

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

March 9, 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
Thomas DiBlasi
Robert Hanbury
Donald Harwood
George Iskra
John Jackman
David McKinley
Michael Musco
Glenn Neilson
Michael Sinsigalli
Fred Wajcs, Jr.
William Zoeller

Also Present:

Robert Ross, DFEBs
Lisa Humble, OSBI
Terry Brouwer, OSFM
Joseph Kingston, OSFM
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 February 9, 2011 meeting. All in favor. None opposed. Motion carried.

4. COMMUNICATIONS

- a. **A-6-11. Request for appeal from Michael Sykes re State Building Inspector's decision re M-862-10 re 429 Cornwall Bridge Road, Sharon, CT.** No panel was set. On January 27, 2011 correspondence received from Lisa Humble, OSBI, advising that Daniel Tierney will represent her for this appeal. On February 9, 2011 Lisa Humble advised that she had granted a reconsideration. **See Appeal Hearings 8.i. On February 16, 2011 appellant withdrew appeal.**
- b. **A-9-11. Request for appeal from Edward Howland re State Building Inspector's decision re M-44-11 re 67 Dean Road, New Milford, CT.** Panel consists of Glenn Neilson, Panel Chair; Louis Free and Robert Hanbury. Thomas DiBlasi will be the alternate. On February 18, 2011 correspondence received from Lisa Humble, State Building Inspector, advising Daniel Tierney, Deputy State Building Inspector, will represent her for this appeal. **Hearing was set for Wednesday, May 11, 2011 at 11:30 a.m. in room 348.**
- c. **11-IRC (resubmitted). Correspondence from Donald Mitchell, Chatham Health District re Radon Resistant New Construction (RRNC). Refer to Codes Amendment Subcommittee.**
- d. **A-41-10. Correspondence from Mark Blackburn re request for appeal from Larry Wenzel, PE re Milford Fire Marshal's decision re Carriage Green, 77 Plains Road, Milford, CT. See Appeal Hearings 8.a. On February 17, 2011 appeal was withdrawn.**
- e. **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.b.**
- f. **A-3-11. Correspondence from Daniel Lynch, Jr., Esquire, re request for appeal from Bonnie Nichols re East Hartford Building Board of Appeals decision re 28 Highland Street, East Hartford, CT. See Appeal Hearings 8.g.**

5. SUBCOMMITTEE REPORTS

Codes Amendment Subcommittee: Meetings were held on February 16 and 23, 2011. Louis Free advised the subcommittee will meet today at the conclusion of the Codes and Standards meeting and will review Chapter 3.

The next meeting is scheduled for **March 23, 2011 at 1:00 p.m.** in room 348.

Ethics/Procedural Regulations Subcommittee: Janet Ainsworth advised she has revised the training manual for Codes and Standards members. It will be available for members by the April Codes and Standards monthly meeting.

6. OLD BUSINESS

- a. Janet has completed the revision of the Codes and Standards training manual.

7. NEW BUSINESS:

a. **Staff Report**

Robert Ross briefly discussed **Bill 1010** regarding the state agency reorganization bill pertaining to the Department of Public Safety and advised he was waiting for additional information.

Terry Brouwer, OSFM, discussed the 2011 Connecticut State Fire Code Amendment. A motion was made and seconded to approve the 2011 Connecticut State Fire Code Amendment. All in favor. No abstentions. Motion carried.

A discussion was held concerning pending legislation: 2 National Fire Code bills, high performance buildings, and various bills: 487, 6544, 6296, 6248 and 6386.

Bill 487 addresses local codes.

Bill 6544 The sprinkler code did not pass. Terry Brouwer advised that Pennsylvania is repealing their residential sprinkler regulations effective March 9, 2011.

A discussion was held regarding legislation and status of bills. A section will be added to the agenda to include "Report on Bills."

Michael Musco advised that he had been contacted by a mortgage company requesting clarification on the number of energy star appliances in a residential home. This may be an area lenders are exploring as part of the loan process.

Lisa Humble discussed joint training she and Barry Rickert had been involved in. She advised the Office of the State Building Inspector and the Office of the State Fire Marshal have 9 projects under construction.

Janet Ainsworth advised the **Regulations Review Committee** will meet on **May 24, 2011 at 11:00 a.m.** at the Legislative Office Building regarding the International Energy Conservation Code (IECC) amendment. Codes and Standards members are encouraged to attend.

