. Mr. Brown agreed.

Mr. Tousley stated that he is here to appeal the code violations that were presented. He continued that the Fire Chief just presented several new items that are not on the violation letter, that he wants due process, and this is what he was worried about. Mr. Flibotte asked for clarification on the location of the property in question. Mr. Tousley stated it is at 160 Emerald St., at the very end of Emerald St. If you drive down Emerald St. and don't turn, it's at the end. Carpet Clearance has been there for 30 years, Korvin Appliance was there before. There was discussion on the various business that occupy/have occupied the building.

Mr. Tousley stated that the Fire Chief brought up a number of items not on the violation letter, one of which is that there is something wrong with the permit for the casino, of which he had no prior knowledge. He continued that he is just hearing about the permit issue, the improper wall in the back, and the sprinkler heads, and a number of other items that were not in the letter. He stated that he would not discuss these issues, as he has not had an opportunity to prepare.

Chair Katz explained that one issue he has with having any inspector on a property for one item, and they see other things, they are required to express their opinion about whatever they see. Chair Katz then asked if that was why Mr. Tousley was here.

Mr. Tousley replied that he supposed. He continued that the Chief wrote specific things for the violation, that there were two State Fire Marshalls for what the Chief claims is the annual inspection for the casino, and none of these items came up then because Mr. Tousley was at that inspection. He continued that he is appealing the misinterpretation of the codes and asked if the Board would like to review them one by one, as it is a lengthy document. Mr. Brown stated that Mr. Tousley did put a lot of time into his appeal and he has the misfortune of being the first to appeal a fire code violation to this Board. Mr. Brown stated that this Board just received this

duty and he wanted to make sure that Mr. Tousley was not wasting his time on the wrong people. He then questioned if the Board can waive or interrupt the code. Chair Katz stated that he doesn't believe so. Mr. Brown stated that it is the purview of the Board for both Mr. Tousley and the Fire Chief to understand each other and that Mr. Tousley is operating in good faith. Mr. Brown asked for clarification that the Board is not here to adjudicate violations, as the Board is not qualified to do so. He continued that there was a lot of time put into the appeal responses, a lot of which is technical and in that regard, the Applicant may be in front of the wrong Board, though for some of the larger issues this Board may be able to assist with a resolution.

Mr. Walsh stated that he believes that there is a cross over between the Building Department and the Fire Department in terms of the codes and inspections, hence the reason why this Board is hearing this appeal.

Mr. Rogers stated that the State RSA is what puts the fire code and the building code in front of this Board. What the Applicant has the ability to appeal, is directly from the RSA, *"appeal shall be based on a claim that the true intent of the code or rules adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed or not accepted by the Code Official. The board shall have no authority to waive requirements of the state building code or the state fire code."* Mr. Rogers continued that the Applicant is before the Board, in reading the RSA and Mr. Tousley can speak to this, is that his appeal is that the code has been misinterpreted. This is what the Board would be deciding from what the Applicant puts forth: either that the code has been misinterpreted, that the Applicant has done something that is of equally good or better construction, or the provisions of the code don't apply. This is what the Board would be looking at for their decision.

Mr. Tousley stated that there is a ton of information in front of the Board and unfortunately, the Board members do not have all of the codes to make the interpretation. Mr. Brown stated that he is not a code person, though Chair Katz stated that as an architect, he is sort of a code person. He continued that he agrees that to understand the fire code takes a lot of effort. The proper response would be for the Applicant to respond to the code and then have a licensed professional help set a format so that the Applicant and the inspector or Fire Chief to go over each line item and hear what has been done, hear is what is proposed, and then to decide how to proceed.

Mr. Tousley stated that he can appreciate the Chair's statement, but he continued that his argument is that the reason the Fire Department wants to do this is because of these code violations, and he said virtually all of them do not exist. He continued that for this Board to decide that he should spend \$20-\$30,000 on a 100,000 square foot building for a re-evaluation, based on the intent on codes that don't exist, would not be correct. He stated that is why he feels he needs to get into the true intent of what these violations are listed on the letter and how they have been misapplied. Mr. Tousley stated that is the unfortunate thing, that he understands it is a ton of work, but he believes that the requirements of the Fire Chief are virtually non-existent. He stated that when he posted his responses why, he left all the information to look-up. Unfortunately, it's not that easy; it's a ton of work with hours and hours spent on preparing for the meeting.

Mr. Brown suggested, since there is a lot of information, to take one of these instances for Mr. Tousley to lead the Board through his reasoning. He stated that he has read the appeal and that Mr. Tousley does understand what the Board is there to do. He continued that he would like Mr. Tousley to take one violation, present his rationale to the Board then move on to the next one. Mr. Brown stated this would help the Board discern a pattern as well.

