

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

January 11, 2012

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:**

Henry Miga, Chair
Fred Wajcs, Jr., Vice Chair
Marjorie Shansky, Secretary
John Butkus
Christopher Cozzi
Thomas DiBlasi
Louis Free
Robert Hanbury
Donald Harwood
David McKinley
Michael Musco
Glenn Neilson
Andrew Rizzo, Jr.
Michael Sinsigalli
William Zoeller

Also Present:

Robert Ross, OSFM
Joseph Cassidy, OSBI
Daniel Tierney, OSBI
Roberta Avery, Esquire, DCS
Joseph Kingston, OSFM

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the December 14, 2011 meeting. All in favor. None opposed. Motion carried.

4. COMMUNICATIONS

- a. **A-25-11. Correspondence from Douglas Golden/Bruce Spiewak re 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 Boulevard, Stamford, CT. See Appeal Hearings 8.e. On December 13, 2011 appellant withdrew appeal. Remove from agenda.**
- b. **A-27-11. Request for appeal from Doug Golden/Bruce Spiewak re State Fire Marshal's decision re FM-0264-11 re Winchester Arms-High One Buildings 29**

and 30, 275 Winchester Avenue, New Haven, CT. Andrew Rizzo, Jr. and Michael Musco are recused. Panel consists of Michael Sinsigalli, Panel Chair; Louis Free and Glenn Neilson. Donald Harwood is the alternate. Hearing is set for Tuesday, February 28, 2012 at 2:00 p.m. in room 348.

- c. **A-1-12. Request for appeal from Dominick Chiappetta re Deputy State Building Inspector's decision re M-879-11 re 135 Taconic Road, Greenwich, CT. Panel consists of Robert Hanbury, Panel Chair; Fred Wajcs, Jr. and Michael Musco. Andrew Rizzo, Jr. will be the alternate. Hearing is set for Thursday, January 26, 2012 at 9:00 a.m. in room 348.**

5. SUBCOMMITTEE REPORTS

Codes Amendment Subcommittee: (Free) Meeting was held on December 14, 2011. Next meeting is set for today immediately following the Codes and Standards monthly meeting. The final document is on track is almost complete. It will be sent to Regulations Review Committee once review is completed. A special meeting of the Codes Amendment Subcommittee will be set for February that will address sprinklered buildings.

The next meeting is set for January 25, 2012 at 1:00 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.

The Subcommittee met on January 11, 2012 and discussed the above issues. A memorandum to the full committee will be forthcoming regarding clarification. Their position is unchanged.

6. OLD BUSINESS

There was no report.

7. NEW BUSINESS:

a. Staff Report

Dan Tierney stated he would represent the State Building Inspector's Office at the Codes Amendment Subcommittee meeting later today. Joe Kingston reported on behalf of Rob Ross that everything was okay.

- b. Fire Prevention Code Advisory Committee** (Harwood/Shansky/Jackman) Don Harwood advised they had completed review of Chapters 1-10 of the Fire Prevention Codes. The next meeting is set for January 26, 2012.

- c. Fire Marshal Training Council** (Harwood) Michael Musco reported that a joint meeting of the Fire Marshal Training Council and the Building Code Training Council was held on January 5, 2012. Future meeting will be held jointly and each council could schedule special meetings specific to their council if needed.

Donald Harwood advised the subcommittee is reviewing financing, staffing and delivery of continuing education. Municipalities are reluctant to have their staff attend training.

- d. Building Code Training Council** (Musco) A discussion was held regarding Connecticut's continuing education requirements to other states. Preliminary findings are that Connecticut's requirements of 90 hours far exceed other states. The Office of Education and Data Management has been without a Director for at least a year and lost building trainers due to retirements. Those positions have not been filled. This has caused difficulty in offering building code classes.

- e. Residential Sprinkler Work Group** (Tierney/Kingston) No report.

f. Report on Bills

Joe Cassidy advised there were no new bills or proposals. The Committee commended Joe Cassidy and Acting Commissioner DeFronzo for their recent testimony to the Governor's Two Storm Panel Advisory Board regarding Connecticut building codes.

8. APPEAL HEARINGS

- a. **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]. Decision was sent out on January 11, 2012. Remove from agenda.**

- b. **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]. Decision was sent out on January 6, 2012. Remove from agenda.**

- c. **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]. Decision was sent out on January 11, 2012. Remove from agenda.**

- d. **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. Send status letter.**

- e. **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. **On December 13, 2011 appellant withdrew appeal. Remove from agenda.**

- f. **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 set for January 11, 2012 was postponed per panel chair. On January 4, 2012 certified letter sent to appellant requesting additional information be submitted in writing. Hold on 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. As of January 9, 2012 no additional correspondence received. Hold on agenda.**

- h. C-1-11. Correspondence from Steven Edelman re complaint request for revocation from Steven Edelman re Windham Building Official (Donald Schultz). John Butkus, Louis Free, Robert Hanbury, Donald Harwood, Michael Musco, Glenn Neilson and Marjorie Shansky are recused.** 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 January 9, 2012 no additional correspondence received. Hold on agenda.**

9. GOOD OF THE ORDER

Don Harwood was honored for his professionalism and commitment to the people of Connecticut and to this committee as the longest serving member (25 years). He has held the positions of Codes and Standards' Chair, Vice-Chair, Secretary as well as serving on the Codes Amendment Subcommittee, Ethics/Procedural Regulations Subcommittee and appeal panels.

Fred Wajcs will represent the Codes and Standards Committee at the 2012 Code Planning Support Meeting.

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 **February 8, 2012 at 1:00 p.m.** in room 348.

Marjorie Shansky, Secretary