

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

May 8, 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 M. Bruno
- John Butkus
- Thomas DiBlasi
- Keith Flood
- Louis Free
- Robert Hanbury
- Donald Harwood
- David McKinley
- Glenn Neilson
- Marjorie Shansky
- Michael Sinsigalli
- Carlton Smith
- Fred Wajcs, Jr.
- William Zoeller

Also Present:

- Joseph Cassidy, OSBI
- Joseph Kingston, OSFM
- Chuck Kiessling, SOFM
- Jenna Padula, Esquire, DCS Legal
- David Bebrin, CL&P
- Jeffrey Sargent, NFPA
- Paul Costello, IBEW
- Jack Lyons, NEMA
- 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 April 10, 2013 meeting. All in favor. None opposed. Motion carried.

4. COMMUNICATIONS

- a. **A-21-12. Correspondence from Walter Milardo re State Fire Marshal's decision re FM-0237-12 re Harpo's Bakery, 908 Main Street, South Glastonbury, CT. See Appeal Hearings 8.e. On April 18, 2013, correspondence received from appellant.**
- b. **C-1-12. Correspondence from Robert Ross, OSFM, re complaint request for revocation from Adam McNiece re Waterford Building Official's license (Frank Hoagland III) See Appeal Hearings 8.q.**
- c. **A-4-13. Correspondence from Stephanie McLaughlin, Esquire, re Stamford Fire Marshal's decision re The Stanwich School, 200 Strawberry Hill Avenue, Stamford, CT. See Appeal Section 8.j. On April 23, 13, appellant requested a second postponement.**
- d. **Correspondence from Judson Brown, C.C.I. prison inmate, re plumbing ventilation. Forward to OSBI.**

5. SUBCOMMITTEE REPORTS

a. Codes Amendment Subcommittee: (Free)

Meeting will be held today immediately following the public hearing. Public hearing commentary regarding the *Amendment to the 2005 State Building Code to adopt the 2009 International Residential Code and 2011 NFPA 70 National Electrical Code* will be reviewed.

Next meeting will be held on **May 22, 2013**.

b. Ethics/Procedural Regulations Subcommittee: (Shansky)

This subcommittee met on May 8, 2013 to discuss:

- 1) Procedures of aggrievement;
- 2) Submittal of OSBI/OSFM documents to appeal panel (i.e. Request for Modification form);
- 3) The process of revocation.
- 4) Accepting code proposals on a rolling basis regarding procedural viewpoint;
- 5) Responsibilities of Codes and Standards Committee members (Bill 6524);
- 6) Drafting of Final Decisions by Panel Chair vs. Legal Counsel.

A discussion was held regarding the balance of the existing C&S Committee and the proposal to add 3 trade members, issues of quorum, inefficiencies of size, balance of represented members, time commitment, litigation risk, and commitment as active committee members. The C&S Committee as a whole agreed to send a letter to Department of Construction Services Acting Commissioner DeFronzo advising him of their formal disagreement to add 3 trade positions to the Codes & Standards Committee. Letter to be drafted by Committee Chair. [On May 9, 2013 letter was sent to Acting Commissioner DeFronzo.]

A discussion was held regarding the expectation and participation of legal counsel in Codes and Standards decisions as well as the consistency of written decisions and the risk of litigation to panel members in writing decisions.

Review of the Department of Public Safety's *Rules of Practice* revealed that the *Rules of Practice* did not travel to the newly formed Department of Construction Services. The Department of Construction Services does not have any Rules of Practice.

Next meeting of Ethics/Procedural Regulations Subcommittee will be **Wednesday, August 14, 2013 at 11:30 a.m.**

6. OLD BUSINESS

There was no report.

7. NEW BUSINESS:

a. Staff Report

Joe Cassidy distributed copies of the revised Codes and Standards website to members for their review. There was no report from the Office of the State Fire Marshal or Legal Counsel.

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

There was no report.

c. Joint Fire Marshal Training Council (Harwood)/Building Code Training Council (Musco) (aka Joint BCTC/FMTC) Don Harwood advised that a meeting was held on May 1, 2013.

d. Report on Bills

1. Proposed Bill No. 6524

An Act Concerning the Membership of the Codes and Standards Committee. The bill proposes to add three members, one each representing the electrical, plumbing, and heating and cooling trades. Discussion held under Subcommittee Reports.

