

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

December 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
Donald Harwood
George Iskra
John Jackman
David McKinley
Michael Musco
Glenn Neilson
Andrew Rizzo, Jr.
Michael Sinsigalli
Fred Wajcs, Jr.
William Zoeller

Also Present:

Robert Ross, OSFM
Terry Brouwer, OSFM
Joseph Cassidy, OSBI
Kevin Kopetz, Esquire, DCS
Roberta Avery, Esquire, DCS
Bruce Spiewak, AIA Connecticut
Joseph Kingston, OSFM
Patrice Gillespie, Wilton Energy Commission/CT Sierra Club
Don Vigneau, Northeast Energy Efficiency Partnerships (NEEP)

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the November 9, 2011 meeting. All in favor. None opposed. Motion carried.

4. **COMMUNICATIONS**

- a. **A-13-11. Correspondence from Douglas Golden re request for appeal from Douglas 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.b. On November 14, 2011 appellant withdrew appeal. Remove from agenda.**
- b. **A-26-11. Correspondence from Ronald Malmberg re New Fairfield Company "A" Firehouse, 302 Ball Pond Road, New Fairfield, CT. Panel consists of Marjorie Shansky, Panel Chair, Andrew Rizzo, Jr. and Louis Free. Glenn Neilson will be the alternate. Hearing was set for Wednesday, January 11, 2012 at 11:30 a.m. in room 245.**
- c. **A-24-11. Correspondence received 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. See Appeal Hearings 8.i. On December 5, 2011 appellant withdrew appeal. Remove from agenda.**
- d. **A-25-11. Request for appeal from Doug Golden/Bruce Spiewak re Deputy State Building Inspector's decision re M-780-11 re Harbor Point-Yale & Towne Block C7, 101 Washington Blvd., Stamford, CT. Michael Musco is recused. Panel consists of Donald Harwood, Panel Chair, George Iskra and Glenn Neilson. Fred Wajcs, Jr. will be the alternate. Hearing date not set.**

5. SUBCOMMITTEE REPORTS

Codes Amendment Subcommittee: (Free) Meetings were held on November 9 and 30, 2011.

The next meeting is set for December 14, 2011 at 1:30 p.m.

Ethics/Procedural Regulations Subcommittee: (Shansky)

On November 9, 2011 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 advised it was withdrawn) was referred to this subcommittee to review the underlying issues of: 1) level of safety re suction entrapment in a swimming pool and 2) the standard of review for a code modification appeal. **Set meeting for January.**

6. OLD BUSINESS

There was no report.

7. NEW BUSINESS:

a. Staff Report

Joe Cassidy advised the code change regarding carbon dioxide detectors in schools has been distributed to building and fire officials. Terry Brouwer discussed the Fire Safety Code; Part 5 would soon be open for public comment and would then go to Regulation Review.

b. Fire Prevention Code Advisory Committee (Harwood/Shansky/Jackman) Don Harwood discussed review of the 2003 and 2012 Fire Prevention Codes. John Jackman advised the subcommittee is working on code review of the base document. The next meeting is set for Tuesday, December 20, 2011.

c. Fire Marshal Training Council (Harwood) Donald Harwood advised the subcommittee is reviewing financing, staffing and delivery of continuing education. Municipalities are reluctant to have their staff attend training.

The subcommittee is comparing Connecticut's continuing education requirements to other states. Preliminary findings are that Connecticut's requirements of 90 hours far exceed other states' requirements of 45-60 hours (NY, NH, MA, RI and PA). Further review to reassess "apples to apples" requirements will be conducted. Training requirements are written by Codes and Standards.

d. Building Code Training Council (Musco) A suggestion was made to add infrastructure training and blueprint reading for plumbing and mechanical inspectors. Webinars, half and full day sessions and combined fire/building code training classes are being explored to make it easier for participants to meet their continuing education requirements.

e. Residential Sprinkler Work Group (Tierney/Kingston) Rob Ross advised the subcommittee has completed their research and the final report has been submitted to the Codes and Standards Committee.

f. Report on Bills

Kevin Kopetz advised the sunset regulations are in the review process. Kevin was asked to have Terrence Tulloch-Reid, the legislative liaison for the Department of Construction Services, review pending bills and timely notify the Codes and Standards Committee of legislation that would affect them on the codes. The Committee as a whole was concerned there would be duplication of effort in code legislation.

- g. Vote for officer positions.** Louis Free reviewed *Regulations, Title 29 State Police, Sec. 29-251-6b. Election of officers* regarding the vote for officer positions. Floor was opened for nominations for Chair, Vice-Chair and Secretary Positions. A brief discussion followed.

Motion was made and seconded to nominate current slate of officers for a second term (Louis Free-Chair, Henry Miga-Vice Chair and Marjorie Shansky-Secretary). Motion was seconded. A discussion followed. Motion was withdrawn.

Motion was made to nominate Henry Miga as Chair. Henry Miga declined. A discussion followed. Henry agreed to accept nomination. Motion was made and seconded to nominate **Henry Miga for his first term as Chair**. All in favor none opposed. Motion carried.

Motion was made and seconded to nominate Louis Free as Vice-Chair. A discussion followed. Motion was withdrawn. Motion was made and seconded to nominate **Fred Wajcs, Jr. for his first term as Vice-Chair**. All in favor none opposed. Motion carried.

Motion was made and seconded to nominate **Marjorie Shansky for her second term as Secretary**. A discussion followed. All in favor none opposed. Motion carried.

All current and past officers were thanked for their extraordinary commitment of time and service.

- h. List of Subcommittees.** Members were asked to review the list and notify Chair if they wished to be added or withdrawn from any subcommittee. Members were advised that Don Harwood replaced Robert Hanbury on the Fire Prevention Code Advisory Committee.

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. **Decision was sent out on November 15, 2011. Remove from 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. **On November 14, 2011 appellant withdrew appeal. Remove from 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 request for postponement was denied by panel chair. Appeal panel 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]. Decision was sent out on December 5, 2011. Remove from 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-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]. Decision was sent out on November 29, 2011. Remove from agenda.**
- h. 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. *Fred Wajcs, Jr. will replace George Iskra due to schedule conflict. **Hearing was held on December 14, 2011 and was recessed pending possible resolution. Hold on agenda.**
- i. 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 set for December 14, 2011 was cancelled; on December 5, 2011 appellant withdrew appeal. Remove from agenda.**
- j. 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. As of December 12, 2011 no additional correspondence received. Hold on agenda.**

- k. **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. On November 15, 2011 a follow-up letter was sent to appellant requesting additional information. **As of December 12, 2011 no additional correspondence received.**

9. GOOD OF THE ORDER

Don Harwood also acknowledged the hard work done by John Butkus as another individual who held Codes and Standards' officer positions.

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 **January 11, 2012 at 1:00 p.m.** in room **245** (second floor).

Marjorie Shansky, Secretary