

**STATE CODES AND STANDARDS COMMITTEE  
MINUTES**

**November 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
- Anthony Bruno
- John Butkus
- Thomas DiBlasi
- Louis Free
- Robert Hanbury
- Donald Harwood
- George Iskra
- David McKinley
- Michael Musco
- Glenn Neilson
- Andrew Rizzo, Jr.
- Marjorie Shansky
- Fred Wajcs, Jr.
- William Zoeller

**Also Present:**

- Joseph Cassidy, OSBI
- Robert Ross, OSFM
- Jenna Padula, Esquire, DCS
- 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 October 10, 2012 meeting. All in favor. None opposed. Motion carried.

**4. COMMUNICATIONS**

a. **A-17-12. Request for appeal from Andrew Clark re 286 Sargeant Street, Hartford, CT. No panel was set. Motion was made and seconded to table this correspondence for lack of information and retain it on the agenda. All in favor. None opposed. Motion carried.**

- b. **A-16-12.** Correspondence from Hongbin Yu re appeal from Hongbin Yu re Deputy State Building Inspector's decision re M-738-12 re 4 Red Barn Lane, Brookfield, CT. See Appeal Hearings 8.f. On October 16, 2012 and October 31, 2012 correspondence received from appellant.
- c. **C-2-12.** Correspondence from Geoffrey Woods re State Building Inspector's decision re 172 North Cedar Road, Fairfield, CT. A discussion was held. This Committee has no statutory authority regarding this issue. Remove from agenda.
- d. **A-11-12.** Correspondence from Timothy Sullivan, Esq., re New Britain Fire Marshal's decision re 267 Main Street, New Britain, CT. See Appeal Hearings 8.b. On October 24, 2012 appellant withdrew appeal. On October 25, 2012 the Office of State Fire Marshal's investigative report was received.
- e. **A-13-12.** Correspondence from Timothy Sullivan, Esq., re New Britain Fire Marshal's decision re 43 Osgood Avenue, New Britain, CT. See Appeal Hearings 8.c. On October 26, 2012 appellant withdrew appeal.
- f. **A-18-12.** Request for appeal from Sandra and David Biller re North Haven Fire Marshal's decision re 154 State Street, North Haven, CT. Panel consists of Michael Sinsigalli, Panel Chair; Fred Wajcs, Jr., and George Iskra. Donald Harwood will be the alternate. Hearing was set for Wednesday, December 12, 2012, at 11:00 a.m. in room 348.
- g. **A-14-12.** Correspondence 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. See Appeal Hearings 8.d. On October 31, 2012 correspondence received from appellant.
- h. **A-19-12.** Request for appeal from Douglas Bellfy re Deputy State Building Inspector's decision re 947 Hopewell Road, South Glastonbury, CT. Panel consists of Glenn Neilson, Panel Chair; Robert Hanbury and Louis Free. Thomas DiBlasi will be the alternate. Hearing was set for Wednesday, January 9, 2013 at 11:00 a.m. in room 348.
- i. **A-20-12.** Request for appeal from John Orzel re Wallingford Building Official's decision re Valenti Chevrolet, 399 North Colony Street, Wallingford, CT. Panel consists of Michael Musco, Panel Chair; George Iskra and Henry Miga. Andrew Rizzo, Jr. will be the alternate. Hearing was set for Wednesday, December 12, 2012 at 10:00 a.m. in room 348.

## **5. SUBCOMMITTEE REPORTS**

### **Codes Amendment Subcommittee: (Free)**

This subcommittee will meet immediately following the Codes and Standards meeting today. Louis Free advised that on October 23, 2012 the Governor and the Office of Policy and Management received the 2009 International Residential Code (IRC) and the 2011 National Electrical Code (NEC). Once they approve it, then it can be published in the Connecticut Law Journal. A public hearing will be scheduled once it is published in the Law Journal.

Next meeting will be held on **November 28, 2012**.

### **Ethics/Procedural Regulations Subcommittee: (Shansky)**

This subcommittee met on October 10, 2012 to discuss future proposals and procedures of aggrievement. The issue of aggrievement remains open for discussion. Discussion will include: Procedures of aggrievement; submittal of OSBI/OSFM documents to appeal panel (i.e. Request for Modification form); and process of revocation. Another meeting needs to be set.

