

**STATE CODES AND STANDARDS COMMITTEE  
MINUTES**

**September 14, 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
- Anthony Bruno
- John Butkus
- Christopher Cozzi
- Thomas DiBlasi
- Robert Hanbury
- Donald Harwood
- George Iskra
- John Jackman
- David McKinley
- Michael Musco
- Andrew Rizzo, Jr.
- Fred Wajcs, Jr.
- William Zoeller

**Also Present:**

- Joseph Cassidy, OSBI
- Joanne Rees, AIA Connecticut
- Bruce Spiewak, AIA Connecticut

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the August 10, 2011 meeting. All in favor. None opposed. Motion carried.

**4. COMMUNICATIONS**

- a. **A-18-11. Request for appeal from Bruce Spiewak re Deputy State Building Inspector's decision re M-438-11R (dated August 9, 2011) re Goodwin Early Childhood Magnet School, 29 Willowbrook Road, East Hartford, CT. On August 23, 2011 appellant withdrew appeal. Remove from agenda.**
- b. **A-13-11. Correspondence from Joseph Kingston, OSFM, re request for appeal from Doug Golden re Deputy State Fire Marshal's decision re FM-0086-11 re**

**135 College Street, New Haven, CT. See Appeal Hearings 8.c.**

- c. **A-19-11. Request for appeal from Ricardo Rovero, P.E. re Deputy State Building Inspector's decision re W-33-11 re Toyota of Colchester, 100 Old Hartford Road, Colchester, CT. Panel consists of John Butkus, Panel Chair; David McKinley and Louis Free. Marjorie Shansky will be the alternate. On September 6, 2011 additional information received from appellant. Hearing was set for Wednesday, October 12, 2011 at 11:00 a.m. in room 348.**
- d. **A-13-11. Correspondence from Doug Golden re request for appeal from Doug Golden re Deputy State Fire Marshal's decision re FM-0086-11 re 135 College Street, 127-155 College Street, New Haven, CT. See Appeal Hearings 8.c. For information only.**
- e. **A-20-11. Request for appeal from Bruce Spiewak, AIA, re State Fire Marshal's decision re FM-0132-11 re Andrews Building-Fifth Floor, Suite 503, 136 Main Street, New Britain, CT. Panel consists of John Jackman, Panel Chair; Fred Wajes, Jr., and William Zoeller. Donald Harwood will be the alternate. Hearing was set for Wednesday, October 12, 2011 at 10:00 a.m. in room 348.**
- f. **A-12-11. Correspondence from McKee Patterson re request for appeal from McKee Patterson re State Building Inspector's decision re M-130-11 re 16 Hemlock Hill Road, New Canaan, CT. See Appeal Hearings 8.b. On August 24, 2011 appellant withdrew appeal. Remove from agenda.**
- g. **Correspondence from Ronald Malmberg re New Milford Police Station, 55 Poplar Street, New Milford, CT. On August 30, 2011 Dan Tierney, Deputy State Building Inspector, also received a copy of this correspondence. For information only.**
- h. **A-16-11. Correspondence from Joe East, Norwich Assistant Building Official, re appeal from Christian DeCarlo re State Building Inspector's decision re M-315-11 re 170 Broadway, Norwich, CT. See Appeal Hearings 8.e.**
- i. **A-16-11. Correspondence from Christian DeCarlo re appeal from Christian DeCarlo re State Building Inspector's decision re M-315-11 re 170 Broadway, Norwich, CT. See Appeal Hearings 8.e. On September 12, 2011 appellant requested postponement.**

## **5. SUBCOMMITTEE REPORTS**

**Codes Amendment Subcommittee:** (Free) The next meeting is set for today immediately following this meeting.

The next meeting is scheduled for **September 28, 2011 at 1:00 p.m.** in room 348.

**Ethics/Procedural Regulations Subcommittee:** (Shansky) There was no report.

## **6. OLD BUSINESS**

- a. The 2012 code books were ordered.

## **7. NEW BUSINESS:**

### **a. Staff Report**

There was no report.

- b. **Fire Prevention Code Advisory Committee** (Hanbury/Shansky/Jackman) John Jackman advised they were moving forward on issues. They were discussing special hazards and hazardous materials. A discussion was held regarding timeline for completion.

- c. **Fire Marshal Training Council** (Harwood) Donald Harwood advised they met on September 8, 2011 and were reviewing training modules, funding and staff positions. Implementation of safety issues into training was discussed.

- d. **Building Code Training Council** (Musco) Mike Musco advised there is a concern regarding funding and staffing regarding municipalities not wanting to let staff attend training to keep their licenses current during standard working hours; reasoning is that some municipalities have had staff cutbacks. A discussion was held regarding the state requirement for municipalities to have licensed staff and their responsibility to support continuing education.

