

**STATE CODES AND STANDARDS COMMITTEE
AGENDA**

**December 8, 2010
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- 1. CALL TO ORDER**
- 2. ATTENDANCE**
- 3. APPROVAL OF MINUTES OF NOVEMBER 10, 2010 MEETING**

Motion for Executive Session:

Discussion of pending litigation by attorney from Attorney General's Office: The State Building Inspector v. Codes and Standards Committee, regarding CV-10-6007512, Judicial District of New Britain

4. COMMUNICATIONS

<u>SUBJECT & DATE RECEIVED</u> (mm/dd/yy)	<u>FROM - TO</u>	<u>DESCRIPTION</u>
a. Correspondence 11/12/10	Frank Bainer, Jr. C & S	A-42-10 – Appeal from Frank Bainer, Jr. re State Building Inspector's decision re M-332-10 re 381 Watertown Road, Middlebury, CT
	ACTION: <u>See Appeal Hearings 8.h.</u> <u>On 11/12/10 briefs received from appellant</u> <u>On 11/16/10 correspondence received from Lisa Humble</u>	
b. Request for appeal 11/15/10	Joseph Pierz, AIA C & S	A-49-10 A & B – Request for appeal from Joseph Pierz, AIA re Deputy State Fire Marshal's decision re A) FM-0385-09 re 313 Washington St., New Britain, CT B) FM-0386-09 re 313 Washington St., New Britain, CT
	ACTION: _____ _____	
c. Correspondence	Mark Blackburn	A-44-10 – Correspondence re

12/1/10	C & S	Request for appeal from Mark Blackburn and Lawrence Wenzel re State Building Inspector's decision re S-7-10 re Carriage Green, 77 Plains Road, Milford, CT
ACTION: <u>See Appeal Hearings 8.j.</u> <u>On 12/1/10 appellant withdrew appeal</u>		

d. Correspondence 12/1/10	Robert Ross, DFEB C & S	Correspondence from Amey Marrella, Commissioner, Dept of Environmental Protection, re energy efficiency improvements in the state building code
ACTION: _____ _____		

e. Request for appeal 12/6/10	Adam McNiece C & S	A-50-10 - Request for appeal from Adam McNiece re Waterford Board of Appeals decision re Waterford Building Official's conduct
ACTION: _____ _____		

5. SUBCOMMITTEE REPORTS:

Codes Amendment Subcommittee:

Ethics/Procedural Regulations Subcommittee:

6. OLD BUSINESS

- a. Janet Ainsworth and Marjorie Shansky are developing information to share with newest C& S members. Date/time to be determined.
- b. Review Dormant List

7. NEW BUSINESS

- a. **Staff Report**
- b. **Fire Prevention Code Advisory Committee**
- c. **Fire Marshal Training Council**
- d. **Building Code Training Council**
- e. **Vote for Codes and Standards officer positions: Chair, Vice-Chair, Secretary**
- f. Review List of Subcommittees and notify Chair if you wish to be added/withdrawn
- g. Review member list and notify Joanne (in writing) of any revisions

8. APPEAL HEARINGS

- a. **A-2-10 (A-E). Request for appeal from Ron Nadeau re State Building Inspector's decision re:**
 - a) **M-957-09, 279 Dennison Ridge Drive, Manchester, CT**
 - b) **M-958-09, 99 Lorraine Road, Manchester, CT**
 - c) **M-959-09, 229 Jenny Cliff, Manchester, CT**
 - d) **M-960-09, 264 Kennedy Road, Manchester, CT**
 - e) **M-961-09, 68 Adelaide Road, Manchester, CT**

