

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

November 12, 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
John Butkus
Paul Costello
Christopher Cozzi
Thomas DiBlasi
Louis Free
Robert Hanbury
Donald Harwood
George Iskra
David McKinley
Michael Musco
Michael Nero
Eric Shutt
Michael Sinsigalli
Carlton Smith
Fred Wajcs, Jr.

Also Present:

Joseph Cassidy, DCS
William Abbott, OSFM
Jenna Padula, DAS Legal
Bruce Spiewak, AIA CT
Don Vigneau, NEEP

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the October 8, 2014 meeting. All in favor. None opposed. Motion carried.

4. COMMUNICATIONS

a. **A-6-14. Correspondence re 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. See section Appeal Hearings 8.e. on 10/17/14 appellant withdrew appeal.**

- b. **A-11-14. Request for appeal from Harry Narine re Waterbury Fire Marshal's decision re 269 Wilson Street, Waterbury, CT. Forward to the Office of the State Fire Marshal (OSFM) for review.**
- c. **A-19-13. Correspondence from Michael Sinsigalli re appeal of Jeffrey Reiner re West Hartford Fire Marshal's decision re 25 Stanley Street, West Hartford, CT. See section Appeal Hearings 8.c. On 11/7/14 Michael Sinsigalli, appellee, requested appeal be acted on. Hearing was set for Monday, December 22, 2014 at 1:00 p.m. and in room G38.**
- d. **A-28-11. Correspondence from Steven Edelman re 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. See section Appeal Hearings 8.b. On 11/10/14 appellant requested postponement.**
- e. **A-4-10. Correspondence from Steven Edelman re appeal from Steven Edelman re Windham Building Official's decision re 202 Scotland Road, Windham, CT. See section Appeal Hearings 8.a. On 11/10/14 appellant requested postponement.**
- f. **C-1-11. Correspondence from Steven Edelman re complaint request for revocation from Steven Edelman re Windham Building Official (Donald Schultz). See section Appeal Hearings 8.h. On 11/10/14 appellant requested status.**

Motion to add item "g" to agenda.

- g. **Correspondence from Marjorie Shansky, Esquire, resigning from the Codes and Standards Committee (Public Member position) effective 11/12/14. She served for 24 years, holding multiple positions, chairing subcommittees and hearings. Her invaluable legal background, willingness to serve, wisdom and wit will be missed.**

5. SUBCOMMITTEE REPORTS

a. Codes Amendment Subcommittee: (Free)

This subcommittee met on November 12, 2014. The next meeting will be held on December 10, 2014.

- b. Ethics/Procedural Regulations Subcommittee: There was no report.**

6. OLD BUSINESS

There was no report.

7. NEW BUSINESS:

a. Staff Report

The Office of the State Fire Marshal advised that they should have a response to Mr. Edelman in the near future.

b. Fire Prevention Code Advisory Committee (Harwood)

Bill Abbott, OSFM, reported the document is with the Secretary of State's Office and is scheduled for a **public hearing on December 3, 2014, 10:00-12:00**, in room G32 165 Capitol Ave., Hartford. Additional information is posted on the Secretary of State's website:

http://www.sots.ct.gov/sots/lib/sots/regulations/notices_of_intent/noi_2014_1104_01.pdf.

c. Joint Fire Marshal Training Council (Harwood)/Building Code Training Council (Musco) (aka Joint BCTC/FMTC) The next meeting is set for November 18, 2014.

d. Report on Bills

There was no report.

A discussion was held regarding the code adoption cycle and timeliness of the adoption process. Motion was made and seconded to purchase a copy of the ICC code changes, take a look at them, and still move forward with 2012. No discussion. All in favor, no abstentions. Motion carried.

Discussion regarding the 2012 Code, curriculum currently being taught, and expediting a change from the 2012 to the 2015 Code. Connecticut is currently on the 2003 while the majority of the country is on the 2009 or 2012 code.

A discussion was held regarding the adoption process and the need to streamline the code process. Possible makeup of the group could include OSBI, OSFM, OPA, 2 C&S members representing Fire and Building. Motion was made and seconded that, upon completion of the current code, a multi-disciplinary subcommittee be created to address the code adoption process and streamline it. A discussion followed. ICC has software changes that compares code changes by year, substance and code section. Motion clarification that motion is how to stop all the amendments and all the changes, not what to purchase from ICC. No further discussion. All in favor; one opposed (Fred Wajcs). Motion carried.

8. APPEAL HEARINGS

- a. **A-34-04. Appeal of Steven Edelman re State Building Inspector's decision re 9/1/04 State Building Inspector's decision under 29-252(d) CGS. Appellant contacted DCS Legal Counsel and requested this appeal be re-opened. Hold on agenda.**
- b. **A-4-10. Appeal from Steven Edelman re Windham Building Official's decision re 202 Scotland Road, Windham, CT. John Butkus, Louis Free, Robert Hanbury, Donald Harwood, Michael Musco, Glenn Neilson and Marjorie Shansky are recused. 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. Panel consists of Michael Sinsigalli, Panel Chair; George Iskra and William Zoeller. Hearing set for November 12, 2014 was not held; on 11/10/14 appellant requested postponement. Hold on agenda.**
- c. **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. Aggrievement hearing set for November 12, 2014 was not held; on 11/10/14 appellant requested postponement. Hold on agenda.**
- d. **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. On 11/7/14 correspondence from Michael Sinsigalli requesting action be taken on this appeal. Aggrievement and timeliness hearing**

was set for Monday, December 22, 2014 at 1:00 in G38.

- e. **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. On 10/6/14 certified letter sent to appellant requesting status of appeal and to respond in writing by October 21, 2014. As of 11/10/14 no correspondence received. Motion was made and seconded to dismiss for lack of prosecution. All in favor. No abstentions. Motion carried.**
- f. **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 set for September 16, 2014 was postponed per appellant. On 9/11/14 correspondence received from appellant requesting 30 day postponement. On 10/17/14 appellant withdrew appeal. Remove from agenda.**
- 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. On 9/2/14 correspondence received from appellant requesting postponement; Lawrence Stannard, Marlborough Building Official, granted appellant a 30 day extension (until 10/8/14). Hearing was held on November 12, 2014. Decision will be sent out within 90 days [by February 12, 2015.] Hold on agenda.**
- h. **A-10-14. Request for appeal from Bruce Spiewak re State Fire Marshal's decision re FM-0263-14 re Sandy Hook School, Building 2, 12 Dickinson Drive, Newtown, CT.** On 10/8/14 appellant requested appeal be tabled until the November meeting. No panel was set. Hold on agenda.
- i. **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. On 11/10/14 correspondence from appellant requesting status of complaint. Send letter to appellant advising OSFM anticipates completion of their report for the next meeting. Hold on agenda.

A discussion regarding Mr. Edelman's appeals and issues requiring review was held. If those issues are directly related to similar issues, C&S can address those even though separate numbers were assigned to them within the same hearing panel.

9. GOOD OF THE ORDER

Vote for Codes and Standards officer positions will occur in December. Please contact Henry Miga if you might be interested in serving as Chair, Vice-Chair or Secretary.

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

David McKinley, Secretary