

**STATE CODES AND STANDARDS COMMITTEE
AGENDA**

**March 13, 2013
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- 1. CALL TO ORDER**
- 2. ATTENDANCE**
- 3. APPROVAL OF MINUTES OF JANUARY 9, 2013 MEETING
THE FEBRUARY 13, 2013 MEETING WAS CANCELLED (NO QUORUM)**
- 4. COMMUNICATIONS**

<u>SUBJECT & DATE RECEIVED</u> (mm/dd/yy)	<u>FROM - TO</u>	<u>DESCRIPTION</u>
a. Correspondence 1/10/13	John Jackman C & S	Correspondence from John Jackman resigning from the C&S Committee (Fire Marshal position) effective 1/9/13
	ACTION: _____ _____	
b. Correspondence 1/18/13	Joseph Kingston, OSFM C & S	A-18-12 – Appeal from Sandra and David Biller re North Haven Fire Marshal’s decision re 154 State Street, North Haven, CT
	ACTION: <u>See Appeal Hearings Section 8.e.</u> _____	

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| c. Request for appeal
1/18/13 | Gerald Farrell, Sr., Esq.
C & S | A-2-13 – Request for appeal from Gerald Farrell Sr. re State Fire Marshal’s decision re FM-0273-12 re Wallingford Center Associates, 375 Center Street, Wallingford, CT |
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ACTION: On 2/27/13 letter sent to appellant requesting clarification re whose decision is being appealed (local FM or OSFM);On 3/6/13 appellant responded that he is appealing the State Fire Marshal’s decision

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| d. Correspondence
1/24/13 | Steven Edelman
C & S | Correspondence from Steven Edelman re
A-4-10. Appeal from Steven Edelman re Windham Building Official’s decision re 202 Scotland Road, Windham, CT.
and
C-1-11. Correspondence from Steven Edelman re complaint request for revocation from Steven Edelman re Windham Building Official (Donald Schultz). |
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ACTION: See Appeal Hearing Section 8.a (A-4-10) and 8.i.(C-1-11)

e. Request for appeal
1/31/13

Ryan Hagler
C & S

A-3-13 – Request for appeal from
Ryan Hagler re State Fire
Marshal’s decision re
a) FM-0364-12
b) FM-0367-12
c) FM-0370-12
d) FM-0373-12
e) FM-0376-12
f) FM-0379-12
g) FM-0384-12
h) FM-0386-12
i) FM-0390-12
j) FM-0393-12
k) FM-0396-12
l) FM-0401-12
m) FM-0405-12
n) FM-0408-12,
o) FM-0411-12
p) FM-0414-12
q) FM-0418-12
re Huntington Woods,
200 Blakeslee Street,
Buildings 2 thru 18, Bristol, CT

ACTION: _____

f. Correspondence
2/6/13

Steven Edelman
C & S

A-34-04 – Correspondence from
Steven Edelman re State Building
Inspector’s decision re 9/1/04 State
Building Inspector’s decision under
29-252(d) CGS

ACTION: _____

g. Correspondence 1/30/13	Daniel Veronick C & S	A-14-12 – Correspondence re appeal from Peter Springsteel re Deputy State Building Inspector and Office of Protection and Advocacy’s decision re W-33-12RR re Preston Ridge Vineyard, 100 Miller Road, Preston, CT
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ACTION: See Appeal Hearings Section 8.b.

h. Request for appeal 2/8/13	Stephanie McLaughlin, Esq. C & S	A-4-13 – Request for appeal from Stephanie McLaughlin, Esq. re Stamford Fire Marshal’s decision re 200 Strawberry Hill Ave., Stamford, CT
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ACTION: On 2/26/13 appellant requested 30 day extension of time pending possible resolution [after 3/28/13]

i. Request for appeal 2/11/13	Michael Dowley, Esq. C & S	A-5-13 – Request for appeal from Michael Dowley, Esq. re Portland Building Official’s decision re 102 Great Hill Pond Road, Portland, CT
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ACTION: _____

j. Correspondence 2/7/13	Geoffrey Woods Marjorie Shansky	C-2-12- Correspondence re Complaint request from Geoffrey Woods re Fairfield Building Official (James Gilleran)
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ACTION: See Appeal Hearing Section 8.n.