Mr. Rogers made the Board aware that after the Applicant had presented, the Board did not have to make a decision at this meeting. He continued that the Board can take the information under advisement to do some additional research of the codes if need be, schedule another public meeting, with the deliberations having to occur in public with the Applicant present. Mr. Rogers reiterated that the Board does not need to come to a decision at this meeting. Mr. Rogers confirmed that doing so would not jeopardize the clock for the Applicant, not unless it was something the Fire Department determined was a life/safety issue, which had already likely been handled.

Mr. Flibotte asked how many code violations there were. Mr. Tousley counted and replied that there were 16 violations. Mr. Flibotte asked if “each one of these codes was a code?” Mr. Tousley said no, that some are not codes, they are just definitions or a heading or a subsection. He continued that every single NFPA has a definition in Chapter Three, which were listed as a definition of a State violation code.

Mr. Flibotte asked if Mr. Tousley had insurance on this building. Mr. Tousley said of course. Mr. Flibotte asked if the insurance adjusters had been in the building and Mr. Tousley said of course they had. He said the National Grand Mutual Insurance Company had rented that building for decades and said they installed the air conditioning system that [the Fire Chief] was all worried about. Chair Katz asked if a change of use had occurred since. Mr. Tousley said no, it is an office space; he said it is a day care, but it is a “day care home” that is under 12 people, which is the same as a business use/office space. As Chair Katz understood, every time there is an occupancy change—for example, from business to residence—it changes what one must do to make it comply with the residence use. Mr. Tousley said “well, sure it may, yes, absolutely,” and continued that those were two separate changes. Mr. Tousley presented the example of it being the same mercantile, stating that you can change different mercantiles. He said there had been issues where some mercantile had come in and needed to be inspected because there may need to be a mop sink installed by a plumber, which would go through code and be checked, but would still be a mercantile. Mr. Tousley said they had 35 offices since Jack Bradshaw put the building up in the 1980s, stating that it does not change. Mr. Tousley said there had been storage all that time and that is what this building is. Thus, he said that when something happens, like needing a sink put in, then they get a permit and go through planning and review.

Chair Katz asked whether design professionals were involved, and Mr. Tousley said that was correct, it was Tim Sampson, who Mr. Tousley confirmed signed-off. Mr. Tousley presented a document, stating that this was for the casino. Mr. Tousley said that [Mr. Sampson] is one of those professionals, stating “they like to see do this and now they are saying it’s wrong I guess, I don’t know.” Chair Katz asked if someone did the work on the documents to get the permit “and the City is now saying what he did was wrong?” Mr. Tousley stated that he did not think the City was. Chair Katz asked whom. Mr. Tousley said the [Fire] Chief just said that, which was the first



he had heard about it. Mr. Flibotte said he brought it up when asking whether there was an inspection done for the casino. Mr. Tousley said they had several inspections. He continued stating that this was a complaint driven inspection and they responded because someone spilled oil at The Cobblestone [fire] and the proprietors were really concerned like everyone else was. Mr. Tousley said they spilled the oil in the kitchen and called and did the right thing, informing them that there was no fire or danger, and that the spill was cleaned-up. Mr. Tousley said [they] responded and saw the ceiling tiles and did not think they were correct, because they were meltable ceiling tiles below the sprinkler heads so that, “if heat goes up it melts, falls out, and so the sprinkler heads can come through.” Mr. Tousley said two fire marshals did an inspection based on that and said it was allowable; Mr. Tousley said they went through the place with a fine-tooth comb and stated that none of this came up at that point. Mr. Tousley continued that they could not find anything wrong and that is when this came up all of the sudden, five months later, “because there was such imminent danger that five months it took them to respond to me on this.”

Mr. Flibotte asked the Applicant to continue reviewing [one of the violations]. Mr. Tousley said the very first one was the dead-end corridors and then asked where there were any, stating that he did not know of any. He said he was provided no explanation or indication of where these exist. Chair Katz said that a dead-end corridor is any one of greater than 20 feet in length that has no door at the end of it. Mr. Tousley asked where the dead-end corridors were. Chair Katz said that was what the drawings should have said. Mr. Tousley said the drawings made no such indication, stating “there are no dead-end corridors in the entire building, I have no idea what they are talking about here. It is completely fabricated.” Chair Katz said [their] complaint never mentions where the dead-end corridors are. Mr. Tousley said no, it was not explained anywhere, stating that it was just codes on a piece of paper “copied and pasted out of space. They did a Google search and found a code and copied and pasted there because it fit something to make it sound important.”