8. APPEAL HEARINGS

- a. **A-4-10. Appeal from Steven Edelman re Windham Building Official's decision re 202 Scotland Road, Windham, CT.** On June 21, 2010 a postponement was granted as a result of appellant's request for a stay of the proceedings. On January 24, 2013 correspondence received from appellant. **On January 24, 2013 correspondence received from appellant. On March 21, 2013 referred to legal counsel. As of May 7, 2013 no additional information received. Hold on agenda.**

- b. **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 January 23, 2013. Decision will be sent out within 90 days [by April 23, 2013]. Decision was sent out on May 7, 2013. Remove from agenda.**

- c. **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 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. On February 13, 2013 appellant's attorney requested a second postponement. Timeliness hearing was rescheduled and held on February 27, 2013. On February 27, 2013 referred to the Office of the State Fire Marshal (OSFM) for review. On March 8, 2013 correspondence received from Robert Ross, OSFM. **Hearing was held on April 10, 2013, and continued to Wednesday, May 22, 2013 at 11:00 a.m. in room 348. Hold on agenda.**

- d. **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]. Decision was sent out on May 7, 2013. Remove from agenda.**

- e. **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 held on February 13, 2013. Decision will be sent out within 90 days [by May 13, 2013]. On April 19, 2013 correspondence received from appellant (copy sent to OSFM). Decision was sent out on May 7, 2013. Remove from agenda.**
- f. **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 held on March 13, 2013. Decision will be sent out within 90 days [by June 13, 2013]. Hold on agenda.**
- g. **A-1-13. Request for appeal from Bruce Spiewak re Greenwich Fire Marshal's decision re YMCA of Greenwich, 50 Putnam Avenue, Greenwich, CT. No panel was set. On January 28, 2013 referred to Office of State Fire Marshal for review. On March 20, 2013 appellant requested appeal is put on hold pending possible resolution through modification (copy sent to OSFM). As of May 7, 2013 no additional information received. Hold on agenda.**
- h. **A-2-13. Request for appeal from Gerald Farrell Sr. re State Fire Marshal's decision re FM-0273-12 re Wallingford Center Associates, 373 Center Street, Wallingford, CT. Panel consists of Michael Sinsigalli, Panel Chair; Louis Free and Fred Wajcs, Jr. Marjorie Shansky will be the alternate. On February 27, 2013, letter sent to appellant requesting clarification re whose decision is being appealed (local Fire Marshal or the State Fire Marshal). On March 6, 2013 appellant responded that he is appealing the State Fire Marshal's decision (FM-0273-12 re 373 Center Street, Wallingford). On 3/28/13 correspondence received from appellant requesting postponement until after May. Hearing set for April 10, 2013 was postponed per appellant. Hearing was rescheduled to Wednesday, June 12, 2013 at 11:00 a.m. in room 348. Hold on agenda.**
- i. **A-3-13. Request for appeal from Ryan Hagler re State Fire Marshal's decision re: a) FM-0364-12; b) FM-0367-12; c) FM-0370-12; d) FM-0373-12; e) FM-0376-12; f) FM-0379-12; g) FM-0384-12; h) FM-0386-12; i) FM-0390-12; j) FM-0393-12; k) FM-0396-12; l) FM-0401-12m) FM-0405-12; n) FM-0408-12; o) FM-0411-12; p) FM-0414-12; q) FM-0418-12 re Huntington Woods, 200 Blakeslee Street, Buildings 2 thru 18, Bristol, CT. Panel consists of Michael Sinsigalli, Panel Chair; Donald Harwood and Christopher Cozzi. Louis Free will be the alternate. Hearing set for April 10, 2013 was postponed; on April 8, 2013, appellant's representative (Joseph Versteeg) requested postponement pending possible resolution. On 4/8/13 correspondence received from Ryan Hagler**