k. Correspondence 2/13/13	Timothy Lee, Esq. C&S	A-18-12 - Appeal from Sandra and David Biller re North Haven Fire Marshal's decision re 154 State Street, North Haven, CT
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ACTION: See Appeal Hearings 8.e.
On 2/13/13 appellant's attorney requested postponement

l. Correspondence 2/19/13	Geoffrey Woods C & S	C-2-12 - Complaint request from Geoffery Woods re Fairfield Building Official (James Gilleran)
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ACTION: See Appeal Hearings 8.n.

m. Correspondence 2/26/13	Peter Springsteel Glenn Neilson	A-14-12 - Appeal from Peter Springsteel re Deputy State Building Inspector and Office of Protection and Advocacy's decision re W-33-12 re Preston Ridge Vineyard, 100 Miller Road, Preston, CT
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ACTION: See Appeal Hearings 8.b.
On 2/26/12 appellant withdrew appeal

n. Request for appeal 2/26/13	Joseph Versteeg C & S	A-6-13 – Request for appeal from Joseph Versteeg re Deputy State Building Inspector's decision re M-53-13B re 43 Windsor Avenue, Meriden, Connecticut
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ACTION: _____

5. SUBCOMMITTEE REPORTS:

a. Codes Amendment Subcommittee:

This subcommittee met on November 28, 2012. Meeting set for February 13, 2013 was cancelled. Meeting was held on February 27, 2013. Next meeting is set for **March 13, 2013.**

b. Ethics/Procedural Regulations Subcommittee:

This subcommittee met on October 10, 2012 to discuss future proposals and procedures of aggrievement. The issue of aggrievement remains open for discussion. Discussion will include: Procedures of aggrievement; submittal of OSBI/OSFM documents to appeal panel (i.e. Request for Modification form); and process of license revocation. Meeting set for February 13, 2013 was postponed. **New date needs to be set.**

6. OLD BUSINESS

7. NEW BUSINESS

a. Staff Report

b. Fire Prevention Code Advisory Committee (Harwood/Shansky)

c. Joint Building Code Training Council (Musco)/Fire Marshal Training Council (Harwood)

d. Report on Bills

1. Proposed Bill No. 6296

An Act Adopting the National Electrical Code, the International Plumbing Code, the International Mechanical Code, and the International Fuel Gas Code.

2. Proposed Bill No. 5749

An Act Concerning Revisions to the State Building Code.

3. Proposed legislation to eliminate ½" slope requirement for school roofs

Chapter 15 Roof Assemblies and Rooftop Structures

e. Fire Marshal Vacancy (previously held by John Jackman)