Mr. Tousley continued with the next violation, which states that, “Occupant notification shall be by means of voice announcements in accordance with 9639 initiated by the person in the constantly attended retrieving station.” Mr. Tousley thought this was about the latter half of the preceding quote. He was unsure if they were trying to make it sound like there was a room where someone must sit constantly in attendance. He said they also list NFPA 12, but he said this was about NFPA 72, which is a national fire alarm that designates what this was all about, the fire alarm. Mr. Tousley continued that the constantly attended receiving station is the electronically sent signal to mutual aid letting them know there is a fire. He said they have that and that it had been approved. Chair Katz asked if the building was fully equipped. Mr. Tousley said it was “fully equipped with all that, of course it is.” Chair Katz asked if there were sound devices and lights. Mr. Tousley said no, not in the entire building, “the only assembly place we have has horns and alarms in it. The rest of it: we’ve got three six-inch risers, all three risers have signal flows, which sends an alarm.” He said that if any flow on any of those three risers goes, a signal gets sent to mutual aid.

Chair Katz said he agreed with Mr. Tousley that some of this has been pulled out of the book and “applied to your project, maybe questionably.” The Chair suggested that Mr. Tousley walk through the building with a Fire Department representative to go through each violation and

remove those that do not apply to this facility; maybe there would be three instead of 16. Mr. Tousley said sure. Mr. Tousley said he appreciated that but said, “do you know how many hours I have stayed up ‘til two or three in the morning working on this thing. I’m not going to go through that again because they are too incompetent to go through my building with me and with another list on top of it. I’m not interested in doing that quite frankly.” Chair Katz said, “I think you should be interested in doing it with the list that you have.” Mr. Tousley said he was interested in arguing this to show “that they don’t know what they’re talking about and to show there is no reason for them to order me to have a complete analysis of my building for no reason at all, it’s absurd for them to ask me this.” Chair Katz said that one question might be concern for the life/health/safety of the people in the building. The Chair had not been in the building in 25 years and did not know what was there. He thought it might be beneficial for everyone, including the insurance agent, to have the three of them (Mr. Tousley, Fire Department representative, and insurance agent) walk through the building together so that anything not applicable is crossed off in this case.

Mr. Brown said he read through it and some things appeared to be maintenance issues, like exit signs, emergency lights, and extension cords that he did not think were worth arguing about, stating that “they got to work, and wiring has got to be right. I think you and I would both agree that you know what those things exist out there and when you can fix it, you do. I want to push the ticky tacky off the table a little bit and get to where I think the time and the money and some of the bigger disagreements may exits.” Mr. Brown said he got the sense that the fire protection aspect of this was not that big but more so that it was structural, meaning separations and uses. He saw a record of maintenance and someone in charge, stating that he had been involved with worse and there was probably not a lot there and the uses, egresses, doors, and separations were likely the most issues. He asked if that was fair. Mr. Tousley thought that was fair but said he thought [they] were misinterpreting some of the doors and more.

Chair Katz asked about if there is a plan with the doors and corridors and what the egress method is. Mr. Tousley said that was in the application package. Mr. Tousley continued explaining that the casino opened and then it had an expansion that was approved once. He showed the most recent expansion plan, which showed that the number of means of egress specifically for the casino. He continued that for an occupancy load of 500 or more, there must be three means of egress. He did not know where they came up with an occupant load of 500. He showed the whole casino compared to the new expansion and new calculations for exits and occupancy load; pointing out the exits Chair Katz asked about. Mr. Tousley showed that two exits were too closed together to be considered an exit, but stated that he only needed two exits claimed on the stamped plans and three doors to meet the load, all of which he pointed out. Mr. Flibotte that those exits are to the front of the building. Mr. Tousley responded that that was all is needed with 250 feet of travel as stated on the stamped plans. Mr. Flibotte questioned if someone was at a distance from the exit. Mr. Tousley responded that since the building is sprinkled, these exits are all that is needed. Mr. Tousley said, “So, we don’t even need to go out that back door that he claims has all that bad stuff going on.” He said the [Fire Department] misinterpreted everything. Mr. Flibotte asked if something on the plans was block, and Mr. Tousley said it was block all the way up. To his knowledge, everything in the building he had seen was to his knowledge was 5/8<sup>th</sup> fire code. Mr. Tousley noted that Jack Bradshaw put this building together. Mr. Flibotte noted that was some time ago. Mr. Tousley asked him if the fire code had changed since 1984

and Mr. Flibotte said probably. Mr. Tousley said that is the same stuff as the high hazard sprinkler.

