STATE CODES AND STANDARDS COMMITTEE
MINUTES

September 12, 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
Donald Harwood
George Iskra
David McKinley
Michael Musco
Glenn Neilson
Andrew Rizzo, Jr.
Marjorie Shansky
Michael Sinsigalli
Fred Wajcs, Jr.
William Zoeller

Also Present:

Daniel Tierney, OSBI
Rob Ross, OSFM
Terry Brouwer, OSFM
Jenna Padula, Esquire, DCS
MacKenzie Cozzi
Mike Ghilani, UI
David Bebrin, CL&P
Bruce Spiewak, AIA CT
Don Vigneau, NEEP

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

4. <u>COMMUNICATIONS</u>

a. **C-1-12. Correspondence from Dan Tierney, OSBI, re complaint request for revocation re Waterford Building Official's license (Frank Hoagland III). See Appeal Hearings 8.q. On August 9, 2012 correspondence received from Dan Tierney.**

b. **A-2-12. Correspondence forwarded from Joseph Kingston, OSFM, re appeal from Harry Narine re Waterbury Fire Marshal's decision re 269-271 Wilson Street, Waterbury, CT. See Appeal Hearings 8.b.**

c. **A-12-12. Correspondence from Gail Bedoukian re appeal from Gail Bedoukian re Deputy State Building Inspector's decision re M402-12 re 72 Limekiln Road, Redding, CT. See Appeal Hearings 8.h. On August 13, 2012 correspondence received from appellant.**

d. **C-1-12. Correspondence from Henry Miga re complaint request for revocation re Waterford Building Official's license (Frank Hoagland III). See Appeal Hearings 8.m. On August 17, 2012 letter sent to Frank Hoagland III.**

e. **C-1-12. Correspondence from Henry Miga re complaint request for revocation re Waterford Building Official's license (Frank Hoagland III). See Appeal Hearings 8.m. On August 17, 2012 correspondence sent to Rob Ross, OSFM.**

f. **A-15-12. Request for appeal from Graham Clegg, AIA, re Deputy State Building Inspector's decision re M-625-12 re 2-8 Post Road West, Westport, CT. No panel was set. On September 4, 2012 appellant requested postponement.**

g. **A-11-12. Correspondence from Anna Macri c/o Timothy Sullivan, Esq. re appeal from Timothy Sullivan, Esq., re New Britain Fire Marshal's decision re 267 Main Street, New Britain, CT. See Appeal Hearings 8.g. On August 23, 2012 appellant requested postponement.**

h. **C-1-12. Freedom of Information (FOI) request from Robert Avena, Waterford Town Attorney, re complaint request for revocation re Waterford Building Official's license (Frank Hoagland III). See Appeal Hearings 8.m. On August 28, 2012 FOI request forwarded to Legal Counsel.**

i. **A-13-12. Correspondence from Joseph Kingston, OSFM, re appeal from Timothy Sullivan, Esq., re New Britain Fire Marshal's decision re 43 Osgood Ave., New Britain, CT. See Appeal Hearings 8.i. On September 7, 2012 the Office of State Fire Marshal's (OSFM) investigative report was received.**

5. SUBCOMMITTEE REPORTS

Codes Amendment Subcommittee: (Free) Henry Miga reported on this subcommittee in Louis Free's absence. Meeting was held on August 8, 2012. The August 22, 2012 meeting was cancelled. Next meeting will be held on September 12, 2012.

Ethics/Procedural Regulations Subcommittee: (Shansky)
On July 11, 2012 the Codes and Standards Committee met and discussed suction entrapment in swimming pools and aggrievement issues. Legal counsel will consider developing a form letter re aggrievement guidelines for local fire marshals. The issue of aggrievement remains open for discussion. Next meeting is set for Wednesday, October 10, 2012 at 12:00 and will include discussion re submittal of OSBI/OSFM documents (i.e. *Request for Modification* form) to appeal panel.

6. OLD BUSINESS

There was no report.

7. NEW BUSINESS:

a. **Staff Report**
Dan Tierney, OSBI, discussed the 2012 IBC code review and the 2009 Supplement to the IRC; a tentative date of late fall, 2013, is hoped for. Rob Ross, OSFM, updated members on the fire code review. Terry Brouwer advised that OSFM anticipates an aggressive review process in order to meet the Hazmat sunset clause deadline of January 2015.

b. **Fire Prevention Code Advisory Committee** (Harwood/Shansky/Jackman)
Don Harwood advised that the 2012 review had been completed by the subcommittee and will be reviewed by the full committee before being submitted to the Office of the State Fire Marshal for review.

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

There was no report.

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. On June 13, 2012 correspondence received from Bruce Spiewak stating they had not received the formal interpretation and wanted the appeal hearing process to proceed. On June 19, 2012 additional information received from appellant. **Hearing was held on August 8, 2012. Decision will be sent out within 90 days [by November 8, 2012]. Hold on agenda.**

b. **A-2-12. Request for appeal from Harry Narine re Waterbury Fire Marshal's decision re 269-271 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 August 6, 2012 no additional information received. On August 8, 2012 Joseph Kingston, OSFM, advised that the Waterbury Fire Marshal's Office had closed their case; the case was a nolle in Housing Court on June 12, 2012. Joe Kingston will provide a copy of that correspondence to this committee. On August 13, 2012 letter sent to appellant advising that appeal was closed. Remove from 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 August 6, 2012 no additional information received. On August 8, 2012 motion was made and seconded to deny this appeal for lack of prosecution and to dismiss this appeal. A discussion**

