

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

April 9, 2014

1. The Chair called to order the regular meeting of the State Codes and Standards Committee. The meeting was held in the fifth floor conference room (room 532) at 165 Capitol Avenue, Hartford, Connecticut.

2. **In Attendance:**

- Henry Miga, Chair
- John Butkus
- Paul Costello
- Christopher Cozzi
- Thomas DiBlasi
- Keith Flood
- Louis Free
- Donald Harwood
- George Iskra
- David McKinley
- Michael Musco
- Glenn Neilson
- Michael Nero
- Michael Sinsigalli
- Carlton Smith
- Fred Wajcs, Jr.
- William Zoeller

Also Present:

- Joseph Cassidy, OSBI
- William Abbott, OSFM
- Chuck Kiessling, OSFM
- Joseph Kingston, OSFM
- Jenna Padula, DCS Legal
- Bruce Spiewak, AIA Connecticut

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the March 12, 2014 meeting. All in favor. None opposed. Motion carried.

4. COMMUNICATIONS

- a. **A-16-13. Correspondence from Gregory Grew re appeal from Jeffrey Margolis, Esq., re Stamford Fire Marshal's decision re Dinosaur BBQ, 845 Canal Street, Stamford, CT. C&S Committee Chair will draft letter to Mr. Grew.**
- b. **Correspondence from Sam Francis requesting to give presentation re his 4 code proposals:**
 1. **5-IECC re 2012 IECC, Section R402.4.1.2 re exception for multifamily/multiple dwelling units**
 2. **6-IECC re 2012 IECC, Table R402.1.3 re Equivalent U-Factors**
 3. **7-IECC re 2012 IECC, section R405.5.2(1) re restores so-called trade-offs to the IECC from previous code cycle**
 4. **8-IECC re 2012 IECC, section R405.5.2(1) re return to a 15% fenestration condition for the standard building****Forward to Codes Amendment Subcommittee.**
- c. **A-2-14. Request for appeal from Valentino Ferraro re State Fire Marshal's decision re A) FM-0038-14 re 782 Broad Street, Meriden, CT and B) FM-0039-14 re 782 Broad Street, Meriden, CT. Panel consists of Keith Flood, Panel Chair; Carlton Smith and Paul Costello. Fred Wajcs, Jr. will be the alternate. Hearing was set for Wednesday, June 11, 2014, at 10:00 a.m. and will be held in room G38, 165 Capitol Avenue, Hartford, CT.**
- d. **A-3-14. Request for appeal from John Dischinger re Deputy State Building Inspector's decision re M-255-14A re 20 Driftway Point Road, Danbury, CT. Panel consists of Glenn Neilson, Panel Chair; Louis Free, and Henry Miga. William Zoeller will be the alternate. Hearing was set for Wednesday, June 11, 2014, at 11:00 a.m. in room G38, 165 Capitol Avenue, Hartford, CT.**
- e. **A-17-13. Correspondence from Kimball Hunt, Esq., re Stonington Building Official's decision re 35 East Shore Road, Latimer Point, Stonington, CT. See section Appeal Hearings 8.f. On April 8, 2014, appellant withdrew appeal. Remove from agenda.**

5. SUBCOMMITTEE REPORTS

a. Codes Amendment Subcommittee: (Free)

This subcommittee met on March 12, 2014 and reviewed code change proposals. The next meeting will be held on April 9, 2014.

b. Ethics/Procedural Regulations Subcommittee: (Shansky) This subcommittee met on April 9, 2014. Tom DiBlasi reported on decisions made

- 1) Legal Council will write final decisions—not appeal panels
- 2) code proposals will be accepted on a rolling basis.

6. OLD BUSINESS

There was nothing to report.

7. NEW BUSINESS:

a. Staff Report

There was no report from the Office of the State Building Inspector or the Office of the State Fire Marshal.

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) There was no report.

d. Report on Bills Brief discussion was held regarding:

1. SB 352 This bill is dead.
2. SB 357 The stretch code language was removed.
3. SB 5150 This bill is moving forward.
4. SB 5505 Chief State's Attorney is checking into the feasibility of doing a property maintenance code.