Mr. Flibotte said he worked with Mr. Tousley before and knew he put a lot into these things and said, "I know you really get pissed, okay, and nobody, once you get this in your head. Do you remember dumpsters? You were going to paint them things green, and you were going to put waste management signs on it." Mr. Flibotte continued saying that he had known Mr. Tousley for years and said, "I know once you get this in your head this is it. You know, you've got to work together. We've got to get this settled down." Mr. Tousley asked how to work to work with [the Fire Department] when they are "just making stuff up." Mr. Flibotte said that Mr. Tousley was already "pissed" but said that is the way it is, and that "you guys need to work together, we all have to work together on this." Mr. Flibotte said this Board did not know that much about Fire Codes but that members of the Fire Department go to school and train for it. Still, Mr. Flibotte said he thought the [Fire Department] was going overboard on this. Mr. Tousley said that if the [Fire Department] had just called him to begin with (and he did not conclude his statement). Mr. Flibotte said, "let's work it out, let's do it now. Don't say, I've got these answers and I stayed up 'til two in the morning, I did this. Let's get this taken care of."

Chair Katz said Mr. Tousley's method of going line item by line item to make sure everything is right was good, but should be done with a representative of the Fire Department; to walk through the building and see each issue to understand it clearly and settle each matter line-by-line. He said that again, there could possibly be three items that Mr. Tousley would need to work on over the next several years to resolve this issue. Chair Katz said that regardless of what is in the initial complaint, he said building inspectors are required to document whatever they see, regardless of what they are present for, because down the line they would be responsible for it. In this case, if the Fire Department says there is a sprinkler head above the duct work, we know that needs to be taken care of. Mr. Tousley said it does not need to be, that it is supposed to be 18 inches above and his measurement proved that is what it is. Still, Chair Katz said the duct work below it would interfere potentially. Mr. Tousley repeated that the code says 18 inches above and that is where it is. The Chair said this is why he suggested walking through the building with the Fire Department because perhaps they found one that was not in the right position and assumed that there are more. Again, he said the rational approach is to walk through the building together and come back to this Board in 30 days with a resolution. Mr. Tousley said he might agree to that if "you would have them stand down and not make me do a \$20,000–\$30,000 assessment of my building, just because he doesn't know what stuff is." Chair Katz was not suggesting that Mr. Tousley hire a paid professional, but rather to walk through with the Fire Department to resolve some of these things so that if a paid professional were needed to revise something, it would be for just a few line items, not 16. He said it was a massive building to look at. Mr. Tousley said he wanted the Board to understand that he appealed initially to Fire Chief on this and addressed it all with him, and he said the [Fire Chief] was adamant that Mr. Tousley had to have [the professional inspection] and that was why he was before the Board. Mr. Tousley said he would not be here if it were just a few things, stating that he "could care less," Mr. Tousley provided an example, stating that the car smashing into Carpet Warehouse notified the [Fire Chief] that day saying the work was done, "it was done in a week and no problem. I'm assuming they showed a picture of a finger on our thing and so we changed the battery. It was that simple. I don't have a problem with that. What I have a problem with is paying tens of thousands of dollars

unnecessarily for codes that are made up, that are not correct.” Chair Katz did not think Mr. Tousley needed to pay to have someone come in when he could just walk through the project with the Fire Department, who generated this list, to go line-by-line and take care of this.

Mr. Flibotte said that during the walk through, they should only focus on these 16 line items. Mr. Tousley said that was not what the [Fire Chief] was saying. Mr. Flibotte said these were the 16 violations and there would be nothing else to evaluate during the walk through.

Chair Katz requested comments from the Fire Chief, who asked if Mr. Tousley would leave the stamped plans on the table for his rebuttal. Chair Katz said all of this might not be resolved at this meeting. Mr. Tousley said he was happy to come back. Mr. Brown stated that the most important part was resolving the relationship so everyone could get to work on this. Mr. Tousley said he worked well with the Fire Department in the past.

Chair Katz requested follow-up comments from the Fire Chief.

