

**STATE CODES AND STANDARDS COMMITTEE  
MINUTES**

**January 19, 2011**

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:**

- Louis Free, Chair
- Henry Miga, Vice Chair
- Marjorie Shansky, Secretary
- John Butkus
- Christopher Cozzi
- Donald Harwood
- George Iskra
- David McKinley
- Irving Moy
- Michael Musco
- Glenn Neilson
- Andrew Rizzo, Jr.
- Fred Wajcs, Jr.

**Also Present:**

- Lisa Humble, OSBI
- Barry Rickert, OSFM
- Joseph Kingston, OSFM
- Terry Brouwer, OSFM
- Bruce Spiewak, AIA CT
- Diane Harp Jones, 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 December 8, 2010 meeting. All in favor. None opposed. 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. 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. None opposed. No abstentions. Motion carried.

#### **4. COMMUNICATIONS**

- a. **A-43-10. Correspondence from George Davis re request for appeal from George Davis re State Building Inspector's decision re M-521-10 re 34 Crescent Drive, East Hartford, CT. See Appeal Hearings 8.e. On December 13, 2010, appellant withdrew appeal.**
- b. **A-48-10. Correspondence from Denise Sullivan re 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. See Appeal Hearings 8.f.**
- c. **A-1-11. Request for appeal from Bruce Spiewak re Deputy State Building Inspector's decision re M-794-10 re Yale University School of Management, 165 Whitney Avenue, New Haven, CT. George Iskra, Michael Musco, Andrew Rizzo, Jr., and Marjorie Shansky are recused. No panel was set. The State Building Inspector is reconsidering her decision. Hold on agenda.**
- d. **A-2-11. Request for appeal from Joseph Pierz, AIA, re Deputy State Fire Marshal's decision re FM-0260-10 re 156 Blakeman Place, Stratford, CT. Panel consists of Henry Miga, Panel Chair; Michael Sinsigalli and Louis Free. Fred Wajcs, Jr. will be the alternate. Hearing was set for Wednesday, February 16, 2011 at 11:00 a.m. in room 348.**
- e. **A-50-10. Correspondence from Adam McNiece re appeal from Adam McNiece re Waterford Board of Appeals decision re Waterford Building Official's conduct. See Appeal Hearings 8.h.**
- f. **A-3-11. Request for appeal from Bonnie Nichols re East Hartford Building Board of Appeals decision re 28 Highland Street, East Hartford, CT. Panel consists of Marjorie Shansky, Panel Chair; Andrew Rizzo, Jr. and Christopher Cozzi. Irving Moy will be the alternate. Hearing was set for Wednesday, February 9, 2011 at 10:00 a.m. in room 348.**
- g. **Correspondence from Barbara Sladek, Office of Secretary of State, re agency regulation concerning Codes and Standards Committee Procedures. For information only.**

- h. A-4-11. Request for appeal from Stephen Sorrow re State Building Inspector's decision re M-787-10 re 532 Hill Street, Suffield, CT.** Glen Neilson is recused. Panel consists of John Butkus, Panel Chair; George Iskra and Michael Musco. Donald Harwood will be the alternate. **Hearing was set for Wednesday, February 9, 2011 at 9:00 a.m. in room 348.**
- i. A-5-11. Request for appeal from Bruce Anderson re State Building Inspector's decision re M-819-10 re 541 Indian Field Road, Greenwich, CT.** Panel consists of Donald Harwood, Panel Chair; Irving Moy and Fred Wajcs, Jr. Marjorie Shansky will be the alternate. **Hearing was set for Wednesday, February 16, 2011 at 10:00 a.m. in room 348.**
- j. A-48-10. Correspondence from Rick Martin re 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.** See Appeal Hearings 8.f.
- k. A-20-10. Correspondence from Paul Farnsworth re 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.** See Appeal Hearings 8.b. On January 5, 2011 appellant withdrew appeal.
- l. Correspondence from Terry Brouwer, OSFM, re Proposed Change – Connecticut State Fire Safety Code.** Forward to Codes Amendment Subcommittee.

## **5. SUBCOMMITTEE REPORTS**

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

The next meeting is scheduled for **January 26, 2011 at 1:00 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. Janet is updating the training manual. A paper copy and a scanned version may be available for members at a later date.

## **7. NEW BUSINESS:**

### **a. Staff Report**

Lisa Humble advised there would be a meeting of all department managers held by Commissioner Bradford today. Lisa and Barry Rickert have been involved in joint training of the building and fire codes. Barry Rickert advised his department has hired two new employees.

### **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 January 6, 2011 and discussed training and funding issues. The next meeting is set for January 20, 2011.

### **d. Building Code Training Council** (Representative: Michael Musco) Michael Musco asked the Codes and Standards members if they knew of individuals interested in giving presentations to give their names to Bonnie Becker in the Office of Education and Data Management.

### **e. Residential Sprinkler Work Group (Representative: Rob Ross)** The first meeting was held on January 19, 2011. Dan Tierney advised the purpose of the work group was to review the impediments to implementing this code requirement. He briefly discussed residential sprinkler legislation in Massachusetts and Rhode Island. [Note: A meeting will be held on **Tuesday, February 22, 2011** regarding residential sprinklers; representatives from NFPA and ICC will be present.]

## **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. Place on Dormant List.**

- 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. **On December 22, 2010 certified letter sent to appellant requesting status of appeal and to respond in writing by January 5, 2011. On January 5, 2011 appellant withdrew appeal. Remove from agenda.**
- c. A-41-10 (A&B). Request for appeal from Larry Wenzel, PE re A) Milford Fire Marshal's decision and B) Assistant Milford Fire Marshal's decision re Carriage Green, 77 Plains Road, Milford, CT. Related appeal A-44-10.** Panel consists of John Jackman, Panel Chair; Thomas DiBlasi and Robert Hanbury. William Zoeller will be the alternate. 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. **On December 9, 2010 referred to OSFM for review. Joseph Kingston, OSFM, advised he would forward OSFM's decision to Codes and Standards; hearing date will be set once this is received. Hold on agenda.**

- d. 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 were held on January 6, 2011. **Decision will be sent out within 90 days [by April 6, 2011]. Hold on agenda.**
- e. 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. **On December 13, 2010 correspondence received from appellant withdrawing appeal. Remove from agenda.**
- f. 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. On December 7, 2010 correspondence received from appellant. **Hearing was held on December 8, 2010 and recessed pending possible resolution. On January 5, 2011 correspondence received from Rick Martin. Hold on agenda.**

- g. 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. **Due to snowstorm, hearing that was set for January 12, 2011 was rescheduled to January 19, 2011. Briefs are to be received by close of business on February 2, 2011. Deliberations are set for Wednesday, February 9, 2011 at 11:00 a.m. in room 348; the appeal hearing may be reopened to accept additional information. Hold on agenda.**
- h. 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. On December 8, 2010 correspondence received from appellant. **Hearing was held on January 6, 2011. Decision will be sent out within 90 days [by April 6, 2011]. Hold on agenda.**
- i. 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 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. Hold on agenda.**

**9. GOOD OF THE ORDER**

All ID badges are being replaced. If you haven't had this done within the past 30 days, please contact Joanne.

**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, February 9, 2011, at 1:00 p.m.**

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Marjorie Shansky, Secretary