

**STATE CODES AND STANDARDS COMMITTEE  
MINUTES**

**November 10, 2010**

1. The Chair called to order the regular meeting of the State Codes and Standards Committee. The meeting was held in the third floor conference room (room 348) at 1111 Country Club Road, Middletown, Connecticut.

2. **In Attendance:**

John Butkus, Panel Chair  
Michael Musco, Vice-Chair  
Donald Harwood, Secretary  
Christopher Cozzi  
Thomas DiBlasi  
Louis Free  
Robert Hanbury  
George Iskra  
John Jackman  
David McKinley  
Henry Miga  
Irving Moy  
Glenn Neilson  
Andrew Rizzo, Jr.  
Marjorie Shansky  
Michael Sinsigalli  
Fred Wajcs, Jr.  
William Zoeller

**Also Present:**

Robert Ross, DFEB  
Lisa Humble, OSBI  
Barry Rickert, OSFM  
Janet Ainsworth, DPS Legal Counsel

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the October 13, 2010 meeting. All in favor. None opposed. Michael Musco abstained.

4. **COMMUNICATIONS**

a. **A-47-10. Correspondence from Adam McNiece re appeal re Waterford Building Official's conduct. See Appeal Hearings 8.n.**

- b. Correspondence from Donald Breuler re Outdoor Wood Furnaces/wood smoke. For information only.**
- c. A-43-10. Correspondence from George Davis re State Building Inspector's decision re M-521-10 re 34 Crescent Drive, East Hartford, CT. See Appeal Hearings 8.k.**
- d. A-2-10 (A-E). Correspondence from Neil Parille, Commissioner of Superior Court, re summons 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**See Appeal Hearings 8.a. On November 11, 2010, Affidavit of Service received.**
- e. 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. On October 28, 2010 correspondence received from Lisa Humble. On October 28, 10 correspondence received from Lisa Humble advising Dan Veronick will represent her. 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.**
- f. A-44-10. Correspondence from Lisa Humble re 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. See Appeal Hearings 8.l. Send status letter.**
- g. A-28-10. Correspondence from Robert Spitzler re Deputy State Fire Marshal's decision re FM-0325-09 re Sixteen (16) Unit Apartment Building, 80 Hillside Avenue, Middletown, CT. See Appeal Hearings 8.c. On November 4, 2010 correspondence received from appellant.**
- h. A-41-10. Correspondence from Barry Rickert, Office of State Fire Marshal, re appeal from Larry Wenzel, PE re Milford Fire Marshal's decision re Carriage Green, 77 Plains Road, Milford, CT. See Appeal Hearings 8.i.**

Motion was made and seconded to go into Executive Session to discuss the State Building Inspector vs. Codes and Standards Committee, docket number CV-10-6007512, pending in the Judicial District of New Britain for the purpose of discussing representation and procedures re A-2-10 (A-E). No discussion. All in favor. None opposed. Motion carried. Executive Session participants present were Codes and Standards members only.

Motion was made and seconded to return to Open Session. All in favor. Motion carried.

As result of discussion, motion was made and seconded that 1) the Committee, through the Chairman, request from Commissioner Thomas [Department of Public Safety] that the Committee be provided with outside counsel in this litigation for a variety of reasons, one being that Attorney General Blumenthal himself filed evidence in this case. The Committee requests independent, unbiased counsel--not from the Attorney General's office that is representing the State Building Inspector. And 2) that the Chairman be authorized to speak on behalf of the Committee with counsel in all matters pertaining to the litigation. All in favor. None opposed. No abstentions. Motion carried.

## **5. SUBCOMMITTEE REPORTS**

**Codes Amendment Subcommittee:** Louis Free advised the subcommittee will meet today and one topic for discussion will be the make up of the Residential Sprinkler Working Group put together by Robert Ross, DFEBs Director. The subcommittee will review and have Rob Ross initiate notification of individuals to participate. If time permits the Codes Amendment Subcommittee will begin review of Chapters 1, 2 and 3 of International Residential Code.

**A Public Hearing is set for Wednesday, December 8, 2010, at 9:00 a.m.** at 1111 Country Club Road, Middletown, Connecticut, in room 245 on the 2009 International Energy Conservation Code (IECC) and amendments.

The next meeting is scheduled for **Wednesday, December 8, 2010, at 1:30 p.m.** in room 348.

**Ethics/Procedural Regulations Subcommittee:** The meeting scheduled for December 8, 2010 was cancelled. New date not set.

## **6. OLD BUSINESS**

Janet Ainsworth and Marjorie Shansky are developing information to share with newest C&S members. Date/time to be determined.

**7. NEW BUSINESS:**

**a. Staff Report**

Lisa Humble discussed recent electrical vehicle training of electrical contractors. In January the Office of Education and Data Management (OEDM) will offer electrical vehicle training for building officials and fire marshals. She discussed upcoming training that she and Barry Rickert will offer for OEDM

Barry Ricker, OSFM, discussed upcoming NFPA training.

