

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

December 8, 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, 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 Snook, Esquire, Attorney General's Office
Lisa Humble, OSBI
Barry Rickert, OSFM
Joseph Kingston, OSFM
Bruce Spiewak, AIA CT
Joanne Rees, AIA CT
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 November 10, 2010 meeting. All in favor. None opposed. Motion carried.

A motion was made and seconded to add 2 items to agenda (Communications, items 4.f. and 4.g.). All in favor. None opposed. No abstentions. Motion carried.

A 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 and Attorney Robert Snook from the Attorney General's Office.

Motion was made and seconded to return to Open Session. All in favor. None opposed. No abstentions. Motion carried.

Motion was made and seconded to amend the November 10, 2010 motion to have John Butkus serve as the Codes and Standards' liaison authorized to speak on behalf of the Committee with counsel in all matters pertaining to the State Building Inspector vs. Codes and Standards Committee litigation. All in favor. None opposed. No abstentions. Motion carried.

4. COMMUNICATIONS

- a. **A-42-10. Correspondence from Frank Bainer, Jr. re appeal from Frank Bainer, Jr. re State Building Inspector's decision re M-332-10 re 381 Watertown Road, Middlebury, CT. See Appeal Hearings 8.h. On November 12, 2010 briefs received from appellant. On November 16, 2010 correspondence received from Lisa Humble, State Building Inspector.**
- b. **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 Street, New Britain, CT and B) FM-0386-09 re 313 Washington Street, New Britain, CT. Panel consists of Henry Miga, Panel Chair; Donald Harwood and Michael Sinsigalli. Irving Moy will be the alternate. Hearing was set for Wednesday, January 12, 2011, at 11:00 a.m. in room 348.**
- c. **A-44-10. Correspondence from Mark Blackburn 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.j. On December 1, 2010 appellant withdrew appeal.**
- d. **Correspondence forwarded from Robert Ross, DFEB Director, re correspondence from Amey Marrella, Commissioner, Department of Environmental Protection, re energy efficiency improvements in the state building code. For information only.**
- e. **A-50-10. Request for appeal from Adam McNiece re Waterford Board of Appeals decision re Waterford Building Official's conduct. Related appeal is**

A-47-10. Panel consists of Marjorie Shansky, Panel Chair; Robert Hanbury and Andrew Rizzo, Jr. Irving Moy will be the alternate. Hearing was set for Wednesday, January 6, 2011 at 1:30 p.m. in room 348.

5. SUBCOMMITTEE REPORTS

Codes Amendment Subcommittee: Louis Free advised the subcommittee will meet today at the conclusion of the Codes and Standards meeting.

A Public Hearing was held on December 8, 2010, regarding the 2009 International Energy Conservation Code (IECC) and amendments. The record will remain open until close of business on Wednesday, December 15, 2010 to take additional written comment.

The next meeting is scheduled for **January 12, 2011 at 1:30 p.m.** in room 348.

Ethics/Procedural Regulations Subcommittee: There was nothing to report.

6. OLD BUSINESS

- a. Janet Ainsworth and Marjorie Shansky are developing information to share with newest C&S members. Tentative date planned for January, 2011.

- b. The Dormant List was reviewed:

DORMANT LIST

As of 12/7/10

- a. **A-48-09. Request for appeal from Brian Humes re State Building Inspector and Office of Protection and Advocacy's decision re W-19-09R re Court Street Fire Station, 82 Court Street, Cromwell, CT. Cross reference with appeal A-33-09.** Michael Musco is recused. Panel consists of John Butkus, Panel Chair; Louis Free and *Robert Hanbury. There is no alternate. *Due to schedule conflict, Andrew Rizzo, Jr. replaced Robert Hanbury as appeal member. Hearing set for September 24, 2009, was cancelled; on August 20, 2009, appellant requested postponement. Hearing date set for Thursday, October 15, 2009 was postponed due to schedule conflict of panel member. Hearing was held on October 27, 2009, and recessed for additional evidence. Additional information should be submitted in writing by November 25, 2009. Hearing was continued and held on December 1, 2009. On November 24, 2009, correspondence received from Lisa Humble, State Building Inspector. On November 30, 2009, correspondence received from Attorney Salvatore Petrella. Decision to be sent out within 90 days [by March 1, 2010]. **Decision was sent out on December 9, 2009. On April 1, 2010 correspondence (Request for leave to file amended appeal) received from Salvatore Petrella, appellant's attorney, and was forwarded to Attorney General's Office. As of December 7, 2010 no correspondence received. Resolved. Remove from agenda.**
- b. **A-4-10. Request for appeal from Steven Edelman re Windham Building Official's decision re 202 Scotland Road, Windham, CT.** John Butkus, Louis Free, Robert Hanbury, Donald Harwood, Glenn Neilson and Marjorie Shansky are recused. Panel consists of Michael Sinsigalli, Panel Chair; Andrew Rizzo, Jr., and George Iskra. William Zoeller will be the alternate. Hearing set for February 10, 2010 was postponed; on January 29, 2010 appellant requested postponement due to schedule conflict. On January 21, 2010 letter sent to appellant requesting legible copy of his email dated January 4, 2010. On January 29, 2010 legible copy was received. Hearing was rescheduled and held on March 10, 2010; hearing was recessed for briefs and guidance from the Attorney General's Office. Briefs are to be received by close of business on March 24, 2010. On March 22, 2010 brief received from Steven Edelman. On March 25, 2010 reply brief received from Steven Edelman. On March 25, 2010 brief received from respondent's attorney, Adrienne Maciulewski. On March 29, 2010 correspondence received from Steven Edelman. Continuation hearing set for May 11, 2010 was postponed as appellant was unavailable. On June 16, 2010 illegible correspondence received from appellant. On June 16, 2010 letter sent to appellant requesting legible copy of his email dated June 16, 2010. On June 16, 2010 legible copy was received via fax. Continuation hearing set for June 23, 2010 was postponed; on June 21, 2010 postponement was granted as result of appellant's request for a stay of the proceedings. As of December 7, 2010 no correspondence received. **Hold on list.**

