

**STATE CODES AND STANDARDS COMMITTEE
MINUTES**

April 11, 2012

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 Bruno
- John Butkus
- Christopher Cozzi
- Thomas DiBlasi
- Louis Free
- Robert Hanbury
- Donald Harwood
- George Iskra
- John Jackman
- David McKinley
- Michael Musco
- Glenn Neilson
- Andrew Rizzo, Jr.
- Michael Sinsigalli
- William Zoeller

Also Present:

- Daniel Tierney, OSBI
- John Dembishack, OSFM
- Roberta Avery, Esquire, DCS
- David Bebrin, CL&P
- Bruce Spiewak

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the March 14, 2012 meeting. All in favor. None opposed. Motion carried.

4. COMMUNICATIONS

- a. **A-5-12. Request for appeal from Christian DeCarlo re State Fire Marshal's decision re FM-0262-11 re 170 Broadway, Norwich, CT. Panel consists of Marjorie Shansky, Panel Chair; George Iskra and Michael Musco. John Jackman will be the alternate. Hearing set for Wednesday, May 9, 2012 at 9:00 a.m. in room 348.**
- b. **A-4-12. Correspondence from Cary Lennon, Chairman, Naugatuck Municipal Building Code Board of Appeals and Bill Herzman, Naugatuck Building Official**

re request for appeal from William Ward, Esquire re Naugatuck Municipal Building Board Code of Appeals decision re 1210 New Haven Road, Naugatuck, CT. See Appeal Hearings 8.d. On April 9, 2012 appellant requested postponement.

- c. **A-27-11.** Correspondence from Doug Golden re request for appeal from Doug Golden c/o Bruce Spiewak re State Fire Marshal's decision re FM-0264-11 re Winchester Arms-High One, buildings 29 and 30, 275 Winchester Avenue, New Haven, CT. See Appeal Hearings 8.a.
- d. Correspondence from Richard Connell, President, AIA CT, re adoption of the State Fire and Building Codes. Correspondence supports adoption of the model codes with limited modifications. Refer to Codes Amendment Subcommittee.
- e. **A-6-12.** Request for appeal from Andrea Domingues re Deputy State Building Inspector's decision re M-161-12 re Rio Grill & Bar, 54 Pratt Street, Hartford, CT. Panel consists of John Jackman, Panel Chair; George Iskra and John Butkus. Glenn Neilson will be the alternate. Hearing was set for Wednesday, May 9, 2012 at 10:00 a.m. in room 348.
- f. **A-7-12.** Request for appeal from Steven Katz, Esquire, re Deputy State Building Inspector's decision re M-167-12 (B) re Generation Y, 60 LaSalle Road, West Hartford, CT. Henry Miga and Michael Sinsigalli are recused. Panel consists of John Jackman, Panel Chair; Louis Free and William Zoeller. Andrew Rizzo, Jr. will be the alternate. See Communications, item 4.g. below. Related appeal A-8-12 (fire code appeal). This hearing will be heard concurrently with A-8-12. Hearing was set for Tuesday, May 15, 2012 at 1:00 pm in room 348.
- g. **A-8-12.** Request for appeal from Steven Katz, Esquire, re State Fire Marshal's decision re FM-0055-12 re Generation Y, 60 LaSalle Road, West Hartford, CT. Henry Miga and Michael Sinsigalli are recused. Panel consists of John Jackman, Panel Chair; Louis Free and William Zoeller. Andrew Rizzo, Jr. will be the alternate. See Communications, item 4.f. above. Related appeal A-7-12 (building code appeal). This hearing will be heard concurrently with A-7-12. Hearing was set for Tuesday, May 15, 2012 at 1:00 pm in room 348.
- h. Correspondence from Karen Cohn re pool drain safety protection. Forward to the Codes Amendment Subcommittee and Daniel Tierney, Office of the State Building Inspector.

- i. **C-1-11. Correspondence from Steven Edelman re CGS 29-266(c), CGS 29-252(d), 29-262(d), November 15, 2011 Committee letter. See Appeal Hearings 8.f.**
- j. **Correspondence from Faith Gavin Kuhn, Associated Builders and Contractors, Inc.-CT Chapter re adoption of the State Fire and Building Codes. Refer to Codes Amendment Subcommittee.**
- k. **Correspondence from Faith Gavin Kuhn, Utility Contractors Association of CT re adoption of the State Fire and Building Codes. Refer to Codes Amendment Subcommittee.**
- l. **C-1-12. Complaint request for revocation from Adam McNiece re Waterford Building Official's license (Frank Hoagland III). No panel was set. Forward to Legal Counsel for review and send letter to appellant advising same. Hold on agenda.**

5. SUBCOMMITTEE REPORTS

Codes Amendment Subcommittee: (Free) Meetings were held on March 14 and 28, 2012. Next meeting is set for today immediately following the Codes and Standards monthly meeting. It is hoped that the draft International Residential Code document will be completed by May, 2012.

