

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

May 14, 2014

1. The Chair called to order the regular meeting of the State Codes and Standards Committee. The meeting was held in the conference room (G38) at 165 Capitol Avenue, Hartford, Connecticut.

2. **In Attendance:**

- Henry Miga, Chair
- Anthony M. Bruno
- John Butkus
- Christopher Cozzi
- Thomas DiBlasi
- Keith Flood
- Louis Free
- Robert Hanbury
- Donald Harwood
- George Iskra
- David McKinley
- Michael Musco
- Glenn Neilson
- Michael Nero
- Eric Shutt
- Carlton Smith
- Fred Wajcs, Jr.
- William Zoeller

Also Present:

- Joseph Cassidy, OSBI
- William Abbott, OSFM
- Kevin Kopetz, DAS 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 April 9, 2014 meeting. All in favor. None opposed. Motion carried.

4. COMMUNICATIONS

- a. **A-4-14. Request for appeal from Rudra Tamm re Deputy State Building Inspector's decision re M-353-14 re 24 West Street, Stafford Springs, CT. Panel consists of Henry Miga, Panel Chair; Louis Free and Fred Wajcs, Jr. George Iskra will be the alternate. Hearing was set for Wednesday, June 11, 2014 at 12:00 in room G38.**
- b. **001-FSC. Correspondence from Michael Sinsigalli re code proposal re Connecticut Fire Safety Code. Forward to Codes Amendment Subcommittee.**
- c. **A-14-13. Correspondence from Tony Sheridan re appeal from Sander Marku re Deputy State Building Inspector's decision re L-16-13 re Fox Glove, 179 Flanders Road, Niantic, CT. See Section Appeal Hearings 8.c. On 5/9/14 request to reopen hearing. Forward to David McKinley, Panel Chair, to send follow up letter to appellant.**
- d. **A-15-13. Correspondence from Jason Cerniglia re appeal from Bernard Steadman, Esq., re Mystic Fire Marshal's decision re 41 East Main Street, Mystic, CT. See Section Appeal Hearings 8.d. On 5/9/14 appellant requested 30 day postponement.**

5. SUBCOMMITTEE REPORTS

a. Codes Amendment Subcommittee: (Free)

This subcommittee met on April 9, 2014 and will meet today to continue Residential Code review. The next meeting will be held on June 11, 2014.

b. Ethics/Procedural Regulations Subcommittee: (Shansky) There was no report.

6. OLD BUSINESS

Bill Abbott, OSFM, discussed the draft document of the Fire Prevention Code and hoped it would be ready soon and posted on OSFM's website. Discussion was held to have the draft document forwarded to the Codes Amendment Subcommittee members once it is available.

7. NEW BUSINESS:

a. Staff Report

Joe Cassidy advised that the Office of the State Fire Marshal, Bureau of Elevators and Bureau of Boilers have relocated to 165 Capitol Avenue in Hartford.

- 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 5150 passed re AN ACT CONCERNING FIRE SAFETY ENFORCEMENT OFFICIALS. To require the State Fire Marshal and the Fire Marshal Training Council to (1) certify certain fire safety officials, (2) establish experience requirements for these officials, and (3) recognize training programs offered by private institutions.

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. Send status letter. Hold on agenda.**
- b. **A-28-11. Appeal from Steven Edelman re Acting State Building Inspector's decision re 29-252(d) re Town of Windham Building permit application re 202 Scotland Road, Windham, CT.** John Butkus, Louis Free, Robert Hanbury, Donald Harwood, Michael Musco, Glenn Neilson and Marjorie Shansky are recused. **Panel consists of Henry Miga, Panel Chair; Anthony Bruno and George Iskra. David McKinley will be the alternate. Panel will review 29-252(d) as it applies to this appeal. If panel determines aggrievement, then appeal hearing may immediately follow to consider the merits of this appeal. Hearing set for Monday, June 16, 2014, at 10:00 in room G38.**
- c. **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. Decision to be sent out within 90 days [by July 9, 2014]. Send letter stating appeal has been closed for lack of prosecution. 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 was held on April 9, 2014. Decision will be sent out within 90 days [by July 9, 2014]. On May 9, 2014, Tony Sheridan, appellant's representative, requested that the hearing be reopened. Send follow up letter to appellant requesting clarification to reopen hearing.**
- 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 set for May 14, 2014 in room G38, was cancelled. On 5/9/14 Jason Cerniglia, appellant & owner, advised he terminated Attorney Steadman and requested a 30 day postponement pending possible resolution. Hold on agenda.**
- f. **A-16-13. Request for appeal from Jeffrey Margolis re Stamford Fire Marshal's decision re Dinosaur BBQ, 845 Canal Street, Stamford, CT.** Panel consists of Keith Flood, Panel Chair; Fred Wajcs, Jr. and Michael Nero. Michael Sinsigalli will be the alternate. On 10/10/13 referred to Office of the State Fire Marshal (OSFM) for review. On 12/9/13 OSFM's report was received. **Hearing was held on January 8, 2014. Decision will be sent out within 90 days [by April 8, 2014].**

Decision was sent out on February 7, 2014. On 2/13/14 letter from Greg Grew requesting appeal be reopened. On 4/9/14 discussion was held; Chair (Henry Miga) will send closing letter to Greg Grew. Hold on 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 Keith Flood, Panel Chair; Glenn Neilson 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; on 3/3/14 appellant requested second postponement. Aggrievement and timeliness hearing was rescheduled to May 14, 2014 in room G38, in Hartford. Appeal hearing may immediately follow. Decision will be sent out within 90 days [by August 14, 2014]. 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. **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. Hold on agenda.**
- l. **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. Hold on agenda.**
- m. **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.**

On 5/14/14 hearing panel was set. Hearing panel consists of Fred Wajcs, Jr., Panel Chair; Carlton Smith and Keith Flood. Thomas DiBlasi will be the alternate. As of 5/14/14 awaiting OSFM's report. Hold on agenda.

- n. **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. Remove from agenda.**

9. GOOD OF THE ORDER

Joe Cassidy was thanked for his assistance in arranging parking for C&S members. A discussion was held regarding the status of Donald Schultz. He retired as the Windham Building Official but has not retired his Building Official license.

The Committee entertained commentary from a member of the public, Rocco, an electrician, regarding his preference for the NEC rather than the 2014 Code. He was advised to complete a Code Proposal Form and submit it to the Codes Amendment Subcommittee for consideration.

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 11, 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