

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

June 8, 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
- Christopher Cozzi
- Thomas DiBlasi
- Robert Hanbury
- Donald Harwood
- George Iskra
- David McKinley
- Michael Musco
- Glenn Neilson
- Andrew Rizzo, Jr.
- Michael Sinsigalli
- Fred Wajcs, Jr.
- William Zoeller

Also Present:

- Robert Ross, DFEBs
- Lisa Humble, OSBI
- Janet Ainsworth, DPS Legal Counsel
- Daniel Veronick, OSBI
- Kevin Kopetz, DPW

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the May 11, 2011 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, 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.

Committee returned to Open Session.

4. COMMUNICATIONS

- a. **C-1-10. Correspondence received from Barry Rickert, Office of State Fire Marshal (OSFM) re Complaint request for revocation investigation re Shelton Building Official's license (Elliot Wilson). See Appeal Hearings 8.h. For information only.**
- b. **Correspondence received from Barry Rickert, OSFM, from Connecticut Fire Marshal's Association re Connecticut Fire Safety Code. For information only.**
- c. **Correspondence from Robert Mauborgne re correspondence forwarded from Commissioner Bradford, Department of Public Safety (DPS), from Robert Mauborgne re 2011 National Electrical Code. For information only.**
- d. **A-15-11. Request for appeal from Gary Seymour, Esquire, re Deputy State Fire Marshal's decision re FM-0072-11 re 215 Coram Avenue, Shelton, CT. Panel consists of Michael Sinsigalli, Panel Chair; Christopher Cozzi and Fred Wajcs, Jr. Henry Miga will be the alternate. Timeliness of appeal needs to be addressed. Timeliness meeting/appeal hearing was set for Wednesday, June 29, 2011 at 11:00 a.m. in room 348.**

5. SUBCOMMITTEE REPORTS

Codes Amendment Subcommittee: (Free) Meetings were held on May 11th and May 25th, 2011. The next meeting is set for today at 1:30 p.m. Review of the International Residential Code and radon will be discussed.

The next meeting is scheduled for **June 22, 2011 at 1:00 p.m.** in room 348.

Ethics/Procedural Regulations Subcommittee: (Shansky) Louis Free advised that a list of needs was being developed for the new Department of Construction Services Commissioner. Robert Hanbury discussed public turnout at a recent appeal hearing. A discussion was held regarding UAPA guidelines as it pertains to recognizing speakers at appeal hearings.

6. OLD BUSINESS

The Dormant List was reviewed:

DORMANT LIST

- 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 Dormant List.**
- 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 May 27, 2011, no correspondence received. Hold on Dormant List.

7. NEW BUSINESS:

a. Staff Report

1. Joint Building/Fire modification process: Lisa Humble, Office of State Building Inspector (OSBI) advised that she and Barry Rickert (OSFM) have developed a multi-page joint building/fire modification form. Rob Ross, DFEBS Director, advised that this document will be on hold until the new Commissioner of the Department of Construction Services is appointed. Janet Ainsworth, Legal Counsel, advised that this document should be sent to Legal Review as currently set by state statute.

b. Fire Prevention Code Advisory Committee (Hanbury/Shansky) Robert Hanbury advised that an Advisory Committee meeting regarding the 2013 Special Hazard Regulations will be held. A discussion was held regarding the importance of timely information and the need for active Codes and Standards' participation. Anyone interested in serving as the Codes and Standards' representative on this committee should contact Louis Free. A request will be made to add Codes Amendment Subcommittee members to the Fire Prevention Code Advisory Committee's mailing list.

c. Fire Marshal Training Council (Harwood) Don Harwood advised the June 9, 2011 meeting was cancelled.

d. Building Code Training Council (Musco) Michael Musco advised a discussion was held concerning accreditation. Robert Ross advised the Department of Construction Services would be handling accreditation.

e. Residential Sprinkler Work Group (Ross) The next meeting is scheduled for June 10, 2011 from 9:00-11:00 in room 348. As of July 1, 2011 Robert Ross will no longer be chairing this work group; there will be two co-chairs (Building and Fire).

Janet Ainsworth advised that as of July 1, 2011 she will no longer be providing legal counsel for the Codes and Standards Committee. She introduced Kevin Kopetz, Managing Attorney at the Department of Public Works. As of July 1, 2011 he will be providing legal counsel to the Codes and Standards Committee until permanent arrangements are made.

f. **Report on Bills**

Bill 487 addresses local codes (local zoning boards were mandating things that the State Building Code does not require). No action.

