

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

June 13, 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
- Anthony Bruno
- John Butkus
- Christopher Cozzi
- Thomas DiBlasi
- Louis Free
- Donald Harwood
- George Iskra
- David McKinley
- Michael Musco
- Glenn Neilson
- Andrew Rizzo, Jr.
- Marjorie Shansky
- Michael Sinsigalli
- Fred Wajcs, Jr.
- William Zoeller

Also Present:

- Terry Brouwer, OSFM
- Roberta Avery, Esquire, DCS
- Jenna Padula, Esquire, DCS
- Bruce Spiewak, AIA CT

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the May 9, 2012 meeting. All in favor. None opposed. Motion carried.

Motion was made and seconded to add item 4.g. (corrected to 4.h.) correspondence received from Adam McNiece. All in favor. None opposed. Motion carried.

4. COMMUNICATIONS

a. **A-7-12 and A-8-12.** Correspondence from Steven Katz re appeal from Steven Katz, Esq., re Deputy State Building Inspector's decision re M-167-12(B) re Generation Y, 60 LaSalle Rd., West Hartford, CT and Appeal from Steven Katz, Esq., re State Fire Marshal's decision re FM-0055-12 re Generation Y, 60 LaSalle Rd., West Hartford, CT. See Appeal Hearings 8.g. and 8.h.

- b. **A-4-12. Correspondence from William Ward, Esq., re appeal from William Ward, Esq., re Naugatuck Municipal Building Board Code of Appeals decision re 1210 New Haven Road, Naugatuck, CT. See Appeal Hearings 8.d. On May 23, 2012 briefs received from Attorney Ward.**
- c. **A-10-12. Correspondence from Robert Bolasevich re appeal from Robert Bolasevich, Windsor Fire Marshal, re state Fire Marshal's decision re FM-0081-12 re Thrall Tobacco Farm Dormitory, 635 River Street, Windsor, CT. See Appeal Hearings 8.j. On May 29, 2012 brief received from appellant.**
- d. **C-1-10. Correspondence from Robert Ross re complaint request for revocation from Mark Sommaruga, Esq. re Shelton Building Official's license (Elliot Wilson). See Appeal Hearings 8.k.**
- e. **A-11-12. Request for appeal from Timothy Sullivan, Esq., re New Britain Fire Marshal's decision re 267 Main Street, New Britain, CT. No panel was set. Refer to the Office of State Fire Marshal.**
- f. **A-12-12. Request for appeal from Gail Bedoukian re Deputy State Building Inspector's decision re M-402-12 re 72 Limekiln Road, Redding, CT. Panel consists of Donald Harwood, Panel Chair; Fred Wajcs, Jr. and Andrew Rizzo, Jr. Henry Miga will be the alternate. Hearing was set for Wednesday, July 11, 2012 at 11:00 a.m. in room 348.**
- g. **A-9-12. Correspondence from Susan Frechette, Deputy Commissioner, DEEP re Deputy State Building Inspector's decision re M-252-12 re Harkness Memorial State Park Greenhouse, 275 Great Neck Road, Waterford, CT. See Appeal Hearings 8.i.**
- h. **C-1-12. Correspondence from Adam McNiece re complaint request for revocation from Adam McNiece re Waterford Building Official's license (Frank Hoagland III). See Appeal Hearings 8.m.**

5. SUBCOMMITTEE REPORTS

Codes Amendment Subcommittee: (Free) Meetings were held on May 9 and 23, 2012. Next meeting is set for June 13, 2012 immediately following the Codes and Standards monthly meeting.

The June 27, 2012 meeting was cancelled. The next meeting is set for July 11, 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.**

On May 9, 2012 the Codes and Standards Committee discussed aggrievement issues. Legal counsel will consider developing a form letter re aggrievement guidelines for local fire marshals. This subcommittee will set a meeting date to discuss future proposals and procedures of aggrievement. Meeting was set for **Wednesday, July 11, 2012 at 12:00 p.m.** in room 348.

6. OLD BUSINESS

There was no report.