7. NEW BUSINESS:

a. Staff Report

Barry Rickert, OSFM, discussed staff and the filling of one position. Lisa Humble, OSBI, advised that Dan Veronick from the Office of the State Building Inspector, had been selected as Employee of the Month for December. She advised OSBI currently has 7 active construction projects as well as CSUS 2020 projects. Janet Ainsworth, Legal Advisor, discussed the need to request an opinion from the Attorney General's Office regarding fees associated with the fire safety and fire prevention codes.

Robert Ross, DFEB Director, advised the Residential Sprinkler Working Committee consists of approximately 37 interested groups. He is exploring a location that can accommodate the Committee's first meeting in January 2011.

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

c. Fire Marshal Training Council (Representative: Don Harwood) Don Harwood advised that the council met on December 8, 2010 and discussed fees.

d. Building Code Training Council (Representative: Michael Musco) There was no report.

e. Vote for Codes and Standards officer positions. Current officers had each served 3 terms in their present positions: Chair (John Butkus), Vice-Chair (Michael Musco) and Secretary (Donald Harwood). They were thanked for their commitment of time and experience. Floor was opened for nominations for Chair, Vice-Chair and Secretary positions. A brief discussion followed.

Chair: Louis Free, Donald Harwood and Michael Musco volunteered to serve. Written ballots were submitted by Codes and Standards members. Ballots were tallied by John Butkus, Chair, and Janet Ainsworth, Legal Advisor. Louis Free received the majority of votes.

Vice-Chair: Donald Harwood and Henry Miga volunteered to serve. Written ballots were submitted by Codes and Standards members. Ballots were tallied by John Butkus, Chair, and Janet Ainsworth, Legal Advisor. Henry Miga received the majority of votes.

Secretary: Michael Musco and Marjorie Shansky volunteered to serve. Written ballots were submitted by Codes and Standards members. Ballots were tallied by John Butkus, Chair, and Janet Ainsworth, Legal Advisor. Marjorie Shansky received the majority of votes.

Louis Free, Chair, Henry Miga, Vice-Chair and Marjorie Shansky, Secretary were congratulated on their appointments.

- f. Committee members were asked to review the List of Subcommittees and notify the Chair if they wished to be added or removed from any subcommittee.
- g. Committee members were asked to review the member list and notify Joanne of 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. 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. Reconsideration request was granted by the State Building Inspector. Send status letter.**
- 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]. Decision was sent out on December 8, 2010. Remove from agenda.**
- 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. Remove from agenda.**

- 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. Remove from agenda.**

- 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. Remove from agenda.**

- g. **A-41-10 (A&B). 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. On December 7, 2010 correspondence received from Mark Blackburn requesting appeal go forward. Refer to OSFM for review.**

- 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. Deliberations set for Thursday, January 6, 2011, at 2:30 p.m. in room 348.**
- 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 December 8, 2010 was not held; on December 8, 2010 appellant gave verbal withdrawal as Lisa Humble, OSBI, granted reconsideration. Appellant will follow up with withdrawal in writing. Hold on agenda.**
- 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. Remove from agenda.**

- 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. Remove from agenda.**
- 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 held on December 8, 2010 and recessed pending possible resolution. Hold on agenda.**
- 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. Hold on agenda.**

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.

All were wished a happy and safe holiday season.

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, January 12, 2011, at 1:00 p.m.**

Donald Harwood, Secretary