8. APPEAL HEARINGS

- a. **A-4-10. Appeal from Steven Edelman re Windham Building Official's decision re 202 Scotland Road, Windham, CT.** On June 21, 2010 a postponement was granted as a result of appellant's request for a stay of the proceedings. On January 24, 2013 correspondence received from appellant.
- b. **A-14-12. Request for appeal from Peter Springsteel re Deputy State Building Inspector and Office of Protection and Advocacy's decision re W-33-12 re Preston Ridge Vineyard, 100 Miller Road, Preston, CT.** *Panel consists of Andrew Rizzo, Jr., Panel Chair; Glenn Neilson and Marjorie Shansky. *David McKinley will be the alternate. ***On January 7, 2013, panel was changed (due to schedule conflict) to Glenn Neilson, Panel Chair; Marjorie Shansky and David McKinley. Andrew Rizzo, Jr. will be the alternate.** Hearing was held on September 12, 2012 and recessed pending possible resolution. On October 15, 2012 certified letter sent to appellant requesting status of appeal and to respond in writing by October 29, 2012. On October 31, 2012 correspondence received from appellant advising they wished to continue the appeal process. **Continuation hearing was held on January 9, 2013. Continuation date set for February 27, 2013 was not held; on February 26, 2013 appellant withdrew appeal.**
- c. **A-16-12. Request for appeal from Hongbin Yu re Deputy State Building Inspector's decision re M-738-12 re 4 Red Barn Lane, Brookfield, CT.** Panel consists of Glenn Neilson, Panel Chair; Louis Free and Thomas DiBlasi. Christopher Cozzi will be the alternate. Timeliness hearing was set for Wednesday, November 14, 2012 at 12:00 noon in room 348. If good cause is shown, then an appeal hearing may immediately follow. On October 16, and 31, 2012 correspondence received from appellant. Hearing was held on November 14, 2012; briefs are to be filed by close of business on Wednesday, December 12, 2012. **On December 12, 2012 briefs were received from appellant. Deliberations were held on January 9, 2013. Decision will be sent out within 90 days [by April 9, 2013]. Decision was sent out on February 1, 2013.**
- d. **A-17-12. Request for appeal from Andrew Clark re Hartford Building Official's decision re 286 Sargeant Street, Hartford, CT.** Panel consists of Henry Miga, Panel Chair; Christopher Cozzi and William Zoeller. Anthony Bruno will be the alternate. On October 25, 2012 correspondence received from appellant. **Hearing was held on January 9, 2013 and January 23, 2013. Decision will be sent out within 90 days [by April 23, 2013].**

- e. **A-18-12. Request for appeal from Sandra and David Biller re North Haven Fire Marshal's decision re 154 State Street, North Haven, CT.** Panel consists of *Donald Harwood, Panel Chair; Fred Wajcs, Jr., and George Iskra. Michael Sinsigalli will be the alternate. *Due to schedule conflict Donald Harwood replaced Michael Sinsigalli as Panel Chair. Hearing set for December 12, 2012 was postponed; on December 6, 2012 appellant's attorney, Timothy Lee, requested postponement. On December 10, 2012, letter sent to appellant's attorney advising him that hearing could not be set until a copy of decision letter is received. On December 11, 2012, a copy of the Office of State Fire Marshal's closing investigative report was received. Hearing was set for Wednesday, February 13, 2013 at 10:00 a.m. in room 348. On January 18, 2013 the Office of the State Fire Marshal provided a copy of North Haven Fire Marshal's inspection report. On February 13, 2013 appellant's attorney requested a second postponement. **Timeliness hearing was rescheduled and held on February 27, 2013. On February 27, 2013 referred to the Office of the State Fire Marshal (OSFM) for review. On March 8, 2013 correspondence received from Robert Ross, OSFM.**

- f. **A-19-12. Request for appeal from Douglas Bellfy re Deputy State Building Inspector's decision re 947 Hopewell Road, South Glastonbury, CT.** Panel consists of Glenn Neilson, Panel Chair; Robert Hanbury and Louis Free. Thomas DiBlasi will be the alternate. **Hearing was held on January 9, 2013. Decision will be sent out within 90 days [by April 9, 2013].**

- g. **A-20-12. Request for appeal from John Orzel re Wallingford Building Official's decision re Valenti Chevrolet, 399 North Colony Street, Wallingford, CT.** Panel consists of Michael Musco, Panel Chair; George Iskra and Henry Miga. Andrew Rizzo, Jr. will be the alternate. **Hearing was held on December 12, 2012. Decision will be sent out within 90 days [by March 12, 2013].**

- h. **A-21-12. Request for appeal from Walter Milardo re State Fire Marshal's decision re FM-0237-12 re Harpo's Bakery, 908 Main Street, South Glastonbury, CT.** On January 8, 2013 additional information received from appellant. Panel consists of Michael Sinsigalli, Panel Chair; Robert Hanbury and George Iskra. Donald Harwood will be the alternate. **Hearing was held on February 13, 2013. Decision will be sent out within 90 days [by May 13, 2013].**

