

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

January 9, 2013

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
- Robert Hanbury
- Donald Harwood
- George Iskra
- David McKinley
- Glenn Neilson
- Marjorie Shansky
- Michael Sinsigalli
- Fred Wajcs, Jr.

Also Present:

- Joseph Cassidy, OSBI
- Daniel Tierney, OSBI
- Robert Ross, OSFM
- Joseph Kingston, OSFM
- Joanne Rees, AIA Connecticut
- Jenna Padula, Esquire, DCS Legal

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the December 14, 2012 meeting. All in favor. None opposed. Motion carried.

4. COMMUNICATIONS

- a. **A-21-12. Request for appeal from Walter Milardo re State Fire Marshal's decision re FM-0237-12 re Harpo's Bakery, 908 Main Street, South Glastonbury, CT. On January 8, 2013 additional information received from appellant. Panel consists of Michael Sinsigalli, Panel Chair; Robert Hanbury and George Iskra. Donald Harwood will be the alternate. Hearing was set for Wednesday, February 13, 2013 at 11:00 a.m. in room 348.**
- b. **A-22-12. Request for appeal from Peter Jay Alter re State Fire Marshal's decision re FM-0087-12 re 2928 Main Street, Glastonbury, CT. Panel consists of**

Henry Miga, Panel Chair; Glenn Neilson and Louis Free. Thomas DiBlasi will be the alternate. Hearing was set for Wednesday, March 13, 2013 at 12:00 p.m. in room 348.

- c. **A-1-13. Request for appeal from Bruce Spiewak re Greenwich Fire Marshal's decision re YMCA of Greenwich, 50 Putnam Avenue, Greenwich, CT. Refer to Office of State Fire Marshal.**

5. SUBCOMMITTEE REPORTS

Codes Amendment Subcommittee: (Free)

Louis Free advised that the 2009 IRC and 2009 IECC were signed by Governor Malloy and will be published in the Law Journal. A public hearing may be scheduled once it is published in the Law Journal. A tentative adoption date is October, 2013.

Next meeting will be held on **January 23, 2013**.

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 the process of revocation. A meeting has been set for **Wednesday, February 13, 2013 at 12:00 Noon**.

6. OLD BUSINESS

There was nothing to report.

7. NEW BUSINESS:

a. Staff Report

Robert Ross, OSFM, briefly discussed building and fire code issues arising from the Newtown, Connecticut, shootings and a need for a CFMA "certified" definition for technicians.

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

Don Harwood advised the final report was completed and sent to the Office of State Fire Marshal.

c. Joint Fire Marshal Training Council (Harwood)/Building Code Training Council (Musco) (aka Joint BCTC/FMTC) Don Harwood advised that the next

meeting is set for January 23, 2013.

d. **Report on Bills**

There was no report.

8. APPEAL HEARINGS

- a. **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. ***On January 7, 2013, panel was changed (due to schedule conflict) to Glenn Neilson, Panel Chair; Marjorie Shansky and David McKinley. Andrew Rizzo, Jr. will be the alternate.** Hearing was held on September 12, 2012 and recessed pending possible resolution. 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. **Continuation hearing is set for Wednesday, January 9, 2013, at 12:00 P.M. in room 348. Continuation date set for Wednesday, February 13, 2013 at 12:00 p.m. in room 348. Hold on agenda.**
- b. **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. **On December 12, 2012 briefs were received from appellant. Deliberations were held on January 9, 2013. Decision will be sent out within 90 days [by April 9, 2013]. Hold on agenda.**
- c. **A-17-12. Request for appeal from Andrew Clark re Hartford Building Official's decision re 286 Sargeant Street, Hartford, CT.** Panel consists of Henry Miga, Panel Chair; Christopher Cozzi and William Zoeller. Anthony Bruno will be the alternate. On October 25, 2012 correspondence received from appellant. **Hearing was held on January 9, 2013 and continued to Wednesday, January 23, 2013, at 12:00 p.m. in room 338. Hold on agenda.**
- d. **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

*Donald Harwood, Panel Chair; Fred Wajcs, Jr., and George Iskra. Michael Sinsigalli will be the alternate. *Due to schedule conflict Donald Harwood replaced Michael Sinsigalli as Panel Chair. **Hearing set for December 12, 2012 was postponed; on December 6, 2012 appellant's attorney, Timothy Lee, requested postponement. On December 10, 2012, letter sent to appellant's attorney advising him that hearing could not be set until a copy of decision letter is received. On December 11, 2012, a copy of the Office of State Fire Marshal's closing investigative report was received. Hearing was set for Wednesday, February 13, 2013 at 10:00 a.m. in room 348. On January 18, 2013 the Office of the State Fire Marshal provided a copy of North Haven Fire Marshal's inspection report. Hold on agenda.**

- e. **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 held on January 9, 2013. Decision will be sent out within 90 days [by April 9, 2013]. Hold on agenda.**
- f. **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 held on December 12, 2012. Decision will be sent out within 90 days [by March 12, 2013]. Hold on agenda.**
- 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 were to be filed by 12:00 Noon on Friday, December 7, 2012. Hearing continuation date needs to be set, and should include Assistant Attorney General Matt Beizer and Attorney Roberta Avery. Hearing continuation set for Wednesday March, 13, 2013 at 11:00 a.m. in room 348.**

- 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 January 8, 2013 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. On December 5, 2012 correspondence received from appellant requesting hearing go forward (copy sent to OSFM). Send letter to appellant advising him of status of appeal and that panel is awaiting information from the Office of the State Fire Marshal. On January 8, 2013 letter sent to appellant advising him of status of appeal and that panel is awaiting information from the Office of the State Fire Marshal. Daniel Tierney, Deputy State Building Inspector, will be meeting with the Waterford First Selectman regarding resolution. Hold on agenda.**
- j. **C-2-12. Correspondence from Geoffrey Woods re State Building Inspector's decision re 172 North Cedar Road, Fairfield, CT. Panel consists of Marjorie**

Shansky, Panel Chair; Louis Free and Fred Wajcs, Jr. Christopher Cozzi will be the alternate. A discussion was held. This Committee has no statutory authority regarding this issue. On November 14, 2012 letter sent to appellant stating same. On November 28, 2012 letter sent to appellant. On December 5, 2012 correspondence received from appellant.

On December 12, 2012 appeal panel was set. On December 18, 2012 letter sent to appellant requesting him to complete the *Request for Appeal to Codes and Standards Committee* form and to submit whatever documentation is relevant to his appeal. Hold on agenda.

9. GOOD OF THE ORDER

Andrew Rizzo, Jr. will be on medical leave for 4-6 weeks. Members voices condolences to Don Harwood on the recent loss of two relatives. Members were updated on John Jackman.

A discussion was held regarding ex parte communication and the direct contact by an appellant to the members of an appeal panel (C-2-12). Legal counsel will intervene with appellant.

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 **February 13, 2013 at 1:00 P.M.** in room 348.

David McKinley, Secretary