The next meeting is set for March 28, 2012 at 1:00 p.m.

Ethics/Procedural Regulations Subcommittee: (Shansky)

On November 9, 2011 correspondence from Joseph Cassidy, P.E., Acting State Building Inspector, (re State Building Inspector v. Codes and Standards Committee re Docket No. HHB-CV10-6007512 advised it was withdrawn) was referred to this subcommittee to review the underlying issues of: 1) level of safety re suction entrapment in a swimming pool and 2) the standard of review for a code modification appeal.

The Subcommittee met on January 11, 2012 and discussed the above issues. **A memorandum to the full committee will be forthcoming regarding clarification. Their position is unchanged. Hold on agenda.**

6. OLD BUSINESS

There was no report.

7. NEW BUSINESS:

a. Staff Report

Dan Tierney, OSBI, reported that work is continuing on the draft document for review at the next Codes and Standards meeting. Office of State Fire Marshal and Legal Counsel had no report.

b. Fire Prevention Code Advisory Committee (Harwood/Shansky/Jackman) Don Harwood advised they hope to have the review process complete by the end of April.

c. Fire Marshal Training Council (Harwood) There was no report.

d. Building Code Training Council (Musco) There was no report.

e. Report on Bills

The bill extending the sunset rules is moving forward.

There is a new bill amending the old statute regarding urea/formaldehyde insulation. There has been no further action on the Department of Construction Services/Department of Administrative Services consolidation.

HB 5394 – An act concerning smoke and carbon monoxide detectors and alarms in residential buildings. This act requires smoke and carbon monoxide detection and warning equipment in all residential buildings and will be enforceable when residential property is transferred (real estate conveyance). Carbon dioxide/smoke detectors can be battery operated.

8. APPEAL HEARINGS

a. A-27-11. Request for appeal from Doug Golden/Bruce Spiewak re State Fire Marshal's decision re FM-0264-11 re Winchester Arms-High One Buildings 29 and 30, 275 Winchester Avenue, New Haven, CT. Andrew Rizzo, Jr. and Michael Musco are recused. Panel consists of Michael Sinsigalli, Panel Chair; Louis Free and Glenn Neilson. Donald Harwood is the alternate. **Hearing set for February 28, 2012 was not held. On January 31, 2012 appellant requested postponement. On March 19, 2012 certified letter sent to appellant requesting status of appeal and to respond in writing by April 2, 2012. On March 23, 2012 correspondence received from appellant requesting continued postponement pending State Fire Marshal's formal interpretation. Hold on agenda.**

- b. A-2-12. Request for appeal from Harry Narine re Waterbury Fire Marshal's decision re 269 Wilson Street, Waterbury, CT. No panel was set.** On January 25, 2012 additional information received from appellant. On February 17, 2012 certified letter sent to appellant requesting clarification and to respond in writing by March 2, 2012. On February 27, 2012, correspondence received from Harry Narine. On March 5, 2012 correspondence received from Patrice Palombo, State Attorney's Office for Housing Matters. **On March 15, 2012, referred to OSFM and sent letter to appellant advising same and that there is a timeliness issue related to his appeal and will be addressed at a later date. Hold on agenda pending OSFM response.**
- c. A-3-12. Request for appeal from Abraheem Antar re West Haven Fire Marshal's decision re 246 First Avenue, West Haven, CT. No panel was set. On March 15, 2012, referred to OSFM and sent letter to appellant advising same and that there is a timeliness issue related to his appeal and will be addressed at a later date. Hold on agenda pending possible resolution.**
- d. A-4-12. Request for appeal from William Ward, Esquire re Naugatuck Municipal Building Board Code of Appeals decision re 1210 New Haven Road, Naugatuck, CT.** Panel consists of Andrew Rizzo, Jr., Panel Chair, Louis Free and Thomas DiBlasi. Marjorie Shansky will be the alternate. **On March 19, 2012 correspondence received from Cary Lennon, Chairman, Naugatuck Municipal Building Code Board of Appeals. Hearing set for April 11, 2012 was not held; on April 9, 2012 appellant requested postponement. Hearing was rescheduled to Wednesday, May 9, 2012 at 11:30 a.m. in room 348. Hold on agenda.**
- e. C-1-10. Correspondence from Mark Sommaruga, Esquire, re complaint request for revocation investigation re Shelton Building Official's license (Elliot Wilson).** Panel was set on November 10, 2010. Panel consists of Donald Harwood, Panel Chair; Louis Free and Andrew Rizzo, Jr. Irving Moy 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.

- f. 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. Send status letter to appellant's attorney.**
- g. **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. **As of March 13, 2012 no additional correspondence received. 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. Hold pending legal review by staff counsel.**

9. **GOOD OF THE ORDER**

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 9, 2012 at 1:00 p.m.** in room 348.

Louis Free, AIA, Acting Secretary