- i. **A-22-12. Request for appeal from Peter Jay Alter re State Fire Marshal's decision re FM-0087-12 re 2928 Main Street, Glastonbury, CT.** Panel consists of Henry Miga, Panel Chair; Glenn Neilson and Louis Free. Thomas DiBlasi will be the alternate. **Hearing is set for Wednesday, March 13, 2013 at 12:00 p.m. in room 348.**

- j. **A-1-13. Request for appeal from Bruce Spiewak re Greenwich Fire Marshal's decision re YMCA of Greenwich, 50 Putnam Avenue, Greenwich, CT. On January 28, 2013 referred to Office of State Fire Marshal for review.**
- k. **C-1-10. Correspondence from Mark Sommaruga, Esquire, re complaint request for revocation investigation re Shelton Building Official's license (Elliot Wilson) aka Hearing Pursuant to CGS 29-262(d).** Panel was set on November 10, 2010. Panel consists of Donald Harwood, Panel Chair; Louis Free and Andrew Rizzo, Jr. John Butkus 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 January 18, 2011, no additional information received. On January 19, 2011 Barry Rickert, OSFM, advised that OSFM's report was complete and could be forwarded to the appeal panel. On January 26, 2011, letter sent to Barry Rickert, OSFM, requesting clarification if a compliance conference had occurred. On February 9, 2011 the Committee verbally requested Barry Rickert, OSFM, to respond in writing to their January 26, 2011 letter re compliance conference. Janet Ainsworth advised that the Office of the State Fire Marshal sent a letter to the appellant. Appellant has until March 15, 2011 to respond regarding a compliance conference. If no response is received by that date, then Codes and Standards can proceed. On March 25, 2011 correspondence forwarded from Barry Rickert from appellant. On May 11, 2011 Barry Rickert advised the compliance conference was held. On May 23, 2011 correspondence received from Barry Rickert. On February 17, 2012 certified letter sent to appellant's attorney (John Keyes) requesting status of complaint. As of April 10, 2012 no additional correspondence received. On April 18, 2012, certified letter sent to appellant's attorney requesting status and to respond in writing by May 2, 2012. On May 9, 2012, it was decided that the Office of the State Fire Marshal will hold the compliance conference. On May 15, 2012 correspondence sent to Robert Ross, State Fire Marshal, requesting the Office of the State Fire Marshal to conduct a compliance conference. On May 30, 2012 correspondence received from Robert Ross advising compliance conference was set

for June 7, 2012. Compliance conference was held on June 7, 2012. As of June 13, 2012 C&S was waiting for compliance conference report from Rob Ross, State Fire Marshal. On June 21, 2012 correspondence received from Rob Ross advising formal license revocation hearing should go forward. Effective August 8, 2012 John Butkus will replace Irving Moy as alternate. Hearing date to be set and coordinated by the Department of Construction Services (DCS) and Attorney General's Office. **Hearing was held on November 7, 2012 and adjourned for 30 days [to December 7, 2012] to allow submission of briefs. Briefs were to be filed by 12:00 Noon on Friday, December 7, 2012. Hearing continuation date needs to be set, and should include Assistant Attorney General Matt Beizer and Attorney Roberta Avery. Hearing continuation set for Wednesday March, 13, 2013 at 11:00 a.m. in room 348.**

1. **C-1-11. Correspondence from Steven Edelman re complaint request for revocation from Steven Edelman re Windham Building Official (Donald Schultz).** John Butkus, Louis Free, Robert Hanbury, Donald Harwood, Michael Musco, Glenn Neilson and Marjorie Shansky are recused. On September 22, 2011 correspondence received from appellant. On September 23, 2011 corrected correspondence received from appellant. On October 3, 2011 correspondence received from appellant. On October 17, 2011 referred to Legal Counsel for review. On October 17, 2011 correspondence received from appellant. On November 15, 2011 a follow-up letter was sent to appellant requesting additional information. On March 20, 2012 certified letter sent to appellant requesting clarification and to respond in writing by April 3, 2012. On April 2, 2012 correspondence received from appellant. On April 11, 2012, pending legal review by staff counsel. Procedures will be discussed at meeting of legal counsel, Attorney General's Office, Office of State Building Inspector and Office of State Fire Marshal the week of May 14, 2012. **Motion was made and seconded to refer to the Office of State Fire Marshal for investigation. All in favor. None opposed. Motion carried. On June 15, 2012 referred to the Office of State Fire Marshal for investigation. On June 27, 2012 letter sent to appellant advising case was referred to OSFM. On July 5, 2012 correspondence received from appellant (he had also sent it to Rob Ross, OSFM). As of October 10, 2012 OSFM's investigation is on-going. On January 24, 2013 correspondence received from appellant.**