7. NEW BUSINESS:

a. Staff Report

Terry Brouwer discussed the Fire Prevention Code; it is in the review process by DCS legal counsel. He further advised that Robert Ross will graduate from fire marshal school next week. The Office of the State Fire Marshal is considering streamlining investigative procedures. A discussion was held regarding the complainant to be specific when filing a complaint. The Office of State Fire Marshal will continue to investigate prior to proceeding with a hearing. "Best practices" procedures that are consistent with other agencies will be considered. A discussion followed.

b. Fire Prevention Code Advisory Committee (Harwood/Shansky/Jackman) Don Harwood advised the committee is developing recommendations to forward to the State Fire Marshal.

c. Joint Fire Marshal Training Council (Harwood)/Building Code Training Council (Musco) (aka Joint BCTC/FMTC) The next Joint BCTC/FMTC is set for **Thursday, October 4, 2012 at 2:00 p.m.** The Fire Marshal Training Council will hold a special meeting immediately following the Joint BCTC/FMTC meeting.

d. 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). Carbon dioxide/smoke detectors can be battery operated.

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. On March 19, 2012 certified letter sent to appellant requesting status of appeal and to respond in writing by April 2, 2012. On March 26, 2012 correspondence received from appellant requesting continued postponement pending State Fire Marshal's formal interpretation. As of June 11, 2012 no additional information received. Hold on agenda.**

- 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. **On March 15, 2012, referred to OSFM and sent letter to appellant advising same and that there is a timeliness issue related to his appeal and will be addressed at a later date. As of April 11, 2012 awaiting OSFM response. As of May 8, 2012 no additional information received. On May 16, 2012 certified letter sent to appellant requesting status of appeal and to respond in writing by May 30, 2012. On June 7, 2012 certified letter returned as "unclaimed." On June 7, 2012 re-mailed to appellant via first class mail. As of June 11, 2012 no additional information received. Hold on agenda.**

- c. **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. On March 15, 2012, referred to OSFM and sent letter to appellant advising same and that there is a timeliness issue related to his appeal and will be addressed at a later date. As of April 11, 2012 pending possible resolution. On May 7, 2012 correspondence received from Joseph Kingston, Office of State Fire Marshal. On May 16, 2012 certified letter sent to appellant requesting status of appeal and to respond in writing by May 30, 2012. As of June 11, 2012 no additional information received. Hold on agenda.**

- d. **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. *Marjorie Shansky will replace Louis Free due to schedule conflict. On March 19, 2012 correspondence received from Cary Lennon, Chairman, Naugatuck Municipal Building Code Board of Appeals. Hearing set for April 11, 2012 was not held; on April 9, 2012 appellant requested postponement. Hearing was rescheduled to Wednesday, May 9, 2012 at 11:30 a.m. in room 348. Hearing was held on May 9, 2012; briefs are to be received by close of business on May 23, 2012. On May 23, 2012, briefs were received from William Ward, Esquire. Deliberations set for June 27, 2012 were rescheduled to Wednesday, August 8, 2012 at 12:00 Noon in room 348.**

- e. **A-5-12. Request for appeal from Christian DeCarlo re State Fire Marshal's decision re FM-0262-11 re 170 Broadway, Norwich, CT. Panel consists of Marjorie Shansky, Panel Chair; George Iskra and Michael Musco. John Jackman will be the alternate. On April 30, 2012, additional information received from appellant. Hearing was held on May 9, 2012. Decision to be sent out within 90 days [by August 9, 2012]. Hold on agenda.**

- f. **A-6-12. Request for appeal from Andrea Domingues re Deputy State Building Inspector's decision re M-161-12 re Rio Grill & Bar, 54 Pratt Street, Hartford, CT. Panel consists of *John Jackman, Panel Chair; George Iskra and *John Butkus. *Glenn Neilson will be the alternate. *On 6/12/12, panel was revised to Henry Miga, Panel Chair, George Iskra and Glenn Neilson. John Butkus will be the alternate. On May 7, 2012 appellant's attorney, John Serrano, requested postponement. Hearing set for May 9, 2012 was rescheduled and held on June 13, 2012. Briefs are to be filed by close of business on Friday, June 22, 2012. Hold on agenda.**