The Fire Chief began with the first part of the complaint, stating that they had already talked about dead-end corridors, occupant notification, and access errors; the Chief said they are all relevant and they apply. He agreed that Chapter 3 of the NFPA is definitions. He said these were properly cited per the NFPA. The Fire Chief said the standard to cite someone with is to write the code and the description. Chief Farquhar said that Mr. Tousley stated that he had no idea what the Fire Department was talking about and yet in Mr. Tousley’s response about the middle corridor width, Mr. Tousley responded that, “This was heavily discussed with the marshals during inspection in splitting hairs.” Mr. Tousley asked where that dead-end corridor was. A lively discussion ensued while Mr. Tousley and the Fire Chief looked at the plans and debated where there was a dead-end corridor, which the Fire Chief said was where a wall had been built. Mr. Tousley said there should be no issue because there is a door in that wall. The Fire Chief said that if that door were closed, it becomes a wall. Mr. Tousley said, “Oh, come on, wow.” Chair Katz asked if the door was locked. The Fire Chief said the door had a lock on it. Mr. Tousley asked the Fire Chief if he knew the definition of a corridor and the Chief said he did. Mr. Tousley added that the door is not locked and it swings right open. Mr. Tousley said this was about means of egress and this is not means of egress. Chair Katz referred to a dead-end corridor to a room, stating that if the corridor is more than 20 feet, it is not allowed. So, the Chair said that if Mr. Tousley had moved the wall in question to be shorter, it would not have been an issue. Mr. Tousley asked what a dead-end corridor is, stating that it is one without a way out. The Chair said that if in a room behind that wall and you need to leave and there is a 20-foot corridor to contend with, and the Fire Chief agreed. Mr. Tousley said there are doors on both sides.

The Fire Chief said the most salient point was that the wall in question was constructed without a permit, which renders the design professional’s signature null and void. The Chief said [his] plan was altered, and he did not sign-off on that plan. The Chief continued that for each one of these properly cited codes, which he said are exactly right, that [Mr. Tousley’s] discharge numbers were improperly calculated. When properly calculated, the Chief said it showed that [Mr. Tousley] was short on overall exit discharge width, but the Chief said there were ways to overcome that. Chief Farquhar said the largest issue was the distance; he showed two exits on a plan and said they are not remote from each other. Mr. Tousley looked at the plans and said there

were three exits. He said he did not need three exits because the occupant load is 325, which only requires two exits, as shown on the drawing. The Fire Chief said the drawing was invalid because Mr. Tousley altered it. The Chief continued that the aggregate 500 number comes from the Fire Department believing these are illegally operating assemblies. The Chief continued that by aggregating the people discharging from one exit with the people discharging from the second exit, the higher number was reached.

The Fire Chief continued saying the separate point of all of this was that the Fire Department does not know what is behind the stated walls. So, the Chief said this was a simple thing right before they focus on the casino, adding that this was the least of the dangerous places there. However, Chief Farquhar said there had been a lot of illegal renovations in this building, including to a door, that rapidly altered how that building behaves. The Chief said he understood the definitions of corridors from the NFPA, and he pointed out where Mr. Tousley has a table and chairs that are restricted in front of a door, making it an incompetent point of exit discharge. Mr. Tousley said this was all new information and asked why it had not been explained. Chair Katz said that is why he believes a walk-thru the building with the Fire Department is needed. Mr. Tousley said the Fire Chief was saying that he knows more than a licensed professional and that this guy was wrong. The Fire Chief said yes, Mr. Tousley was wrong in doing this. Chair Katz said the drawing was modified, but not by the person who drew it. Still, Mr. Tousley said that the door in question was not a means of egress; he showed where he believed the means of egresses to be. The Fire Chief said those egresses are not remote from each other and Mr. Tousley disagreed. The Fire Chief said Mr. Tousley was using the wrong calculation. Mr. Tousley proceeded to question the Fire Chief's knowledge about the correct calculation and occupancy number, stating that the Fire Chief believed he knew more than the licensed professional. The Fire Chief said he would never say he knows more. Mr. Tousley continued questioning the Fire Chief, who said he did not know who did the miscalculation. Mr. Tousley asked if a certain door changed the occupancy load and the Fire Chief said no.

Chair Katz did not believe this conversation would resolve itself at this meeting but rather when Mr. Tousley and a representative of the Fire Department work together rationally at the site to walk through together and understand each other's points. Mr. Tousley said the Fire Chief would not stand down and that he also would not stand down. Chair Katz agreed that the Fire Chief would not stand down to the fact that it is a partial drawing and looks as if areas are not fully defined as what they are involved with or the occupancy. The Chair thought this would be resolved by a walk through at the job site.

Mr. Rogers said that when the Fire Chief sent the notice of violation, Mr. Tousley responded back. Mr. Rogers referred to a letter dated October 12, 2022, from Chief Farquhar to Mr. Tousley, in which the second to last paragraph suggested what the Chair was suggesting, it states: *"As an interim step I feel that it would be mutually beneficial to have a more thorough evaluation if the building were allowed. To perform such an evaluation, I would need the help of the State Fire Marshall's office for a competent baseline assessment. The inspection team would need full access to the building for 6–8 hours. If you are amenable to allowing us to perform such an assessment, we would make arrangements to do so within the next week."* So, Mr. Rogers said the Fire Chief had put this proposal forward. After this quoted letter was sent, Mr.