Panel consists of John Butkus, Panel Chair; *Christopher Cozzi and Fred Wajcs. George Iskra is the alternate. *George Iskra will replace Christopher Cozzi due to schedule conflict. On January 6, 2010, correspondence received from Christopher Laux on behalf of Ron Nadeau. On January 11, 2010, supporting documentation received. On February 1, 2010, correspondence received from Lisa Humble, State Building Inspector. On February 2, 2010, letter sent to Lisa Humble, requesting copies of documents she referenced in her February 1, 2010 letter. On February 3, 2010, referenced documents received from Lisa Humble. On February 5, 2010, correspondence received from Lisa Humble. On February 4, 2010, correspondence received from Christopher Laux requesting 60 day postponement. On February 17, 2010, correspondence received from Lisa Humble. Hearing set for, February 16, 2010, was postponed at the request of Christopher Laux. On February 22, 2010, correspondence received from Jean Rexford, The Zac Foundation. On February 26, 2010, correspondence re formal objection received from Christopher Laux. On April 12, 2010, correspondence received from Christopher Laux and Lisa Humble. Hearing was held on April 14, 2010 and continued to May 4, 2010. Deliberations were held on May 11, 2010. Decision to be sent out within 90 days [by August 11, 2010]. Decision was sent out on August 10, 2010. On August 25, 2010 petition for reconsideration request received from Lisa Humble, State Building Inspector. On September 2, 2010, correspondence received from Christopher Laux. Special meeting re petition for reconsideration was held on September 14, 2010 at the Connecticut Forensic Science Laboratory. Decision to be sent out within 90 days [by December

14, 2010]. **Decision on Petition for Reconsideration was sent out on October 7, 2010. On October 25, 2010 Summons received from Neil Parille, Commissioner of Superior Court. On November 10, 2010, Affidavit re: Service of Appeal was received.**

- b. A-20-10. Request for appeal from Paul Farnsworth re State Building Inspector and Office of Protection and Advocacy's decision re L-5-10 re 532 Boston Post Road, Milford, CT. No panel was set. As of May 12, 2010 hold pending reconsideration by State Building Inspector. On September 8, 2010, Lisa Humble, OSBI, stated their file was closed. On September 10, 2010 certified letter sent to appellant requesting status of appeal and to respond in writing by Friday, September 24, 2010. As of October 13, 2010 no information received from appellant. On October 13, 2010, Lisa Humble, Office of State Building Inspector advised she is reviewing a reconsideration request.**
- c. A-34-10. Request for appeal from Adam McNiece re Waterford Building Board of Appeals decision re 184 Oswegatchie Road, Waterford, CT. Panel consists of Marjorie Shansky, Panel Chair; Andrew Rizzo, Jr. and Robert Hanbury. George Iskra will be the alternate. Hearing was held on September 8, 2010. On August 25, 2010, correspondence received from appellant and was forwarded to appeal panel. On August 30, 2010 correspondence received from Frank Hoagland, Waterford Building Official. On September 21, 2010 appellant requested deliberations date be rescheduled. **Deliberations were held on November 10, 2010. Decision will be sent out within 90 days [by February 10, 2011].****
- d. A-35-10. Request for appeal from Christopher Laux re State Building Inspector's decision re M-271-09(C) re Mansions II, Buildings 49, 50, 52, 54, 56, 58, 59 and 60, 75 Hockanum Blvd., Vernon, CT. (Cross reference with fire code appeal A-36-10). Thomas DiBlasi is recused. Panel consists of John Jackman, Panel Chair; Michael Sinsigalli and David McKinley. Donald Harwood will be the alternate. On June 23, 2010, secondary appeal (A-36-10) re Deputy State Fire Marshal's decision was filed. Appellant requested both appeals be heard at the same time. On July 28, 2010 additional information received from Christopher Laux. On July 30, 2010 additional information received from Lisa Humble. **This hearing will be heard concurrently with A-36-10. Combined hearing was held on November 10, 2010 and continued to November 17, 2010. Decision will be sent out within 90 days [by February 17, 2010]. Decision was sent out on December 6, 2010.****