File #739 (Bill 1010) addresses the transition from the Department of Public Safety to the Department of Construction Services. [This has been revised from Bill 1010 to **Public Act 11-51** as of June 8, 2011 and is currently awaiting Governor Malloy's signature.] Robert Ross advised that many changes were taking place effective July 1, 2011: Department of Public Safety will be renamed to Department of Emergency Services and Public Protection (DESPP). Cause and Origin Investigation and Arson and Fire Investigation will remain with DESPP. The Office of the State Building Inspector and the Department of Public Works will become the Department of Construction Services (DCS). It is not known where DCS will be relocated or when the move will take place—possibly 1-2 years. He will stay with DESPP. The Commissioner of DCS has not been appointed yet.

- g. **Health Position vacancy (effective 6/1/11)** Robert Ross advised a candidate has been selected and anticipated the individual would be appointed by the August 10, 2011 monthly meeting.

8. APPEAL HEARINGS

- a. **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. **On May 16, 2011 certified letter sent to appellant requesting status of appeal and to respond in writing by May 30, 2011. As of June 6, 2011 no correspondence received. Hold on agenda.**
- 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. Decision will be sent out within 90 days [by August 11, 2011]. Decision was sent out on May 18, 2011. Remove from agenda.**

- c. **A-10-11. Request for appeal from Denise Sullivan re State Building Inspector's decision re M-79-11 re YMCA of Naugatuck, 284 Church Street, Naugatuck, CT.** On March 21, 2011 correspondence from Lisa Humble advising Daniel Veronick will represent her for this appeal. Panel consists of Robert Hanbury, Panel Chair; David McKinley and Andrew Rizzo, Jr. John Butkus will be the alternate. **Hearing was held on May 25, 2011. Decision will be sent out within 90 days [by August 25, 2011]. Decision was sent out on June 8, 2011. Remove from agenda.**
- d. **A-11-11. Request for appeal from Michael Horn re Deputy State Building Inspector's decision re M-111-11 re 172 Mohawk Drive, West Hartford, CT.** On April 1, 2011 supporting documentation received from appellant; appellant requests electronic review. A discussion followed. Send letter to appellant denying request. Panel consists of George Iskra, Panel Chair; Fred Wajcs Jr. and Robert Hanbury. Louis Free will be the alternate. **On May 2, 2011 additional information received from appellant. Hearing was held on June 8, 2011. Decision will be sent out within 90 days [by September 8, 2011]. Hold on agenda.**
- e. **A-12-11. Request for appeal from McKee Patterson, AIA, re State Building Inspector's decision re M-130-11 re 16 Hemlock Hill Road, New Canaan, CT.** On March 25, 2011 correspondence from Lisa Humble advising that Daniel Veronick will represent her on this appeal. On April 7, 2011 additional information received from appellant. Panel consists of Glenn Neilson, Panel Chair; Louis Free and Henry Miga. Robert Hanbury will be the alternate. **Hearing was held on June 8, 2011. On June 8, 2011 hearing was recessed pending possible resolution. Hold on agenda.**
- f. **A-13-11. Request for appeal from Doug Golden c/o Bruce Spiewak re Deputy State Fire Marshal's decision re FM-0086-11 re 135 College Street, 127-155 College Street, New Haven, CT.** Andrew Rizzo, Jr. is recused. Panel consists of Donald Harwood, Panel Chair; *John Jackman and Henry Miga. *Michael Sinsigalli is the alternate. Due to schedule conflict, Michael Sinsigalli will serve as panel member and John Jackman will be the alternate. **Hearing set for May 11, 2011 was not held; on April 29, 2011 appellant requested postponement pending reconsideration. Hold on agenda.**
- g. **A-14-11. Request for appeal from John Madzula re State Building Inspector's decision re M-75-11 re 26 Chimney Point Road, New Milford, CT.** Panel consists of Glenn Neilson, Panel Chair; Robert Hanbury and Louis Free. Henry Miga will be the alternate. On April 28, 2011 correspondence from Lisa Humble advising Daniel Tierney will represent her for this appeal. **Hearing was set for Wednesday, August 10, 2011 at 11:30 a.m. in room 348. Hold on agenda.**

- h. C-1-10. Correspondence from Mark Sommaruga, Esquire, re complaint request for revocation investigation re Shelton Building Official's license (Elliot 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. 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. Hold on agenda.**

9. GOOD OF THE ORDER

Janet Ainsworth, Legal Counsel, advised the Committee it was a pleasure to work with them. Louis Free thanked Janet for her years of legal counsel and service to the Committee.

Lisa Humble advised that NFPA provided 4 complimentary Fire Code books (2 commentary and 2 code books). She is providing them to the Codes and Standards Committee for their use.

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, August 10, 2011, at 1:00 p.m.**

Donald Harwood, Acting Secretary