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. Hold on agenda.**

b. 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. On May 13, 2013 certified letter sent to appellant requesting status of appeal and to respond in writing by May 28, 2013. On May 22, 2013 correspondence received from appellant advising they are continuing to work toward resolution and requested appeal be continued. On 9/18/13 certified letter sent to appellant requesting status of appeal and to reply in writing by 10/2/13. **On 9/25/13 correspondence received from appellant requesting continued postponement pending resolution. Send status letter with statement re lack of prosecution. On December 16, 2013 certified letter sent to appellant requesting status of appeal and to respond in writing by December 30, 2013. On December 30, 2013 correspondence received from appellant advising appeal will be withdrawn once the Zoning Board of Appeals appeal period expires. On 2/13/14 hold on agenda per D. Tierney.**

Discussion was held regarding Zoning Board of Appeals' appeal expiration. Motion was made to remove for lack of prosecution. Motion was seconded. All in favor. No discussion. No abstentions. Motion carried. Remove from agenda.

- c. **A-12-13. Request for appeal from Robert Akuoko re Windsor Locks Building Official's decision re 6 Jubrey Lane, Windsor Locks, CT.** Panel consists of William Zoeller, Panel Chair; Carlton Smith and Robert Hanbury. John Butkus will be the alternate. On August 5, 2013 correspondence received from James Plumridge (appellee) requesting hearing date be held after September 16, 2013. On September 10, 2013 documents received from James Plumridge. On 9/18/13 correspondence received from James Plumridge. Hearing set for September 25, 2013 was postponed per Scott Storms, appellee's attorney. On 10/22/13 correspondence received from appellant. Hearing was held on December 11, 2013. **Decision will be sent out within 90 days [by March 11, 2014]. Decision was sent out on April 9, 2014. Remove from agenda.**
- d. **A-14-13. Request for appeal from Sander Marku re Deputy State Building Inspector and Office of Protection and Advocacy's decision re L-16-13 re Fox Glove, 179 Flanders Road, Niantic, CT.** Panel consists of David McKinley, Panel Chair; Fred Wajcs, Jr. and Henry Miga. George Iskra will be the alternate. **Hearing was held on November 13, 2013 and recessed pending possible resolution. On December 16, 2013 certified letter sent to appellant requesting status of appeal and to respond in writing by December 30, 2013. On January 2, 2014 correspondence received from appellant advising he wishes to pursue the appeal. Hearing set for February 13, 2014 was postponed due to weather. Hearing date was held on April 9, 2014. Decision will be sent out within 90 days [by July 9, 2014].**

- e. **A-15-13. Request for appeal from Bernard Steadman, Esq., re Mystic Fire Marshal's decision re 41 East Main Street, Mystic, CT.** Panel consists of Glenn Neilson, Panel Chair; Donald Harwood and Keith Flood. Louis Free will be the alternate. On 9/12/13 forwarded to OSFM for review. On 9/13/13 additional information received from appellant. On 10/7/13 received the Office of the State Fire Marshal's report dated 9/12/13. **Hearing set for December 11, 2013 was not held; on 11/14/13 appellant requested postponement until after February 15, 2014. Hearing was set for Wednesday, May 14, 2014 at 10:00 a.m. in room G38, 165 Capitol Avenue, Hartford, CT. Hold on agenda.**

- f. **A-17-13. Request for appeal from ~~Nathan Favreau~~ Kimball Hunt, Esq. re Stonington Building Official's decision re 35 East Shore Road, Latimer Point, Stonington, CT.** Panel consists of Marjorie Shansky, Panel Chair; Louis Free and Glenn Neilson. Thomas DiBlasi will be the alternate. Hearing set for December 11, 2013 was not held; on 12/5/13 Attorney Hunt, appellant, requested postponement pending possible resolution. **On March 25, 2014 certified letter sent to appellant requesting status of appeal and to respond in writing by April 7, 2014. On April 8, 2014 appellant withdrew appeal. Remove from agenda.**

- g. **A-18-13. Request for appeal from Bruce Spiewak re State Fire Marshal's decision re 44 modification decisions re 1, 2, 3, 4, 5, 20, 21, 22, 23, 24, 25, 26, & 27 Amato Drive, South Windsor, CT.** Michael Musco is recused. Panel consists of Michael Sinsigalli, Panel Chair; Donald Harwood and George Iskra. Michael Nero will be the alternate. See file for list of the 44 denial decisions. Hearing set for January 8, 2014 was postponed at the December 3, 2013 request of Walter Summers, South Windsor Fire Marshal. **Hearing was rescheduled and was held on March 12, 2014. Decision will be sent out within 90 days [by June 12, 2014]. Hold on agenda.**