- g. A-7-12. Request for appeal from Steven Katz, Esquire, re Deputy State Building Inspector's decision re M-167-12 (B) re Generation Y, 60 LaSalle Road, West Hartford, CT.** Henry Miga and Michael Sinsigalli are recused. Panel consists of John Jackman, Panel Chair; Louis Free and William Zoeller. Andrew Rizzo, Jr. will be the alternate. **See Communications, item 4.g. below. Related appeal A-8-12 (fire code appeal). This hearing will be heard concurrently with A-8-12. On May 9, 2012 additional information received from appellant's attorney. Combined hearing was held on May 15, 2012. Decision to be sent out within 90 days [by August 15, 2012]. Hold on agenda.**
- h. A-8-12. Request for appeal from Steven Katz, Esquire, re State Fire Marshal's decision re FM-0055-12 re Generation Y, 60 LaSalle Road, West Hartford, CT.** Henry Miga and Michael Sinsigalli are recused. Panel consists of John Jackman, Panel Chair; Louis Free and William Zoeller. Andrew Rizzo, Jr. will be the alternate. **See Communications, item 4.f. above. Related appeal A-7-12 (building code appeal). This hearing will be heard concurrently with A-7-12. On May 9, 2012 additional information received from appellant's attorney. Combined hearing was held on May 15, 2012. Decision to be sent out within 90 days [by August 15, 2012]. Hold on agenda.**
- i. A-9-12. Request for appeal from Susan Frechette re Deputy State Building Inspector's decision re M-252-12 re Harkness Memorial State Park Greenhouse, 275 Great Neck Road, Waterford, CT.** Panel consists of Marjorie Shansky, Panel Chair; Louis Free and Glenn Neilson. Henry Miga will be the alternate. **On June 11, 2012, additional information received from appellant. Hearing was held on June 13, 2012 and recessed pending possible resolution. Hold on agenda.**
- j. A-10-12. Request for appeal from Robert Bolasevich, Windsor Fire Marshal, re State Fire Marshal's decision re FM-0081-12 re Thrall Tobacco Farm Dormitory, 635 River Street, Windsor, CT.** Henry Miga, Glenn Neilson, Andrew Rizzo, Jr. and Michael Sinsigalli are recused. Panel consists of John Butkus, Panel Chair, Fred Wajcs, and David McKinley. George Iskra will be the alternate. Letter will be sent to appellant indicating that there first will be an aggrievement hearing and then a second hearing on the merits will be held if aggrievement is found in the first hearing. The two hearings may occur on the same day. **The letter will indicate that there is an opportunity for the appellant to file a brief on the issue of whether the appellant is an aggrieved party. The brief is to be received by close of business on Friday, June 8, 2012. (Note: Chair of the panel subsequently determined that the letter will indicate that the brief is a requirement.) On May 29, 2012, brief received from appellant. Aggrievement hearing set for Wednesday, June 20, 2012 at 9:00 a.m. If aggrievement is shown, then the appeal hearing may immediately follow. Hold on agenda.**

- k. **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 April 10, 2012 no additional correspondence received. On April 18, 2012, certified letter sent to appellant's attorney requesting status and to respond in writing by May 2, 2012. On May 9, 2012, it was decided that the Office of the State Fire Marshal will hold the compliance conference. On May 15, 2012 correspondence sent to Robert Ross, State Fire Marshal, requesting the Office of the State Fire Marshal to conduct a compliance conference. On May 30, 2012 correspondence received from Robert Ross advising compliance conference is set for June 7, 2012 at 9:00 a.m. in room 329. Compliance conference was held on June 7, 2012. As of June 13, 2012 C&S is waiting for Rob Ross's compliance conference report. Hold on agenda.**

- l. 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. On March 20, 2012 certified letter sent to appellant requesting clarification and to respond in writing by April 3, 2012. On April 2, 2012 correspondence received from appellant. On April 11, 2012, pending legal review by staff counsel. Procedures will be discussed at meeting of legal counsel, Attorney General's Office, Office of State Building Inspector and Office of State Fire Marshal the week of May 14, 2012. Motion was made and seconded to refer to the Office of State Fire Marshal for investigation. All in favor. None opposed. Motion carried. Hold on agenda.**
- m. C-1-12. Complaint request for revocation from Adam McNiece re Waterford Building Official's license (Frank Hoagland III). No panel was set. Forward to Legal Counsel for review and send letter to appellant advising same. On April 18, 2012, pending legal review by staff counsel. On April 24, 2012 letter sent to appellant advising complaint was referred to staff counsel for review. As of May 8, 2012 no additional information received. Procedures will be discussed at meeting of legal counsel, Attorney General's Office, Office of State Building Inspector and Office of State Fire Marshal the week of May 14, 2012. Motion was made and seconded to refer to the Office of State Fire Marshal for investigation. All in favor. None opposed. Motion carried. Hold on agenda.**

9. GOOD OF THE ORDER

There was no report.

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 **August 8, 2012 at 1:00 p.m.** in room 348. This is no meeting held in July.

Marjorie Shansky, Secretary