## **6. OLD BUSINESS**

There was nothing to report.

## **7. NEW BUSINESS:**

### **a. Staff Report**

Joseph Cassidy, commended staff of the Office of the State Building Inspector (OSBI) and the Office of the State Fire Marshal (OSFM) for their support to the municipalities of West Haven and Stamford in the wake of Hurricane Sandy (October, 2012). Issues addressed by OSBI/OSFM included building safety and accessibility. Rob Ross, OSFM, reiterated Joe's comments.

### **b. Fire Prevention Code Advisory Committee (Harwood/Shansky/Jackman)**

There was no report.

### **c. Joint Fire Marshal Training Council (Harwood)/Building Code Training Council (Musco) (aka Joint BCTC/FMTC)** The next meeting is set for next week.

### **d. Report on Bills**

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

## 8. APPEAL HEARINGS

- a. **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]. Decision was sent out on November 5, 2012. Remove from agenda.**
  
- b. **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 set for November 14, 2012 was revised & did not include A-11-12. On October 25, 2012 the investigative report was received from the Office of the State Fire Marshal. On October 24, 2012 appellant withdrew appeal. Remove from agenda.**
  
- c. **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 set for October 10, 2012 was not held; on September 26, 2012 appellant requested postponement until November, 2012. **Combined hearing with A-11-12 was set for November 14, 2012; on October 24, 2012 hearing was revised to hear A-13- 12 only. Hearing**

- was not held; on October 26, 2012 appellant withdrew appeal. Remove from agenda.
- d. **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. On October 15, 2012 certified letter sent to appellant requesting status of appeal and to respond in writing by October 29, 2012. On October 31, 2012 correspondence received from appellant advising they wished to continue the appeal process. As of November 13, 2012 no additional information received. Continuation hearing is set for Wednesday, January 9, 2013, at 12:00 P.M. in room 348.**
- e. **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. **On October 15, 2012 certified letter sent to appellant requesting status of appeal and to respond in writing by October 29, 2012. As of November 13, 2012 no additional information received. On November 14, 2012 motion was made and seconded to remove for lack of prosecution. All in favor; no abstentions. Motion carried. Remove from agenda.**
- f. **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. On October 16, and 31, 2012 correspondence received from appellant. Hearing was held on November 14, 2012; briefs are to be filed by close of business on Wednesday, December 12, 2012.**
- g. **C-1-10. Correspondence from Mark Sommaruga, Esquire, re complaint request for revocation investigation re Shelton Building Official's license (Elliot Wilson) aka Hearing Pursuant to CGS 29-262(d).** 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 was held on November 7, 2012 and adjourned for 30 days [to December 7, 2012] to allow submission of briefs. Briefs are to be filed by 12:00 Noon on Friday, December 7, 2012. Hearing continuation date needs to be set. Hold on agenda.**

- h. **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 10, 2012 OSFM's investigation is on-going. As of November 13, 2012 no additional information received. Hold on agenda.**
- i. **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 10, 2012, no report**

**from OSFM was received. As of November 13, 2012 no additional information received. Hold on agenda.**

**9. GOOD OF THE ORDER**

John Jackman was acknowledged for his efforts to improve the safety of Connecticut citizens. He was wished well.

Members were told of the passing of Brian O'Connor, Wethersfield Building Official. Brian had a talent for educating property owners so they understood the building code.

Members were concerned that the Legislature may be entertaining proposals and code changes that the Codes and Standards Committee is unaware of:

1. A recent National Public Radio broadcast with Governor Malloy mentioned reviewing Connecticut's building and roofing codes in the wake of the recent hurricane.
2. A Department of Environmental and Energy Protection's (DEEP) proposed suggestion that if there is 50% damage to a structure, then the structure should be rebuilt to the current code. Members questioned, "What constitutes substantial damage?"

Fred Wajcs spoke with Brad Kane, of the Hartford Business Journal, regarding the energy code as it relates to the draft of the Connecticut Comprehensive Energy Plan.

Vote for officers will be held at the December meeting. Anyone interested in serving as Chair, Vice-Chair or Secretary is asked to contact Henry Miga, Chair.

**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 **December 12, 2012 at 1:00 P.M.** in room 348.

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Marjorie Shansky, Secretary