- m. **C-1-12. Complaint request for revocation from Adam McNiece re Waterford Building Official's license (Frank Hoagland III).** Marjorie Shansky, Andrew Rizzo, Jr., Robert Hanbury, George Iskra and Michael Sinsigalli are recused. **Compliance conference panel consists of John Butkus, Compliance Chair; Anthony Bruno and Fred Wajcs, Jr., Louis Free will be the Compliance Conference alternate.** Forward to Legal Counsel for review and send letter to appellant advising same. On April 18, 2012, pending legal review by staff counsel. On April 24, 2012 letter sent to appellant advising complaint was referred to staff counsel for review. As of May 8, 2012 no additional information received. Procedures will be discussed at meeting of legal counsel, Attorney General's Office, Office of State Building Inspector and Office of State Fire Marshal the week of May 14, 2012.

Motion was made and seconded to refer to the Office of State Fire Marshal for investigation. All in favor. None opposed. Motion carried. On June 15, 2012 referred to the Office of State Fire Marshal for investigation. On June 27, 2012 letter sent to appellant advising case was referred to OSFM. On August 6, 2012 correspondence received from Rob Ross, OSFM, requesting clarification on investigation. Compliance conference set for August 22, 2012 was postponed per C&S Legal Counsel. On August 17, 2012 correspondence sent to Frank Hoagland advising him of complaint. On August 17, 2012 correspondence sent to Rob Ross, OSFM, advising his office to proceed with investigation. On August 28, 2012 Freedom of Information request received from Robert Avena, appellant's attorney. **As of October 10, 2012, no report from OSFM was received. On December 5, 2012 correspondence received from appellant requesting hearing go forward (copy sent to OSFM). On January 8, 2013 letter sent to appellant advising him of status of appeal and that panel is awaiting information from the Office of the State Fire Marshal. Daniel Tierney, Deputy State Building Inspector, met with the Waterford First Selectman regarding resolution. As of March 7, 2013 Daniel Tierney is still working with the First Selectman regarding resolution. On March 11, 2013 telephone call from appellant requesting the hearing definitely go forward and requested a hearing date to be set as soon as possible.**

- n. **C-2-12. Correspondence from Geoffrey Woods re Complaint request from Geoffrey Woods re Fairfield Building Official (James Gilleran).** Panel consists of Marjorie Shansky, Panel Chair; Louis Free and Fred Wajcs, Jr. Christopher Cozzi will be the alternate. A discussion was held. This Committee has no statutory authority regarding this issue. On November 14, 2012 letter sent to appellant stating same. On November 28, 2012 letter sent to appellant. On December 5, 2012 correspondence received from appellant.

On December 12, 2012 appeal panel was set. On December 18, 2012 letter sent to appellant requesting him to complete the *Request for Appeal to Codes and Standards Committee* form and to submit whatever documentation is relevant to his appeal. **On February 7, 2013 correspondence received from appellant. On February 19, 2013 correspondence received from appellant. On March 7, 2013 correspondence received from appellant.**

9. GOOD OF THE ORDER

A retirement reception will be held for John Jackman on March 18, 2013. Andy Rizzo, Jr. is retiring as the New Haven Building Official. His farewell reception will be held on March 28, 2013.

The next Codes and Standards Committee meeting is set for **April 10, 2013.**

10. ADJOURNMENT

C&S\AG1303