- e. **A-36-10. Request for appeal from Christopher Laux re Deputy State Fire Marshal's decision re FM-0152-09 re Mansions II, Buildings 49, 50, 52, 54, 56, 58, 59 and 60, 75 Hockanum Blvd., Vernon, CT. (Cross reference with building code appeal A-35-10).** Panel consists of John Jackman, Panel Chair; Michael Sinsigalli and David McKinley. Donald Harwood will be the alternate. On June 23, 2010, secondary appeal (A-35-10) re State Building Inspector's decision was filed. Appellant requested both appeals be heard at the same time. On July 28, 2010 additional information received from Christopher Laux. **This hearing will be heard concurrently with A-35-10. Combined hearing was held on November 10, 2010 and continued to November 17, 2010. Decision will be sent out within 90 days [by February 17, 2010]. Decision was sent out on December 6, 2010.**

- f. **A-40-10. Request for appeal from Dennis Tetreault re State Building Inspector's decision re M-501-10 re Faith Tabernacle, 110 Utopia Road, Manchester, CT.** Panel consists of Michael Musco, Panel Chair; John Jackman and George Iskra. William Zoeller will be the alternate. On August 17, 2010 correspondence received from Lisa Humble, State Building Inspector. On August 20, 2010 correspondence received from Lisa Humble advising Daniel Tierney will represent her for this appeal. **Hearing was held on November 10, 2010. Decision will be sent out within 90 days [by February 10, 2011]. Decision was sent out on November 29, 2010.**

- g. **A-41-10. Request for appeal from Larry Wenzel, PE re Milford Fire Marshal's decision re Carriage Green, 77 Plains Road, Milford, CT. Related appeal A-44-10.** No panel was set. On June 10, 2010 referred to Barry Rickert, Office of State Fire Marshal (OSFM). **On October 12, 2010 Legal Counsel sent status letter to OSFM. On November 1, 2010 correspondence received from Barry Rickert, OSFM. On December 1, 2010, certified letter sent to appellant requesting status of appeal and to respond in writing by December 7, 2010.**

- h. **A-42-10. Request for appeal from Frank Bainer, Jr., re State Building Inspector's decision re M-332-10 re 381 Watertown Road, Middlebury, CT.** Panel consists of *Marjorie Shansky, Panel Chair; Robert Hanbury and Andrew Rizzo, Jr. Henry Miga will be the alternate. *Robert Hanbury replaced Marjorie Shansky as Panel Chair due to schedule conflict. On September 22, 2010 correspondence received from Lisa Humble advising Daniel Tierney will represent her for this appeal. On September 23, 2010 additional information received from Lisa Humble. **Hearing was held on October 13, 2010. On October 13, 2010 certified letter sent to interested parties stating briefs are to be received by close of business on November 12, 2010. On November 12, 2010, briefs received from appellant. On November 16, 2010 correspondence received from Lisa Humble, State Building Inspector. Deliberations date needs to be set.**

- i. A-43-10. Request for appeal from George Davis re State Building Inspector's decision re M-521-10 re 34 Crescent Drive, East Hartford, CT.** Panel consists of Glenn Neilson, Panel Chair; Louis Free and Robert Hanbury. Christopher Cozzi will be the alternate. On August 26, 2010 correspondence received from Lisa Humble. On September 22, 2010 correspondence received from Lisa Humble advising Daniel Tierney will represent her for this appeal. **Hearing was held on October 13, 2010 and recessed pending additional information. On October 13, 2010 certified letter sent to appellant to provide additional information by close of business on Tuesday, November 9, 2010. On October 22, 2010 correspondence received from appellant. Hearing continued to Wednesday, December 8, 2010, at 11:30 a.m. in room 348.**
- j. A-44-10. Request for appeal from Mark Blackburn and Lawrence Wenzel re State Building Inspector's decision re S-7-10 re Carriage Green, 77 Plains Road, Milford, CT.** No panel was set. Related appeal A-41-10. On September 1, 2010 documentation received from Lisa Humble, State Building Inspector. On September 15, 2010, documentation received from appellant. On September 27, 2010 information received from Lisa Humble. **As of October 15, 2010, State Building Inspector is reviewing reconsideration request. On October 27, 2010, correspondence received from Lisa Humble. On November 16, 2010, certified letter sent to appellant requesting clarification whether he will also appeal State Building Inspector's reconsideration (S-7-10R) and to respond in writing by November 30, 2010. On December 1, 2010, appellant withdrew appeal.**
- k. A-47-10. Request for appeal from Adam McNiece re Waterford Building Official's conduct. (Related appeal A-34-10).** Panel consists of Marjorie Shansky, Panel Chair; Andrew Rizzo, Jr. and Robert Hanbury. George Iskra will be the alternate. On September 27, 2010 correspondence sent to appellant requesting clarification; on October 5, 2010 correspondence received from appellant. **Hearing on aggrievement was held on November 10, 2010 and was held at the same time as A-34-10 deliberations. On October 18, 2010 correspondence received from appellant. Deliberations will be sent out within 90 days [by February 10, 2011]. Decision was sent out on November 30, 2010.**
- l. A-48-10. Request for appeal from Denise Sullivan re State Building Inspector and Office of Protection and Advocacy's decision re W-52-10 re Naugatuck YMCA, 284 Church Street, Naugatuck, CT.** Panel consists of Robert Hanbury, Panel Chair; Andrew Rizzo, Jr. and David McKinley. Irving Moy will be the alternate. **Hearing was set for Wednesday, December 8, 2010 at 11:45 a.m. in room 348.**

