

**STATE CODES AND STANDARDS COMMITTEE  
MINUTES**

**March 14, 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  
George Iskra  
John Jackman  
David McKinley  
Michael Musco  
Glenn Neilson  
Andrew Rizzo, Jr.  
Michael Sinsigalli  
William Zoeller

**Also Present:**

Joseph Cassidy, OSBI  
Robert Ross, OSFM  
Joseph Kingston, OSFM  
Terry Brouwer, OSFM  
Roberta Avery, Esquire, DCS  
Mike Ghilani, UIL Holdings

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the February 8, 2012 meeting. All in favor. None opposed. Motion carried.

**4. COMMUNICATIONS**

- a. **A-3-12. Request for appeal from Abraheem Antar re West Haven Fire Marshal's decision re 246 First Avenue, West Haven, CT. No panel was set. Refer to Office of State Fire Marshal and advise appellant timeliness of appeal will be addressed at a later date. Hold on agenda.**

- b. **A-4-12. Request for appeal from William Ward, Esquire re Naugatuck Municipal Building Board Code of Appeals decision re 1210 New Haven Road, Naugatuck, CT. Panel consists of Andrew Rizzo, Jr., Panel Chair, Louis Free and Thomas DiBlasi. Marjorie Shansky will be the alternate. Hearing is set for Wednesday, April 11, 2012 at 11:30 a.m. in room 348.**
- c. **A-2-12. Correspondence from Harry Narine re request for appeal from Harry Narine re Waterbury Fire Marshal's decision re 269-271 Wilson Street, Waterbury, CT. No panel was set. Refer to Office of State Fire Marshal and advise appellant timeliness of appeal will be addressed at a later date. Hold on agenda.**

## **5. SUBCOMMITTEE REPORTS**

**Codes Amendment Subcommittee:** (Free) Meeting was held on February 22, 2012. Next meeting is set for today immediately following the Codes and Standards monthly meeting. It is hoped that the draft International Residential Code document can be sent to the full committee for review by the end of March.

The next meeting is set for March 28, 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**

Due to the complexity of codes and the recent adoption of the 2012 Family of Codes a discussion was held regarding adoption of codes consistent with neighboring states (i.e. NY, RI, MA, etc.). A proposal for a peer check of codes with neighboring states to see what their intent is so Connecticut is not put at an economic disadvantage was also discussed. Historically, the State Building Inspector would attend the New England Building Code Association meetings that were held twice yearly to find out what other states were doing. Joe Cassidy, OSBI, said he would look into this to see if there was a way to get this information.

**7. NEW BUSINESS:**

**a. Staff Report**

Terry Brouwer, Office of the State Fire Marshal, advised the Fire Code amendments are now available for public comment. To date, there have been no comments on it. With respect to current legislation, Terry Brouwer stated the Sunset Provisions for the Fire Prevention Code are being moved out two years. He advised the fire official statute regarding “eligible to be certified” vs. “certified” is moving through the Public Safety Committee.

Joe Cassidy, Office of State Building Inspector, had nothing to report. Attorney Roberta Avery will be reviewing the changes to the public act regarding hazardous materials regulations.

**b. Fire Prevention Code Advisory Committee** (Harwood/Shansky/Jackman) Don Harwood advised the last meeting was held on March 6, 2012. They are reviewing the permit section. They hope to have the review process complete by April 1, 2012 and to have the document to the Office of the State Fire Marshal by May 1, 2012.

**c. Fire Marshal Training Council** (Harwood) There was no meeting. Don Harwood recently completed the Building Official training course. Concerns regarding shortfalls of training and where to go next once someone completes training can be addressed to Deputy Commissioner Bud Salemi, Dept. of Construction Services.

**d. Building Code Training Council** (Musco) There was no meeting. A discussion regarding the designation and offering of courses for both Fire and Building Officials when the subject matter can apply to both rather than when the subject is principally related to one or the other was held. Presently, up to 50% of credits toward satisfying an education requirement may be obtained from courses from either Building or Fire courses as applicable. Discussion was held to have fire and building officials get credit for both fire and building courses regarding courses (i.e. fire officials can get credit for taking building courses and building officials can get credit for taking fire courses).

**e. Report on Bills**

**HB 5394** – An act concerning smoke and carbon monoxide detectors and alarms in residential buildings. This act requires smoke and carbon monoxide detection and warning equipment in all residential buildings and will be enforceable when residential property is transferred (real estate conveyance).

## 8. APPEAL HEARINGS

- a. **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. Send status letter.**
  
- 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. On February 17, 2012 certified letter sent to appellant requesting clarification and to respond in writing by March 2, 2012. On February 27, 2012, correspondence received from Harry Narine. On March 5, 2012 correspondence received from Patrice Palombo, State Attorney's Office for Housing Matters. Refer to OSFM and notify appellant that timeliness will be addressed at a later date.**
  
- c. **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. On February 17, 2012 certified letter sent to appellant's attorney (John Keyes) requesting status of complaint. As of March 13, 2012 no additional correspondence received. Hold on agenda.**

- d. **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 March 13, 2012 no additional correspondence received. Send status letter.**

#### **9. GOOD OF THE ORDER**

Legal counsel was asked to check the status of any pending litigation against members.

#### **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 **April 11, 2012 at 1:00 p.m.** in room 348.

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Marjorie Shansky, Secretary