

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

February 8, 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
- Anthony Bruno
- John Butkus
- Louis Free
- Donald Harwood
- George Iskra
- John Jackman
- David McKinley
- Andrew Rizzo, Jr.

Also Present:

- Daniel Tierney, OSBI
- Roberta Avery, Esquire, DCS
- Joseph Kingston, OSFM
- David Bebrin, CL&P

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the January 11, 2012 meeting. All in favor. None opposed. Motion carried.

4. COMMUNICATIONS

- a. **Correspondence received from Robert Ross, Office of State Fire Marshal forwarding correspondence from Hugh Loewenhardt re code proposal re signage for fireplaces and stoves. Refer to Codes Amendment Subcommittee for review.**
- b. **A-2-12. Request for appeal from Harry Narine re Waterbury Fire Marshal's decision re 269 Wilson Street, Waterbury, CT. No panel was set. On January 25, 2012 additional information received from appellant. Send letter to appellant re clarification of decision date. Hold on agenda.**
- c. **A-26-11. Correspondence from Ronald Malmberg re appeal re New Fairfield Company "A" Firehouse, 302 Ball Pond Road, New Fairfield, CT. See Appeal**

Hearings 8.b. Refer to OSBI; send letter to appellant.

- d. **A-1-12. Correspondence from Dominick Chiappetta re appeal re Deputy State Building Inspector's decision re M-879-11 re Taconic Road, Greenwich, CT. See Appeal Hearings 8.d. On January 24, 2012 appellant withdrew appeal.**
- e. **A-23-11. Correspondence 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. See Appeal Hearings 8.a. On February 2, 2012 appellant withdrew appeal.**
- f. **A-27-11. Correspondence 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. See Appeal Hearings 8.c. On January 31, 2012 appellant requested postponement.**

5. SUBCOMMITTEE REPORTS

Codes Amendment Subcommittee: (Free) Meetings were held on January 11 and 25, 2012. Next meeting is set for today immediately following the Codes and Standards monthly meeting. Fire code applications to the IRC and residential sprinkler documents will be reviewed at today's meeting. Draft document should be completed by late Spring.

The next meeting is set for February 22, 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. **Hold on agenda.**

6. OLD BUSINESS

There was no report.

7. NEW BUSINESS:

a. Staff Report

Office of the State Fire Marshal had no report. Dan Tierney advised the Office of the State Building Inspector (OSBI) was no longer part of the Department of Public Safety. OSBI will be incorporated into the Department of Administrative Services if proposed legislation is approved. The Department of Construction Services' website has been revised and is now active: www.ct.gov/dcs. Codes and Standards information is listed there, too.

b. **Fire Prevention Code Advisory Committee** (Harwood/Shansky/Jackman) Don Harwood advised meetings were held on January 26th and February 7, 2012.

c. **Fire Marshal Training Council** (Harwood) There was no report.

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

e. Report on Bills

Dan Tierney advised he spoke with **Terrence Tulloch-Reid**, Dept. Construction Services' legislative liaison, regarding carbon monoxide smoke detector legislation proposed for 1 and 2-family residential buildings. Although statutory language is mandated with good intent, regulation is unenforceable in 1 and 2-family residential buildings.

8. APPEAL HEARINGS

a. **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. On January 17, 2012 certified letter sent to appellant requesting status of appeal and to respond in writing by January 31, 2012. On January 30, 2012 correspondence received from appellant. On February 2, 2012 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 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. On January 23, 2012,**

correspondence received from appellant. As of February 7, 2012 no additional correspondence received. Refer to Office of State Building Inspector; remove from agenda.

- c. **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 set for February 28, 2012 was not held. On January 31, 2012 appellant requested postponement. Hold on agenda.**
- d. **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 set for January 26, 2012 was cancelled because on January 24, 2012 appellant withdrew appeal. Remove from agenda.**
- e. **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 February 7, 2012 no additional correspondence received. Send letter to appellant's attorney.**

- f. **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 February 7, 2012 no additional correspondence received. Hold on agenda.**

9. GOOD OF THE ORDER

A discussion was held regarding the complexity of the building codes, specifically design and the impact of permitting regulations re land use approvals/environmental issues to get to the permit on the building construction timeline (regulatory land use approvals vs. build time). Construction is becoming a smaller component of an overall project. In the early 1970's construction schedule from start of design/approval process was 25% preparation and 75% construction time; now it is usually 60% preparation and 40% construction time—in a matter of 25 years.

The time magnitude of code review, development, adoption and the ease of use in a complex enforcement/design environment were talked about at length.

For future discussion: The codes have become very complex—how can the codes be simplified without causing harm while creating the best efficiencies and the best codes?

Marjorie Shansky discussed a recent Connecticut Supreme Court ruling regarding zoning officials' inspection of residential properties vs. violation of fourth amendment privacy/ownership. The link to the case is:

<http://www.jud.ct.gov/external/supapp/Cases/AROCr/CR303/303CR26.pdf>

Fred Wajcs discussed a recent meeting with several environmental advocates (Environment Northeast, Sierra Club, Connecticut Fund for the Environment, Northeast Energy Efficiency Partnerships, United Illuminating, Codes and Standards). They discussed the code process and the American Recovery and Reinvestment Fund (ARRA) i.e. stimulus dollars requirement that the state demonstrate 90% compliance by 2017. They have scheduled a meeting with [Department of Energy and Environmental Protection] Commissioner Esty and Deputy Commissioner Schrag for February 22 2012. The primary discussion topic will be to begin the process of determining the current energy code compliance, then, if required, to establish a plan to achieve 90% by 2017.

Fred Wajcs reported that there is a big push from the Department of Energy to make energy as efficient—as important—as health and life safety.

1. Efficiencies will be moving from simple technology (on/off) to control logic (computer based controls) adding increased complexity. Federal grants may be tied to compliance with the enforcement of the more stringent codes.
2. Upcoming issue is that they are now pushing for third party inspections as a method of increasing the compliance with the energy code. A previous session of the legislature proposed to set up energy inspectors in the Energy Office but that was cut from legislation. There is a challenge regarding the current enforcement mechanism because codes are becoming more complicated. A discussion regarding third party energy inspectors and their impact on the approval process was held.
3. The Department of Energy must believe that the compliance rate with the energy code is low to establish the 90% requirement. DOE has developed documents to help in collecting data on compliance.

The next meeting of ARRA is set for February 22, 2012.

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 **March 14, 2012 at 1:00 p.m.** in room 348.

Marjorie Shansky, Secretary