- m. C-1-10. Correspondence from Mark Sommaruga, Esquire, re complaint request for revocation investigation re Shelton Building Official's license (Elliott Wilson).** Panel was set on November 10, 2010. Panel consists of Donald Harwood, Panel Chair; Louis Free and Andrew Rizzo, Jr. Irving Moy will be the alternate. On February 8, 2010, letters were sent to Robert Ross (Director, Division Fire Emergency and Building Services) and Attorney Dawn Hellier (Dept. Public Safety Legal Affairs) requesting staff assistance to conduct an investigation. On February 24, 2010, Barry Rickert, Deputy State Fire Marshal, advised an investigator (Sgt. Christopher Guari) had been assigned to this investigation. On February 26, 2010, correspondence received from Attorney Hellier, DPS, advising staff assistance was granted to conduct an investigation. As of October 13, 2010, no additional information received. On October 13, 2010, Barry Rickert, OSFM, advised investigation is on-going.

On November 10, 2010, Rob Ross submitted the Office of State Fire Marshal's investigative report regarding the Shelton Building Official [re C-1-10] to Codes and Standards for appropriate action. Barry Rickert advised the Committee that his office is working on an addendum to this report and should provide it approximately the first or second week of December. Janet Ainsworth advised a compliance conference (per CGS 4-182(c)) should be scheduled prior to a hearing. Barry Rickert advised that Investigator John Sawyer, OSFM, will do the compliance conference and Barry will notify John Sawyer of same. As of December 7, 2010, no additional information received.

9. GOOD OF THE ORDER

All ID badges are being replaced. Please plan to have your photo taken on **Wednesday, January 12, 2011, between 11:30 – 1:00 p.m.** at the Office of Education and Data Management.

The next Codes and Standards Committee meeting is set for **January 12, 2011**, at 1:00 P.M.

10. ADJOURNMENT

ADDENDUM – A motion of 2/3 vote must be made to add the following:

4. COMMUNICATIONS

f. Correspondence
12/7/10

Mark Blackburn
C & S

A-41-10 – Appeal from Larry
Wenzel, PE re Milford Fire
Marshal’s decision re Carriage
Green, 77 Plains Road, Milford, CT

ACTION: See Section Appeal Hearings 8.g.

g. Correspondence
12/8/10

Carolyn Querijero,
Deputy Attorney General
C & S

A-2-10 (A-E) – Correspondence re
Appeal from Ron Nadeau re State
Building Inspector’s decision re:
a) M-957-09, 279 Dennison Ridge Drive,
Manchester, CT
b) M-958-09, 99 Lorraine Road, Manchester, CT
c) M-959-09, 229 Jenny Cliff, Manchester, CT
d) M-960-09, 264 Kennedy Road, Manchester, CT
e) M-961-09, 68 Adelaide Road, Manchester, CT

ACTION: See Appeal Hearings 8.a.
Correspondence re pending litigation re State
Building Inspector v. Codes & Standards Committee
