

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

November 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
- Anthony Bruno
- John Butkus
- Christopher Cozzi
- Thomas DiBlasi
- Donald Harwood
- George Iskra
- John Jackman
- David McKinley
- Glenn Neilson
- Andrew Rizzo, Jr.
- Fred Wajcs, Jr.
- William Zoeller

Also Present:

- Joseph Cassidy, OSBI
- Kevin Kopetz, Esquire, DCS
- Roberta Avery, Esquire, DCS
- Bruce Spiewak, AIA Connecticut
- Joseph Kingston, OSFM
- Patrice Gillespie, CT Sierra Club
- John Livingstone, LU 669/CT Building Trades

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the October 12, 2011 meeting. All in favor. None opposed. Motion carried.

4. COMMUNICATIONS

- a. **C-1-11. Correspondence received from Steven Edelman re complaint request for revocation from Steven Edelman re Windham Building Official (Donald Schultz). See Appeal Hearings 8.j.**
- b. **A-21-11. Correspondence from Mathew Greene, Esquire, re request for appeal from Mathew Greene, Esq., re Deputy State Building Inspector's decision re**

M-557-11 re Cove View Towers, 586 West Thames Street, Norwich, CT. See Appeal Hearings 8.g. On October 19, 2011 appellant withdrew appeal. Remove from agenda.

- c. **A-23-11. Request for appeal from Mathew Greene, Esquire, re Acting State Fire Marshal's decision re FM-0193-11 re Cove View Towers, 586 West Thames Street, Norwich, CT. Panel consists of John Jackman, Panel Chair, George Iskra and Christopher Cozzi. Fred Wajcs, Jr. will be the alternate. Hearing is set for Wednesday, December 14, 2011 at 9:00 a.m. in room 348.**
- d. **Correspondence from Joseph Cassidy, P.E., Acting State Building Inspector, re State Building Inspector v. Codes and Standards Committee re Docket No. HHB-CV10-6007512 advising this has been withdrawn. Refer to the Ethics Committee for review.**
- e. **A-16-11. Correspondence from Christian DeCarlo re State Building Inspector's decision re M-315-11 re 170 Broadway, Norwich, CT. See Appeal Hearings 8.d. On October 25, 2011, appellant requested second postponement.**
- f. **A-24-11. Request for appeal from Wayne Fraser re Deputy State Building Inspector and Office of Protection and Advocacy's decision re W-47-11 re Aces High RV Park, 301 Chesterfield Road, East Lyme, CT. Panel consists of Glenn Neilson, Panel Chair, Andrew Rizzo, Jr. and David McKinley. Henry Miga will be the alternate. Hearing is set for Wednesday, December 14, 2011 at 11:00 a.m. in room 348.**

5. SUBCOMMITTEE REPORTS

Codes Amendment Subcommittee: (Free) The next meeting is set for today immediately following this meeting. Discussion will include a presentation by Dan Tierney of the Residential Sprinkler Work Group's Final Report. Codes and Standards members are encouraged to attend. The next meeting of this subcommittee will include discussions regarding swimming pool entrapment.

The next meeting is scheduled for **November 30, 2011 at 1:00 p.m.** in room 348.

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

6. OLD BUSINESS

There was no report.

7. NEW BUSINESS:

a. Staff Report

Joe Cassidy advised the 2011 Amendment and Fire Safety Code was approved by Governor Malloy and will be sent to the Legislature for final approval.

b. Fire Prevention Code Advisory Committee (Harwood/Shansky/Jackman) John Jackman advised that administrative regulations regarding the one and two-family accommodation draft should be ready for the November 16, 2011 meeting.

c. Fire Marshal Training Council (Harwood) Donald Harwood advised the next meeting is set for November 10, 2011.

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

e. Residential Sprinkler Work Group (Tierney/Kingston) Draft of the final report has been submitted to the Codes Amendment Subcommittee. Check the website to stay up-to-date: <http://www.ct.gov/dps/cwp/view.asp?a=2148&Q=308964&dpsNav=>

f. Report on Bills

Joe Cassidy, Terry Brouwer and Sgt. Chris Guari worked on the legislative draft to extend the deadline for adoption of hazardous materials regulations. Sunset date for the enabling statutes will be extended from January 1, 2013 to January 1, 2015 or adoption of regulations. Cargo tanks statutes are not being extended per Terry Brouwer, Office of State Fire Marshal. The goal is to have the building and fire codes in agreement.

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-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 November 8, 2011 no additional correspondence received. Hold on agenda.**

- c. **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. On September 26, 2011 brief received from George Temple, Esquire. Deliberations were held on October 12, 2011. **Decision will be sent out within 90 days [by January 12, 2012]. Hold on agenda.**
- d. **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 October 26, 2011. On October 25, 2011 appellant requested a second postponement; this was denied by panel chair. Decision will be sent out within 90 days [by January 26, 2012]. Hold on agenda.**
- e. **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 held on October 12, 2011. Decision will be sent out within 90 days [by January 12, 2012]. Hold on agenda.**
- f. **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 Wajcs, Jr., and William Zoeller. Donald Harwood will be the alternate. **Hearing was held on October 12, 2011. Decision will be sent out within 90 days [by January 12, 2012]. Hold on agenda.**

- g. **A-21-11. Request for appeal from Mathew Greene, Esquire re Deputy State Building Inspector's decision re M-557-11 re Cove View Towers, 586 West Thames Street, Norwich, CT.** Panel consists of Andrew Rizzo, Jr., Panel Chair; George Iskra and Michael Sinsigalli. Donald Harwood will be the alternate. On October 7, 2011 additional information received from appellant. **Hearing was set for November 23, 2011 was not held; on October 19, 2011 appellant withdrew appeal. Remove from agenda.**
- h. **A-22-11. Request for appeal from Richard Lawrence, AIA re Deputy State Building Inspector's decision re W-36-11 re JC Penney Warehouse and Distribution Center, 1339 Tolland Turnpike, Manchester, CT.** Panel consists of John Butkus, Panel Chair; Louis Free and David McKinley. Glenn Neilson will be the alternate. On October 4, 2011 supporting documentation received from appellant. **Hearing was held on November 9, 2011. Decision will be sent out within 90 days [by February 9, 2012]. Hold on agenda.**
- i. **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.**

- j. **C-1-11.** Correspondence from Steven Edelman re complaint request for revocation from Steven Edelman re Windham Building Official (Donald Schultz). On September 22, 2011 correspondence received from appellant. On September 23, 2011 corrected correspondence received from appellant. On October 3, 2011 correspondence received from appellant. On October 17, 2011 referred to Legal Counsel for review. On October 17, 2011 correspondence received from appellant. Response is in process. Hold on agenda.

9. GOOD OF THE ORDER

Lou Free advised that Robert Ross's position with the Department of Emergency Services and Public Protection will terminate on November 17, 2011. Acting Commissioner DeFronzo, Department of Construction Services, has offered and Rob has accepted the appointment to the position of State Fire Marshal with the Department of Construction Services, effective November 18, 2011.

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, December 14, 2011 at 1:00 p.m.**

Louis Free, Chair