Tousley filed the appeal to this Board. Chair Katz thought the Fire Chief's suggestion in the letter was the best way to go about it.

Chair Katz said he appreciated the interests and concerns of both parties—the Fire Department and Mr. Tousley—but the Chair wanted to make sure the life/safety/health concerns for everyone in the building were addressed. Mr. Tousley said he appreciated that but that he wanted to point out some other things he was dealing with. Mr. Tousley showed a photo of some wires and he said that he was told that multi-plugs are illegal; he said the photo was deliberately taken by [the inspectors] to make it look like a room full of wires, when it was really just an area under a desk. He said most of them were communication wires. He pointed out the corner of the room with a hard-wired receptacle and multi-plug. Mr. Tousley said the first code on top of that said multi-plugs are allowed to be used. Mr. Tousley insinuated that the [Fire Chief] made it look like a problem. Mr. Tousley asked how he can even do a walk through “when they're going to pull all this stuff into it. This is what I'm concerned about. This continues, there's more stuff I can show you about this. It's like they show these doors that can't be used. Well, if they backed-up the camera, the out-swinging door is there.” Mr. Tousley continued calling this a “deliberate attempt to make it look worse than it is.”

Mr. Brown thought the only way to move forward and avoid hiring a professional engineer was for—as hard as it may be—Mr. Tousley and the Fire Department to work together because it would only get worse if they do not. Mr. Tousley said [the Fire Chief] had been adamant and would not concede. Chair Katz thought the Fire Chief had backed down by saying that the State Fire Marshal could come and spend six hours on the job site walking through with Mr. Tousley. Mr. Tousley said he would be happy to work with Steve Noolan, who Mr. Tousley thought knew more than whoever wrote the original list of violations. Chair Katz thought the local Fire Chief would likely approve the decision made between the Fire Marshal and Mr. Tousley to resolve this issue. Chair Katz said 90% of the stuff could possibly be taken right out. Mr. Tousley said 90% of it should not have been mentioned in the first place. Chair Katz said this could be resolved. Mr. Brown said this was just the beginning and would happen all over town in the next few years, “so it is time to figure out what the program is going to be.”

Chair Katz recalled that this was the first time this Board had addressed these issues and he thought the proper way to do it was for the Applicant and the City to work together and come back in 30 days or more with a resolution. Mr. Brown said to “get the low hanging fruit taken care of” because he thinks there is stuff everyone would agree needs to be squared away better, judging from the sprinkler reports, it seemed Mr. Tousley was already working on that. Mr. Brown said the tour with the Fire Marshall would help with the bigger structural issues. He thought there would be losers on both sides if everyone played hardball against each other.

Mr. Walsh asked if there was anything included that was previously inspected by the Fire Department that is now considered a violation. Mr. Tousley said yes. Mr. Walsh said he was appreciative because he thought Mr. Tousley would set an example for other violations that come before this Board. Mr. Walsh appreciated everything Mr. Tousley had done and the time he had taken to understand the codes. Mr. Walsh thought there could be some violations but said the City had a shared responsibility if there is something in the building that a previous City inspector said was ok but were now calling a violation; that the City should bear some

responsibility in fixing that. Mr. Walsh said he admired Mr. Tousley coming before the Board because he agreed with Mr. Tousley that a lot of this would be happening in town. While Mr. Walsh cares about life/safety/health, he also thinks it is important for the City to be reasonable.

Mr. Tousley said that when the casino came it was an assembly use; Captain Bates came to him and said there was a previous sprinkler system tied-in and a monitoring service through Standard and Captain Bates told them what they needed to move into the future, which Mr. Tousley said he did. He referred to the current Fire Department Staff and said they do not do such things, that they, “show-up with their giant stick and say you shall get \$30,000 worth of stuff from some special engineer and I don’t care what you say you can’t prove it. Then they start changing the game while they’re going. There may be two sides to this but I have every right to be pissed off over this.” Mr. Tousley said someone was trying to be a “big fish in a small town.”

