

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

October 10, 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
- John Butkus
- Christopher Cozzi
- Thomas DiBlasi
- Louis Free
- Donald Harwood
- George Iskra
- David McKinley
- Glenn Neilson
- Andrew Rizzo, Jr.
- Marjorie Shansky
- Fred Wajcs, Jr.
- William Zoeller

Also Present:

- Joseph Cassidy, OSBI
- Daniel Tierney, OSBI
- Terry Brouwer, OSFM
- Jenna Padula, Esquire, DCS

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the September 12, 2012 meeting. All in favor. None opposed. Motion carried.

4. COMMUNICATIONS

- a. **A-11-12. Correspondence from Timothy Sullivan, Esq., re appeal of Timothy Sullivan, Esq. re New Britain Fire Marshal's decision re 267 Main Street, New Britain, CT**
and
A-13-12. Appeal of Timothy Sullivan, Esq. re New Britain Fire Marshal's decision re 43 Osgood Avenue, New Britain, CT. See Appeal Hearings 8.d. and 8.f. On September 26, 2012 appellant requested postponement.

- b. **A-11-12. Correspondence from Joseph Kingston, OSFM., re appeal of Timothy Sullivan, Esq. re New Britain Fire Marshal's decision re 267 Main Street, New Britain, CT. See Appeal Hearings 8.d. On September 27, 2012 received supplemental investigative report photos from Joseph Kingston, Office of State Fire Marshal (OSFM).**
- c. **A-16-12. Request for appeal from Hongbin Yu re Deputy State Building Inspector's decision re M-738-12 re 4 Red Barn Lane, Brookfield, CT. Panel consists of Glenn Neilson, Panel Chair; Louis Free and Thomas DiBlasi. Christopher Cozzi will be the alternate. Timeliness hearing was set for Wednesday, November 14, 2012 at 12:00 noon in room 348. If good cause is shown, then an appeal hearing may immediately follow.**

5. SUBCOMMITTEE REPORTS

Codes Amendment Subcommittee: (Free) Next meeting will be held on October 10, 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. Meeting was held on October 10, 2012 to discuss procedural changes to the appeal review process.

6. OLD BUSINESS

The full committee wished Don Harwood a happy birthday.

7. NEW BUSINESS:

a. Staff Report

Terry Brouwer, OSFM, updated members on the fire code review and will distribute copies to Codes and Standards members. He thanked Attorney Padula for her assistance in the legislative review process.

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 Joint BCTC/FMTC is set for, **October 4, 2012 was cancelled.** The next meeting is set for January, 2013.

- d. **Report on Bills**

Dan Tierney, OSBI, advised there were no new bills or proposals for discussion.

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]. Decision was sent out on September 19, 2012. Remove from 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. *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.**

- c. **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]. Decision was sent out on September 17, 2012. Remove from agenda.**
- d. **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 October 10, 2012; this will be a combined hearing with A-13-12. This hearing was not held; on September 26, 2012 appellant requested second postponement until November, 2012. On September 27, 2012 received supplemental investigative report (photographs only) dated September 7, 2012. Combined hearing with A-13-12 is set for Wednesday, November 14, 2012 at 11:00 a.m. in room 348. Hold on agenda.**
- e. **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]. Decision was sent out on September 27, 2012. Remove from agenda.**

- f. **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 October 10, 2012 was not held; on September 26, 2012 appellant requested postponement until November, 2012. Combined hearing with A-11-12 is set for Wednesday, November 14, 2012 at 11:00 a.m. in room 348. Hold on agenda.**

- g. **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 held on September 12, 2012 and recessed pending possible resolution. As of October 5, 2012 no additional information received. Send status letter.**

- h. **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. As of October 5, 2012 no additional information received. Send status letter.**

- i. **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 was set for June 7, 2012. Compliance conference was held on June 7, 2012. As of June 13, 2012 C&S was 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. Hearing date set for Wednesday, November 7, 2012 at 11:00 a.m. in room 348. Hold on agenda.**

- j. **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. 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). As of October 5, 2012 no additional information received. As of October 10, 2012 OSFM's investigation is on-going. Hold on agenda.**

- k. **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. As of October 5, 2012 no additional information received. As of October 10, 2012, no report from OSFM. 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 **November 14, 2012 at 1:00 p.m.** in room 348.

Marjorie Shansky, Secretary

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