- advising that Joseph Versteeg is the contact consultant for this appeal (copy sent to OSFM). As of May 7, 2013 no additional information received. Hold on agenda.
- j. **A-4-13. Request for appeal from Stephanie McLaughlin, Esquire, re Stamford Fire Marshal's decision re 200 Strawberry Hill Avenue, Stamford, CT. No panel was set. On February 26, 2013, appellant requested 30 day extension of time pending possible resolution [after March 28, 2013]. On April 18, 2013, certified letter sent to appellant requesting status of appeal and to respond in writing by May 2, 2013. On April 23, 2013 correspondence received from appellant requesting a second postponement until after June 5, 2013. On 4/24/13 copy of correspondence was forwarded to OSFM. As of May 7, 2013 no additional information received. Hold on agenda.**
- k. **A-5-13. Request for appeal from Michael Dowley, Esquire, re Portland Building Official's decision re 102 Great Hill Pond Road, Portland, CT. Panel consists of Glenn Neilson, Panel Chair; Thomas DiBlasi and Michael Musco. Henry Miga will be the alternate. Hearing set for April 10, 2013 was not held; on April 8, 2013 appellant requested postponement pending possible resolution. As of May 7, 2013 no additional information received. Send status letter.**
- l. **A-6-13. Request for appeal from Joseph Versteeg re Deputy State Building Inspector's decision re M-53-13B re 43 Windsor Avenue, Meriden, CT. Panel consists of Henry Miga, Panel Chair; William Zoeller and Louis Free. Fred Wajcs, Jr. will be the alternate. Hearing was held on April 24, 2013, and continued pending possible resolution. No continuance date was set. As of May 7, 2013 no additional information received. Hold on agenda.**
- m. **A-7-13. Request for appeal from Louis Pittocco, Esquire, re Greenwich Fire Marshal's decision re Buildings 2, 12, 13, and 15 Armstrong Court, Greenwich, CT. On March 22, 2013, referred to the Office of the State Fire Marshal (OSFM). On 3/20/13 supporting documentation received from appellant (copy sent to OSFM). As of May 7, 2013 no additional information received. Hold pending OSFM's report.**
- n. **A-8-13. Request for appeal from Scott Mangiagli re State Building Inspector's decision re M-191-13 re Hospital for Special Care Outpatient Center, 150 Corbin Avenue, New Britain, CT. Panel consists of John Butkus, Panel Chair; Robert Hanbury and Anthony Bruno. Glenn Neilson will be the alternate. On April 8, 2013 supporting documentation received from appellant. As of May 7, 2013 no additional information received. [On May 9, 2013 appellant withdrew appeal.]**

- o. **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 p.m. on December 7, 2012. Hearing continuation date needs to be set, and should include Assistant Attorney General Matt Beizer and Attorney Roberta Avery. **Hearing continuation was held on March, 13, 2013. Decision will be sent out within 90 days [by June 13, 2013]. A discussion was held regarding the precedent of drafting the Findings of Fact by a Panel Chair vs. Legal Counsel. On May 8, 2013 a brief summation of case history and appropriateness of writing legal decisions was held. Panel Chair will follow up with the Attorney General's Office.**

- p. **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. On January 24, 2013 correspondence received from appellant. As of March 13, 2013 OSFM's investigation is on-going. On March 21, 2013, referred to legal counsel. As of May 7, 2013 no additional information received. Hold on agenda.**

- q. **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). **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, met with the Waterford First Selectman regarding resolution. As of March 7, 2013 Daniel Tierney is still working with the First Selectman regarding resolution. On March 11, 2013 telephone call from appellant requesting the hearing definitely go forward and requested a hearing date to be set as soon as possible. As of March 13, 2013, OSFM's investigation is on-going. On April 12, 2013 correspondence received from Robert Ross, Office of the State Fire Marshal. On May 3, 2013 appellant advised he wanted this complaint to go forward. Hold on agenda.**

9. GOOD OF THE ORDER

A discussion was held regarding members' statutory immunity, protection, risk of litigation and the pressing urgency to address the need for qualified immunity. A letter requesting a meeting with Department of Construction Services Acting Commissioner DeFronzo and past Chairs (Butkus, Free, Harwood, Miga, and Shansky) to address this and other pressing matters will be drafted and sent immediately. [On May 9, 2013 letter was sent to Acting Commissioner DeFronzo.]

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 **June 12, 2013 at 1:00 P.M.** in room 348.

David McKinley, Secretary