Mr. Flibotte asked what was going to happen next. Mr. Tousley continued that if the Fire Chief agreed to not force him go through a professional engineer and if the Chief would, “genuinely and honestly tell me that that is not a dead-end corridor.” Chair Katz thought half of that could be done. The Chair was unsure whether the Fire Chief could say such things until he is at the job site and the parties discuss the matter. The Chair thought the Chief had said that the Fire Marshal would send a group down and it did not sound as if any money were involved. Mr. Tousley said the Fire Chief had not yet agreed to not require the professional engineer. The Chair thought Mr. Tousley and the Fire Marshall would walk through the building and address the 16 violations cited and if anything else is seen, it could be discussed. Mr. Brown stated this would also be the time to gain an understanding of the various uses in the building. Mr. Tousley stated that the walk-thru would be limited to the 16 violations. Chair Katz responded that he didn’t believe the Fire Chief stated that. He continued that there will be a walk-thru of the property, address the 16 violations and if there are any other violations seen by either parties, a resolution will be made like rational human beings. Mr. Tousley asked to start with the 16 violations he was appealing; he did not want to say he could not appeal anything else they find down the road. The Chair thought starting there was the way to go about it, but if going through the process and in the procedure the Fire Marshal sees an issue, they could discuss then. The Chair said that if a building inspector comes into a property for one issue and sees something else, they are responsible and liable to document every issue seen. After said inspection occurs, the Chair expects the parties to return to this Board clarifying whether the issue is resolved or what issues remain. Discussing 16 items and the level of work Mr. Tousley did to respond was a lot. Now, Chair Katz said Mr. Tousley had done his work and it was time for the Fire Marshal and Fire Department to work one-on-one with Mr. Tousley going through the building.

The Fire Chief stated that he takes his job very seriously and he runs a very talented Fire Department. The Fire Chief said he would “greatly stand against any sort of connotation that we are these crazy people whipping big sticks. That is inappropriate. You’ll never see that from my Department, it is the most professional Department on earth.” The Chief continued that he is obligated to report and cite any issue he sees, not just want he is at a site to inspect, per State RSA 154-2 that says he cannot just walk past a problem. That does not mean he goes into buildings looking for more things to find or creating problems. Chief Farquhar said Mr. Tousley’s building is far from the only building in town that has Fire Code violations and in almost every other instance, the Chief said they had complete compliance and a good

relationship, which is key. Chief Farquhar said part of that relationship is extending his professionalism to Mr. Tousley. The Chief said there is no one who cares more about public safety than he does or understands his role in the community better than he does. Chief Farquhar said he is a very good person and does his job very well. To the other points brought forward, the Fire Chief said there is no doubt there are a lot of other Fire Code violations in the City that the Fire Department would get through. Chief Farquhar understood the Board's approach to this particular building and said it was the proper one. Still, Chief Farquhar wanted to be on record saying that, "he was properly cited with the RSA 154, which says if I believe there is an immediate danger in that building, I have the authority to close it down." The Chief said he also has the authority to issue an administrative warrant and go on his own. The Chief said he wished to avoid all of that. So, the Chief said he made his offer to Mr. Tousley, who was more than welcome to choose someone else from the Fire Department to be on the site visit other than the Chief. Chief Farquhar stated that he does not care what Mr. Tousley or the Board think of him, he cares about keeping people in the City safe. Chief Farquhar had been a public servant for a long time, and he was deeply offended by previous comments, especially the assertion that the Fire Chief was drumming things up or staging pictures. He said that was not true and speaks to his character. The Chief remains concerned about this building, which is why he offered Mr. Tousley the best approach to walk through it, because the Fire Department does not know what is behind those doors. When Chief Farquhar was asked directly whether Mr. Tousley was operating two unpermitted gyms in his building, Mr. Tousley asked for the definition of a gymnasium and asked whether the Chief was insinuating there was a more than 50 people assembly use. Chief Farquhar said the space needed to be measured and if the operators were selling tickets or hosting an event like an MMA, that is an assembly. The Fire Chief said he could not help Mr. Tousley fix problems without knowing the problems. The Fire Chief was willing to start building a relationship with Mr. Tousley.

Mr. Tousley said the Fire Chief was not building a relationship by pulling this all up after the fact and not putting all this information in with the violations. The Fire Chief said the Fire Department is what it is and must be able to get into that building. The Chief would love Mr. Tousley's cooperation. Still, the Chief has every legal right to do it on his own, but that is not how he was trying to start building a relationship. Mr. Tousley said he agreed to start with the first 16 citations. The Chief said that was fine, stating that some of the issues were systemic and spoke to program management, like testing exit lights and extinguishers, clear articulation between Mr. Tousley and who rents from him and what their obligations are, and permitting work. He said it was much more complex. He said that 100 of 100 fire protection engineers would call the corridor in question a dead-end, which changes things radically, and there are constructive ways to fix it, which was all the Chief was looking for. All the Fire Department sought was to get into that building and start taking corrective actions.