- b. **Fire Prevention Code Advisory Committee** There was no report.
- c. **Fire Marshal Training Council** (Representative: Don Harwood) Don Harwood advised the next meeting is set for March 10, 2011.
- d. **Building Code Training Council** (Representative: Michael Musco) There was no report.
- e. **Residential Sprinkler Work Group** (Representative: Rob Ross) A meeting was held at Connecticut Valley Hospital on February 22, 2011 regarding residential sprinklers. Representatives from NFPA and ICC provided an excellent working session clarifying the intent of the code change and a fire demonstration.

A discussion was held regarding handling the IRC and sprinkler legislation concurrently as one bundle to simplify and expedite the review process. Information regarding the Residential Sprinkler Work Group will be posted on the Codes and Standards website (www.ct.gov/dps). Research documents may be posted here at a future date.

Next meeting is scheduled for March 25, 2011 from 9:00-12:00 in room 348.

8. APPEAL HEARINGS

- a. **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.** 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. On January 26, 2011 correspondence received from Barry Rickert, OSFM. Hearing set for March 9, 2011 was cancelled; appellant withdrew appeal on February 17, 2011. Remove from agenda.**

- b. 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 (interested person). On February 18, 2011 certified letter sent to appellant requesting status of appeal and to respond in writing by March 4, 2011. On March 7, 2011, correspondence received from appellant requesting appeal remain open. Hold on agenda.**
- c. 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. On February 2, 2011 briefs received from appellant. **Deliberations were held on February 9, 2011; the appeal hearing may be reopened to accept additional information. Decision will be sent out within 90 days [by May 9, 2011]. Hold on agenda.**
- d. 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.**
- e. 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. Panel consists of John Jackman, Panel Chair; Michael Sinsigalli and Donald Harwood. Irving Moy will be the alternate. **The State Building Inspector, Lisa Humble, was reconsidering her decision. On February 9, 2011, Lisa Humble advised she reaffirmed her denial. On March 9, 2011 additional information received from appellant. Hearing was set for Wednesday, March 23, 2011 at 11:00 a.m. in room 348. Hold on agenda.**

- f. 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 held on February 16, 2011. Decision will be sent out within 90 days [by May 16, 2011]. Hold on agenda.**
- g. 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. *Due to conflict, Irving Moy will serve as panel member. Andrew Rizzo, Jr. is recused. **On February 9, 2011 panel revised to: Marjorie Shansky, Panel Chair; Christopher Cozzi and Irving Moy. Fred Wajcs, Jr. will be the alternate. Hearing set for Wednesday, February 9, 2011 was postponed due to schedule conflict of a panel member. On March 7, 2011 correspondence received from Daniel Lynch, Jr., Esquire. Aggrievement hearing was rescheduled and held on March 9, 2011. Decision will be sent out within 90 days [by June 9, 2011]. Hold on agenda.**
- 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 held on February 9, 2011. Decision will be sent out within 90 days [by May 9, 2011]. Hold on agenda.**
- i. A-6-11. Request for appeal from Michael Sykes re State Building Inspector's decision re M-862-10 re 429 Cornwall Bridge Road, Sharon, CT.** No panel was set. On January 27, 2011 correspondence received from Lisa Humble, OSBI, advising that Daniel Tierney will represent her for this appeal. **On February 9, 2011 Lisa Humble advised that she had granted a reconsideration. On February 16, 2011 appellant withdrew appeal. Remove from agenda.**
- j. A-7-11 (A&B). Request for appeal from Rick Chambers re State Building Inspector's decision re M-855-10 (A&B) re Trump Parc Stamford, 1 Broad Street, Stamford, CT.** Michael Musco is recused. On February 7, 2011 correspondence received from Lisa Humble, OSBI, advising Dan Tierney will represent her on this appeal. Panel consists of Glenn Neilson, Panel Chair; George Iskra and John Jackman. Donald Harwood will be the alternate. **Hearing was set for Wednesday, April 13, 2011 at 11:30 a.m. in room 348. Hold on agenda.**

- k. **A-8-11. Request for appeal from Sara Jacob re State Building Inspector's decision re M-21-11 re 34 Intervale Road, Stamford, CT.** On February 7, 2011 correspondence from Lisa Humble advising Dan Tierney will represent her on this appeal. Panel consists of Louis Free, Panel Chair; Andrew Rizzo, Jr. and Henry Miga. *William Zoeller will be the alternate. ***Due to schedule conflict Fred Wajcs will be the alternate. Hearing was set for Wednesday, March 16, 2011 at 11:00 a.m. in room 348. Hold on agenda.**
- l. **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. 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.**

9. GOOD OF THE ORDER

There was nothing to report.

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, April 13, 2011, at 1:00 p.m.**

Marjorie Shansky, Secretary