- e. **Residential Sprinkler Work Group** (Tierney/Kingston) The next meeting will be October 6, 2011.

### **f. Report on Bills**

1. **Public Acts 11-51 and 11-61 (Bills 1010 and 6650)** addresses the transition from the Department of Public Safety to the Department of Construction Services. On August 16, 2011 a letter was sent to Acting Commissioner DeFronzo requesting a meeting to discuss the Committee's needs.

2. On September 1, 2011 a meeting was held with Acting Commissioner DeFronzo, Deputy Commissioner Salemi, Joe Cassidy, Acting State Building Inspector, Kevin Kopetz, Department of Construction Services (DCS) Legal Counsel, Louis Free and Donald Harwood. Discussions included an introduction of the Committee including its volunteer membership and primary responsibilities; and the needs of the Committee including building location, parking, accessible and easy building access, meeting space to accommodate large numbers of people, DCS legislative representation, and legal and administrative support staffing.

## **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. On August 16, 2011 a letter was sent to the appellant advising the appeal has been closed for lack of prosecution. Decision should be sent out within 90 days [by November 16, 2011]. Bob Hanbury will contact Attorney Kopetz. Hold on agenda.**
- b. **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.** Panel consists of Glenn Neilson, Panel Chair; Louis Free and Henry Miga. Robert Hanbury will be the alternate. 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. **Hearing was held on June 8, 2011. On June 8, 2011 hearing was recessed pending possible resolution. On August 16, 2011 certified letter sent to appellant requesting status of appeal and to respond in writing by August 30, 2011. On August 23, 2011 correspondence received from appellant. On August 24, 2011 appellant withdrew appeal. Remove from agenda.**

- c. **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. Refer to Office of State Fire Marshal for status report. On August 11, 2011 correspondence from Joseph Kingston, OSFM, advising appellant is working on reconsideration and requests appeal remain open. On August 17, 2011 certified letter sent to appellant requesting status of appeal and to respond in writing by August 30, 2011. On August 22, 2011 correspondence received from appellant requesting appeal remain open. As of September 12, 2011 no additional correspondence received. Hold on agenda.**
- 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. \*David McKinley will replace Christopher Cozzi and Andrew Rizzo, Jr. will replace Henry Miga as the alternate due to schedule conflicts. **Timeliness of appeal needs to be addressed. On June 22, 2011 additional information received from appellant. Timeliness meeting/appeal hearing set for June 29, 2011 was not held; on June 29, 2011 appellant requested postponement. Meeting/appeal hearing rescheduled to August 10, 2011 was not held; on August 8, 2011 a second request for postponement was received. Meeting/appeal hearing was rescheduled and held on August 24, 2011. On August 24, 2011 the appeal hearing was closed. Briefs are to be filed by close of business on Monday, September 26, 2011. Deliberations set for Wednesday, October 12, 2011 at 9:00 a.m. in room 348. Hold on agenda.**
- e. **A-16-11. Request for appeal from Christian DeCarlo re State Building Inspector's decision re M-315-11 re 170 Broadway, Norwich, CT.** Panel consists of Michael Musco, Panel Chair; John Jackman and George Iskra. Marjorie Shansky will be the alternate. On June 15, 2011 correspondence received from Lisa Humble, OSBI, advising Daniel Tierney will represent her for this appeal. **On September 9, 2011, correspondence received from Joe East, Norwich Assistant Building Official. On September 12, 2011 appellant requested postponement. Hearing set for September 14, 2011 was postponed and rescheduled to Wednesday, October 26, 2011 at 11:00 a.m. in room 348. Hold on agenda.**

- f. **A-17-11. Request for appeal from Roger Adams re Hartford Building Official's decision re 42 Webster Street, Hartford, CT.** Panel consists of Andrew Rizzo, Jr., Panel Chair; Henry Miga and Louis Free. Thomas DiBlasi will be the alternate. Hearing date not set. On August 17, 2011 certified letter sent to appellant requesting proof of aggrievement and to respond in writing by August 30, 2011. As of September 12, 2011 no additional correspondence received. **Send letter to appellant advising that appeal was dismissed for lack of prosecution; appellant did not respond to Committee's correspondence. Remove from agenda.**
- g. **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**

Anthony Bruno was welcomed to the Codes and Standards Committee. His background in building, fire and health is appreciated. A request was made to go into Executive Session at the October Codes and Standards meeting. John Butkus will follow up regarding legal representation at the Executive Session.

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

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Marjorie Shansky, Secretary