On November 10, 2010, Rob Ross submitted the Office of State Fire Marshal's investigative report regarding the Shelton Building Official, Elliott Wilson [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 will do the compliance conference and Barry will notify John Sawyer of same. A discussion followed.

Panel for C-1-10 consists of Donald Harwood, Panel Chair; Louis Free and Andrew Rizzo, Jr. Irving Moy will be the alternate.

**b. Fire Prevention Code Advisory Committee** There was no report.

**c. Fire Marshal Training Council** Don Harwood advised that the council met last week re ability to fund future training. A subcommittee was formed to look into possibly collecting fees for fire marshal reviews, plan reviews, mandated training hours, training impact at the municipal level, staff time out of the office, managing CEUs, etc. Don Harwood will serve on that subcommittee.

Henry Miga advised that the Building Officials Code Training Council will be addressing this same issue. Michael Musco is the representative for that subcommittee. A discussion followed. Building Code Training Council will be added to Staff Report section of agenda.

## 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. Hold on agenda.**

- 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. Hold on agenda.**
- c. **A-28-10. Request for appeal from Robert Spitzler re Deputy State Fire Marshal's decision re FM-0325-09 re Sixteen (16) Unit Apartment Building, 80 Hillside Avenue, Middletown, CT. Panel consists of \*Marjorie Shansky, Panel Chair; William Zoeller and John Jackman. Donald Harwood will be the alternate. Due to schedule conflict, Donald Harwood served as Panel Chair. On May 24, 2010 correspondence received from appellant. Hearing was held on June 16, 2010 and recessed. On 6/21/10 correspondence received from the Office of State Fire Marshal. Continuation hearing date set for July 13, 2010 was not held; on July 6, 2010, appellant requested postponement until September. Continuation hearing was held on September 22, 2010. Decision will be sent out within 90 days [by December 22, 2010]. On September 28, 2010, correspondence received from appellant; on September 29, 2010 certified letter sent to appellant requesting clarification and to respond in writing by October 8, 2010. **Decision was sent out on September 29, 2010. As of October 13, 2010 no response received from appellant. A discussion of the full committee was held. Motion was made and seconded to close this appeal due to lack of action. All in favor, none opposed. Motion carried. On October 15, 2010, letter sent to appellant advising the Findings of Fact and Conclusions of Law decision remained in effect and that the appeal was now closed. On November 4, 2010 additional correspondence received from appellant. Remove from agenda.****
- d. **A-32-10. Request for appeal from Evan Hall re State Building Inspector's decision re M-322-10 re 522 Canterbury Turnpike, Norwich, CT. Panel consists of Glenn Neilson, Panel Chair; Louis Free and Robert Hanbury. Donald Harwood will be the alternate. On June 9, 2010, Lisa Humble advised additional information was submitted to her for reconsideration. On July 16, 2010, correspondence received from appellant requesting if hearing date had been set. On August 20, 2010 correspondence received from Lisa Humble advising Daniel Tierney will represent her for this appeal. **Hearing was held on October 13, 2010. Decision will be sent out within 90 days [by January 13, 2011]. Decision was sent out on October 28, 2010. Remove from agenda.****

- e. **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]. Hold on agenda.**
  
- f. **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. Hearing was held on November 10, 2010 and continued to Wednesday, November 17, 2010 at 9:00 a.m. in room 348. Hold on agenda.**
  
- g. **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. Hearing was held on November 10, 2010 and continued to Wednesday, November 17, 2010 at 9:00 a.m. in room 348. Hold on agenda.**

- h. 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]. Hold on agenda.**
- i. 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. Send status letter. Hold on agenda.**
- j. 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. 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. Hold on agenda.**
- k. 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 date set for Wednesday, December 8, 2010, at 11:30 a.m. in room 348. Hold on agenda.**

- l. 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. Send status letter. Hold on agenda.**
- m. A-46-10 (A&B). Request for appeal from Donald Vaccaro re State Building Inspector's decision re M-488-10 re Ticket Network, 135-137 Bolton Road, Vernon, CT.** On September 28, 2010 correspondence received from appellant. A discussion was held regarding timeliness. A motion to deny was made and seconded. All in favor, none opposed, no abstentions. Motion carried. **On October 15, 2010 letter sent to appellant advising appeal was not processed as it was not timely filed. Remove from agenda.**
- n. 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 grievement 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]. Hold on agenda.**
- o. 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.**

**(C-1-10 Continued). 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 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 John Sawyer, OSFM, will do the compliance conference and Barry will notify John Sawyer of same. Hold on agenda.**

**9. GOOD OF THE ORDER**

Vote for officers will be held at the December meeting. Anyone interested in serving please contact John Butkus.

A discussion was held regarding the public's interest in using the model energy code. Members were reminded to attend the public hearing on December 8, 2010, if possible.

**10. ADJOURNMENT**

There being no further business, a motion to adjourn was made, seconded and approved unanimously. The meeting was adjourned.

The next Codes and Standards Committee meeting is set for **Wednesday, December 8, 2010, at 1:00 p.m.**

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Donald Harwood, Secretary