

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

August 13, 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
- Paul Costello
- Thomas DiBlasi
- Keith Flood
- Louis Free
- George Iskra
- David McKinley
- Michael Musco
- Glenn Neilson
- Eric Shutt
- Michael Sinsigalli
- Carlton Smith
- Fred Wajcs, Jr.
- William Zoeller

Also Present:

- Daniel Tierney, OSBI
- Joseph Kingston, OSFM
- Jenna Padula, DAS Legal
- John Natale, DEEP
- David Kalafa, DEEP
- Daniel Veta, DEEP
- Timothy Baldwin, DDS
- Jeff Sargent, NFPA

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the June 11, 2014 meeting. All in favor. None opposed. Motion carried.

4. COMMUNICATIONS

- a. **A-28-11. Correspondence 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. See Section Appeal Hearings 8.b. On 6/11/14 appellant requested postponement.**
- b. **A-4-10. Correspondence from Steven Edelman re Windham Building Official's decision re 202 Scotland Road, Windham, CT. See Section Appeal Hearings 8.a. On 6/12/14 appellant advised that he wished to pursue the appeal.**
- c. **A-6-14. Request for appeal from Brian Smith, Esq., re Deputy State Building Inspector and Office of Protection and Advocacy's decision re St. Vincent DePaul Place (aka St. Joseph School) re W-43-12RRRR re Clairmont Ave., Norwich, CT. Panel consists of John Butkus, Panel Chair; Fred Wajcs, Jr. and David McKinley. Louis Free will be the alternate. Hearing was set for Tuesday, September 16, 2014 at 11:00 a.m. in room G38.**
- d. **A-14-13. Correspondence from Paul Geraghty, Esq. re Appeal from Paul Geraghty, Esq., re Deputy State Building Inspector and Office of Protection & Advocacy's decision re L-16-13 re Fox Glove, 179 Flanders Road, Niantic, CT. Hold on agenda.**
- e. **A-5-14. Correspondence from Gerard Altieri re appeal from Gerard Altieri re Waterbury Fire Marshal's decision re 14-05-19 re 233 River Street, Waterbury, CT. See Section Appeal Hearings 8.k. Hold on agenda.**
- f. **A-7-14. Request for appeal from Joe Polizzotti, Jr. re Deputy State Building Inspector and Office of Protection & Advocacy's decision re W-31-14 re Brookside Shopping Center, 4555 Main Street, Bridgeport, CT. On 8/6/14 correspondence received from appellant. Panel consists of Glenn Neilson, Panel Chair; Louis Free and Carlton Smith. David McKinley will be the alternate. Hearing was set for Wednesday, September 10, 2014 at 10:00 a.m. in room G38.**
- g. **A-8-14. Request for appeal from Joe Asklar re State Building Inspector's decision re 350/356 North Main Street, Marlborough, CT. Panel consists of Henry Miga, Panel Chair; William Zoeller and George Iskra. Thomas DiBlasi will be the alternate. Hearing was set for Wednesday, September 10, 2014 at 11:00 in room G38.**
- h. **A-15-13. Correspondence from Jason Cerniglia re appeal from Jason Cerniglia re Mystic Fire Marshal's decision re 41 East Main Street, Mystic, CT. See Section Appeal Hearings 8.d. On 7/18/14 appellant withdrew appeal. Remove from agenda.**

- i. **A-5-14. Correspondence from Chuck Kiessling, Office of the State Fire Marshal (OSFM), re appeal from Gerard Altieri re Waterbury Fire Marshal's decision re 14-05-19 re 233 River Street, Waterbury, CT. See Section Appeal Hearings 8.k.**

5. SUBCOMMITTEE REPORTS

a. Codes Amendment Subcommittee: (Free)

This subcommittee met on June 11 & 25, and July 9, 2014 and will meet today to continue code review. The next meeting will be held on September 10, 2014.

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

6. OLD BUSINESS

There was no report.

7. NEW BUSINESS:

a. Staff Report

OSFM reported that the Fire Prevention Code was sent to the Governor's Office for review.

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

There was no report.

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. On 6/3/14 certified letter sent to appellant requesting status of appeal and to respond in writing by 6/17/14. On 6/12/14 correspondence received from appellant advising he wished to pursue this appeal. 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 June 16, 2014, was not held; on 6/12/14 appellant requested postponement. Hold on agenda.**
- c. **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]. Decision was sent out on August 11, 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. Hold on agenda.

- d. **A-15-13. Request for appeal from ~~Bernard Steadman, Esq.~~, Jason Cerniglia 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. On 6/17/14 certified letter sent to Jason Cerniglia, appellant, requesting status of appeal and to respond in writing by July 1, 2014. On 7/18/14 appellant withdrew appeal. Remove from agenda.**

- e. **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. Motion was made and seconded to close this hearing. All in favor. Motion carried. Remove from agenda.**

- f. **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]. Decision was sent out on August 11, 2014. Remove from agenda.**

- g. **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. As of 5/14/14 appeal panel is awaiting commentary from legal advisor re timeliness of appeal before rendering their decision. Hold on agenda.**

- h. **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]. Decision was sent out on August 11, 2014. Remove from agenda.**

- i. **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.**
- j. **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 held on June 11, 2014. Decision will be sent out within 90 days [by September 11, 2014]. Hold on agenda.**
- k. **A-5-14. Request for appeal from Gerard Altieri re Waterbury Fire Marshal's decision re 14-05-19 re 233 River Street, Waterbury, CT.** Send letter to appellant requesting clarification on what he is appealing. On 6/20/14 forwarded to Office of State Fire Marshal (OSFM) for appropriate action. On 6/20/14 additional information received from appellant. On 8/12/14 Initial Report received from Office of the State Fire Marshal, Chuck Kiessling. **Hold on agenda.**
- l. **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.

9. GOOD OF THE ORDER

The next Codes and Standards Committee meeting is set for **September 10, 2014** and will be held in conference room (G38), at 165 Capitol Avenue, Hartford, Connecticut.

David McKinley, Secretary