Mr. Brown thought it was important that Mr. Tousley walk that corridor with someone other than Chief Farquhar, which the Chief was amenable to. Chair Farquhar said he did not care how they got there, but the Fire Department had to get into that building. Mr. Walsh thought Mr. Tousley and the Fire Chief should walk through together, especially if there is a shared responsibility for something once approved that is now not approved, that needed to be fixed with a shared expense. Mr. Walsh thought the simple thing was to handle the easier issues and then see a walk through versus an expense on a professional engineer. Mr. Brown thought this Board would be



hearing from a lot of building owners in similar ways and should get used to handling it now until there is a case where the expertise of a professional engineer is the only way.

Mr. Walsh asked Chief Farquhar if a walkthrough with Mr. Tousley would omit the need for a professional engineer and whether when walking through together, the two parties could try to find simple solutions to some of the violations, where possible. Chief Farquhar said yes but recalled they were talking about the strength of the building. Chair Katz thought both parties were interested in the life/safety/health of the general public. Chief Farquhar added that, “the strong walls of that Mill building now have HVAC ducts put into them, meaning they are no longer fire walls, and the only thing that becomes a fire wall is the fire alarm system to actually rain fire damper to reseal that wall.” Chair Katz thought there were a lot of those little concerns that could be addressed. Chair Katz asked if the Chief recommended that someone from the State Fire Marshall’s office do this inspection. Chief Farquhar said he would reach out to them for technical assistance under the RSA and the Chief could be present or not. He said they would run through things that are very complex and they would have to speak to OPSC about some mechanical things. Chair Katz asked whether someone local could do this versus getting the State involved. Chief Farquhar said Captains Dumont and Megan Manke were both highly certified Fire Marshals. Mr. Tousley and Mr. Walsh agreed and were happy with that and Mr. Tousley stated was looking forward to keeping it at the local level.

Mr. Tousley said he was concerned about how this was ending. He asked if the appeal was being put off for 30 days. Chair Katz said the Board was saying that he was appealing these issues and they could spend all night going through it, but it might be best to appeal directly with the Fire Department and come back with a resolution. Mr. Tousley said he tried that once and his concern was that they would walk through, and he would never get to finish his appeal. Mr. Brown reiterated that he heard Mr. Tousley and understood he had the misfortune of being the first one here. Mr. Brown thought the Board needed to see if this could move forward in the manner discussed before continuing the appeals process if they cannot come to a resolution; he did not think there was a strict time frame for returning with a resolution. Mr. Rogers agreed, stating that if the inspection occurs and the Fire Department still feels there is the need for a professional engineering evaluation, then Mr. Tousley’s appeal would still be standing. Mr. Brown thought it was better for everyone to figure out how they could start working this stuff out because it is not unique.

Mr. Tousley said he looked forward to working with Captains Dumont and Ms. Menke on this. Chair Katz asked if this was acceptable of both parties agreed to try to resolve the 16 violations on site. The Chief said it provided him some relief but said the Fire Department still needs to get to the rest of the building and see behind those walls, know the uses in the building, and know the occupancies. Mr. Tousley asked if they could start with the 16 violations presented, stating that the Chief kept getting sidetracked. Chief Farquhar said he was not sidetracked, but that in the appeal, Mr. Tousley cited the last Chapter under NFPA 1, “that his building does not meet the basics of Fire Code. Although we have talked about specifics, the entire building does not meet Fire Code. So, the citation is the entire building.” Chair Katz said some of the conversation on site would be on this issue, and perhaps that is all they return to this Board with. Chief Farquhar said some things were easy, like getting locks off the doors. In the end, the Chief said

whether Mr. Tousley agrees or not, the Fire Department needs to get into that whole building and look at it.

Mr. Tousley agreed it was appropriate to work with the local Fire Staff who understand the Code and then to return to this Board with an update. The Chair thought most issues would be resolved on the job site. Chair Katz did not know how the Board recommended that so that Mr. Tousley could return saying some issues had been resolved but a few remained for his appeal. Mr. Rogers said yes to that idea. Mr. Brown agreed it was worth trying to get a working relationship between Mr. Tousley and the Fire Department and that the only alternative would be bad.

A motion by Mr. Brown to recommend that both parties set a working group, tour the building, make sure the Fire Department understands the uses present, and discuss the 16 citations was duly seconded by Mr. Flibotte. The motion carried unanimously.

### **Adjournment**

There being no further business, Chair Katz adjourned the meeting at 6:30 PM.

Respectfully submitted by,  
Corinne Marcou, Board Clerk  
Katie Kibler, Minute Taker