followed. All in favor; no objections; no abstentions. Motion carried. On August 13, 2012 letter sent to appellant advising that appeal was closed for lack of prosecution. On September 12, 2012 discussion was held; send clarification letter to appellant advising that the appeal was denied for lack of prosecution and was dismissed [clarification letter was sent September 12, 2012]. Remove from 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 and held on August 8, 2012. Decision will be sent out within 90 days [by November 8, 2012]. Hold on agenda.**

e. **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. On June 22, 2012 briefs received from appellant's attorney. **Deliberations were held on July 11, 2012. Decision to be sent out within 90 days [October 11, 2012]. Decision was sent out on August 14, 2012. Remove from agenda.**

f. **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 was held on June 20, 2012. A written decision will be issued within 90 days [by September 20, 2012]. Hold on agenda.**

g. **A-11-12. Request for appeal from Timothy Sullivan, Esq., re New Britain Fire Marshal's decision re 267 Main Street, New Britain, CT.** Panel consists of Michael Sinsigalli, Panel Chair; David McKinley and Henry Miga. Thomas DiBlasi will be the alternate. On June 15, 2012 referred to the Office of State Fire Marshal (OSFM). On June 27, 2012 letter sent to appellant advising case was referred to OSFM. **On August 6, 2012, initial investigative report dated July 6, 2012 and supplemental investigative report dated July 31, 2012 received from the Office of State Fire Marshal. Hearing was set for September 12, 2012 was not held; on August 23, 2012 appellant requested postponement. Hearing was rescheduled to Wednesday, October 10, 2012 at 11:00 a.m. in room 348; this will be a combined hearing with A-13-12. Hold on agenda.**

h. **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. *Due to schedule conflict, Henry Miga will serve as Panel Chair and Donald Harwood will serve as alternate. **Hearing was held on July 11, 2012. Briefs are to be filed by close of business on Friday, August 10, 2012. On August 13, 2012 correspondence received from appellant declining to submit briefs and advised to utilize previous testimony. Deliberations were held on September 12, 2012. Decision will be sent out within 90 days [by December 12, 2012]. Hold on agenda.**

i. **A-13-12. Request for appeal from Timothy Sullivan, Esquire, re New Britain Fire Marshal's decision re 43 Osgood Avenue, New Britain, CT.** Panel consists of Michael Sinsigalli, Panel Chair; David McKinley and Henry Miga. Thomas DiBlasi will be the alternate. Similar to appeal A-11-12. **On August 9, 2012 referred to Office of State Fire Marshal (OSFM). On September 7, 2012 OSFM's investigative report received. Combined hearing with A-11-12 was set for Wednesday, October 10, 2012 at 11:00 a.m. in room 348. Hold on agenda.**

j. **A-14-12. Request for appeal from Peter Springsteel re Deputy State Building Inspector and Office of Protection and Advocacy's decision re W-33-12 re Preston Ridge Vineyard, 100 Miller Road, Preston, CT.** Panel consists of Andrew Rizzo, Jr., Panel Chair; Glenn Neilson and Marjorie Shansky. David McKinley will be the alternate. **Hearing was set for Wednesday, September 12, 2012 at 12:00 noon in room 348. 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. John Butkus 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 compliance conference report from Rob Ross, State Fire Marshal. On June 21, 2012 correspondence received from Rob Ross advising formal license revocation hearing should go forward.**

Effective August 8, 2012 John Butkus will replace Irving Moy as alternate. Hearing date to be set and coordinated by the Department of Construction Services (DCS) and Attorney General's Office. 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. On June 15, 2012 referred to the Office of State Fire Marshal for investigation. On June 27, 2012 letter sent to appellant advising case was referred to OSFM. On July 5, 2012 correspondence received from appellant (he had also sent it to Rob Ross, OSFM). Hold on agenda.**

m. **C-1-12. Complaint request for revocation from Adam McNiece re Waterford Building Official's license (Frank Hoagland III). Marjorie Shansky, Andrew Rizzo, Jr., Robert Hanbury, George Iskra and Michael Sinsigalli are recused. Compliance conference panel consists of John Butkus, Compliance Chair; Anthony Bruno and Fred Wajcs, Jr., Louis Free will be the Compliance Conference alternate.** 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. On June 15, 2012 referred to the Office of State Fire Marshal for investigation. On June 27, 2012 letter sent to appellant advising case was referred to OSFM. On August 6, 2012 correspondence received from Rob Ross, OSFM, requesting clarification on investigation. Compliance conference set for August 22, 2012**

was postponed per C&S Legal Counsel. On August 17, 2012 correspondence sent to Frank Hoagland advising him of complaint. On August 17, 2012 correspondence sent to Rob Ross, OSFM, advising his office to proceed with investigation. On August 28, 2012 Freedom of Information request received from Robert Avena, appellant's attorney. Hold on agenda.

9. GOOD OF THE ORDER

A dialogue was held regarding the need for OSBI/OSFM documents for appeal hearings, especially the *Request for Modification* form which indicates the reason for the appeal. This subject will be added to the Ethics/Procedural Regulations Subcommittee agenda to be discussed at their October 10, 2012 meeting.

MacKenzie Cozzie was welcomed by Codes and Standards members.

Fred Wajcs, Jr. updated the members on the August 22, 2012 meeting that he attended between environmental advocates (Connecticut Fund for the Environment, Environment Northeast, Connecticut Energy Efficiency Fund Administrators (CL&P and UI), Northeast Energy Efficiency Partnerships and Sierra Club) and Deputy Commissioner Katie Dykes of the Department of Energy and Environmental Protection (DEEP). The main topic of discussion was the State's plan to demonstrate and achieve 90 percent compliance with the energy code by December 2017. Building energy ratings and DEEP's Comprehensive Energy Strategy document were other topics discussed.

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 **October 10, 2012 at 1:00 p.m.** in room 348.

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Marjorie Shansky, Secretary

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