- h. **A-19-13. Request for appeal from Jeffrey Reiner re West Hartford Fire Marshal's decision re 25 Stanley Street, West Hartford, CT.** Michael Sinsigalli is recused. Panel consists of Marjorie Shansky, Panel Chair; Keith Flood and Carlton Smith. Christopher Cozzi will be the alternate. Hearing to address timeliness and aggrieved party issues set for March 12, 2014 was postponed; on 2/21/14 appellant requested postponement. **Aggrievement and timeliness hearing was rescheduled to April 9, 2014 at 11:00 a.m.; on 3/3/14 appellant requested second postponement. Aggrievement and timeliness hearing was rescheduled to May 14, 2014 at 11:00 a.m. and will be held in room G38, in Hartford. Appeal hearing may immediately follow. Hold on agenda.**

- i. **A-20-13. Request for appeal from Louis Pittocco, Esquire, re Greenwich Fire Marshal's decision re Quarry Knoll, 0 Quarry Knoll, Greenwich, CT.** On February 3, 2014 forwarded to the Office of the State Fire Marshal for review. **On 2/26/14 OSFM's investigative report received. Hearing was held on April 9, 2014. Decision will be sent out within 90 days [by July 9, 2014]. Hold on agenda.**

- j. **A-1-14. Request for appeal from Thomas Gribbin re State Fire Marshal's decision re FM-0360-13 re Mystic and Noank Library, 20 Library Street, Mystic, CT.** Panel consists of Michael Sinsigalli, Panel Chair; Louis Free and Fred Wajcs, Jr. Marjorie Shansky will be the alternate. On 1/28/14 correspondence received from Daniel Forrest, Dept. Economic & Community Development. **Hearing was held on April 9, 2014. Decision will be sent out within 90 days [by July 9, 2014]. 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) 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. On August 14, 2013 and December 11, 2013, Panel Chair advised he will follow up with the Attorney General's Office. Legal Council has prepared decision and it will be sent out. Panel Chair commented on the duration of this appeal. Remove from agenda.**

1. **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. 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. 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. As of June 12, 2013 awaiting OSFM's report. On 9/13/13 report

received from William Abbott, Office of the State Fire Marshal. On 10/9/13 a discussion was held; Legal Council will research and give procedural guidance.

Motion was made and seconded to have Committee as a whole vote to discharge. A discussion followed regarding the need to have a process in place before voting. Motion was made and seconded to withdraw the motion on the table. Motion carried. Refer issue to Ethics/Procedural Regulation Subcommittee and Legal Counsel for review via letter but do not send the file documents. On November 14, 2013 correspondence received from appellant. On December 3, 2013 referred to the Ethics/Procedural Regulation Subcommittee for review. On December 3, 2013 referred to the Ethics/Procedural Regulation Subcommittee for review. On January 8, 2014 decision was made to have C&S Chair (Henry Miga) send a letter to Mr. Hoagland explaining his right to explain how he either has or will comply or respond to the allegation of not enforcing the Connecticut Building Code.

Discussion was held re to send letter to Mr. Hoagland explaining his right to explain how he either has or will comply or respond to the allegation of not enforcing the Connecticut Building Code. Based on conversations with Legal Counsel and after receiving a report from the investigation of the State Fire Marshal's Office concluding that there was no evidence that Mr. Hoagland did not uphold the State Building Code and regulations, motion was made and seconded that the Chair send the complainant a letter stating that his request will be denied for lack of basis based upon the findings of the investigation. Chair and Legal Counsel concur with motion. No further discussion. All in favor. None opposed. No abstentions. Motion carried. Hold on agenda.

9. GOOD OF THE ORDER

A discussion was held regarding parking at 165 Capitol Avenue.

Anyone interested in serving on the Ethics\Procedural Regulations Subcommittee and/or the Codes Amendment Subcommittee should notify Henry Miga.

On May 14, 2014, DAS staff will take photos & process new DAS badges for C&S members. Joseph Cassidy collected the old DESPP badges from C&S members.

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 May 14, 2014 and will be held in conference room (G38), at 165 Capitol Avenue, Hartford, Connecticut. Room G38 has been reserved for the rest of the year.

David McKinley, Secretary