

STATE CODES AND STANDARDS COMMITTEE
AGENDA

March 11, 2015
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1. CALL TO ORDER
2. ATTENDANCE
3. APPROVAL OF MINUTES OF FEBRUARY 11, 2015 MEETING
4. COMMUNICATIONS

<u>SUBJECT & DATE RECEIVED</u> (mm/dd/yy)	<u>FROM - TO</u>	<u>DESCRIPTION</u>
a. Correspondence 2/11/15	Natalie Huey Min Lee C&S	A-12-14 (A&B) Appeal from Natalie Huey Min Lee re A) Norwich Building Official & B) Norwich Fire Marshal decisions re 270 Broadway, Norwich, CT
		ACTION: <u>See section Appeal Hearings 8.h.</u> <u>On 2/11/15 info rec'd from appellant</u> <u>On 3/9/15 add'l info rec'd from appellant</u> <u>On 3/9/15 correspondence rec'd from appellant</u>
b. Correspondence 2/17/15	Steven Edelman C&S	A-4-10 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
		ACTION: <u>Submitted as A-4-10 but should be A-28-11</u> <u>See section Appeal Hearings 8.c.</u> <u>On 2/17/15 rec'd Motion for Continuance &</u> <u>CGS 29-262(d) Petition from appellant</u>

c. Correspondence
2/23/15

Max Case, Esq.
C&S

A-2-15 – Appeal Max Case, Esq.,
re Milford Building Official’s
decision re 354 Woodmont Rd.,
Unit 3 & 4, Milford, CT

ACTION: See section Appeal Hearings 8.k.

On 2/23/15 appellant requested postponement

d. Request for appeal
2/24/15

Heather VanDeusen
C & S

A-3-15 – Request for appeal from
Heather Van Deusen re W-78-14 re
HH Ellis Technical High School,
613 Upper Maple St., Danielson,
CT

ACTION: _____

e. Correspondence
3/4/15

Jonathan Berchem
Milford City Attorney
Glenn Neilson

A-2-15 – Correspondence re appeal
from Max Case, Esq., re Milford
Building Official’s decision re 354
Woodmont Road, Units 3 and 4,
Milford, CT

ACTION: See section Appeal Hearings 8.k.

On 3/4/15 correspondence from Atty. Berchem

f. Correspondence
3/4/15

Chuck Kiessling, OSFM
C & S

A-11-14 – Correspondence re
appeal from Harry Narine re
Waterbury Fire Marshal’s decision
re 269 Wilson Street, Waterbury,
CT

ACTION: See section Appeal Hearings 8.g.

On 3/4/15 correspondence from OSFM
advising appellant wishes to pursue appeal

5. SUBCOMMITTEE REPORTS:

a. Codes Amendment Subcommittee:

This subcommittee met on February 11, 2015. Next meeting is set for March 11, 2015.

b. Ethics/Procedural Regulations Subcommittee:

6. OLD BUSINESS

7. NEW BUSINESS

a. Staff Report

b. Fire Prevention Code Advisory Committee (Harwood)

c. Joint Building Code Training Council (Musco)/Fire Marshal Training Council (Harwood)

d. Report on Bills

e. Public Member Vacancy (previously held by Marjorie Shansky)

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. On 12/10/14 noted for the record: John Butkus, Louis Free, Robert Hanbury, Donald Harwood, Michael Musco and Glenn Neilson are recused. This is a request to re-open an appeal that had been decided. **On 1/14/15, appellant's request to re-open this appeal and applicable State Statute was forwarded to members for review. Motion was made and seconded to deny the appellant's request to re-open this appeal. Noted for the record: John Butkus, Louis Free, Robert Hanbury, Donald Harwood, Michael Musco and Glenn Neilson recused themselves. All in favor. None opposed. Motion carried. Legal counsel will draft letter to appellant.**

- 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. Hearing was held on February 4, 2015. **Decision will be sent out within 90 days [by May 4, 2015].**
- 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. **Hearing was held and closed on February 4, 2015. The parties were given 7 working days [until February 17, 2015] to submit briefs. On 2/17/15 received Motion for Continuance and CGS 29-262(d) Petition from appellant.**
- d. **A-19-13. 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 were held on December 22, 2014. **Decision will be sent out within 90 days [by March 22, 2015].**

- e. **A-8-14. 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.]**

- f. **A-10-14. 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. Appeal panel was not set.** On 10/8/14 appellant requested appeal be tabled until the November meeting. **On 12/10/14 appellant requested this appeal be postponed until a draft determination is made by the Codes Amendment Subcommittee re what parts of Chapter 10 (Fire Code and Building Code) will be recommended for approval. Reason for modification denial stated in part that, "C&S had not addressed that section of the code yet."**

- g. **A-11-14. Appeal from Harry Narine re Waterbury Fire Marshal's decision re 269 Wilson Street, Waterbury, CT. Appeal panel was not set.** On 11/18/14 forwarded to the Office of the State Fire Marshal (OSFM) for review. On 11/19/14 additional information received from appellant. On 12/9/14 correspondence received from Chuck Kiessling, OSFM, requesting appeal be tabled for 30 days [until January 14, 2015]. On 2/9/15 correspondence received from Chuck Kiessling, OSFM. **On 3/4/15 correspondence received from Chuck Kiessling, OSFM, indicating appellant wishes to pursue the appeal. There may be a timeliness issue related to this appeal.**

- h. **A-12-14 (A&B). Request for appeal from Natalie Huey Min Lee re**
 - A) Norwich Building Official and**
 - B) Norwich Fire Marshal decisions re 270 Broadway, Norwich, CT****Appeal panel was not set.** On 1/9/15 appellant requested postponement pending review from her consultant. **On 2/24/15 certified letter sent to appellant requesting her to respond, in writing by 3/9/15, clearly stating what issues she is appealing. On 2/11/15 correspondence received from appellant providing additional information and advising she no longer has a consultant. On 2/24/15 certified letter sent to appellant requesting clarification of what she is appealing and to respond in writing by 3/9/15. On 3/9/15 additional information and correspondence received from appellant. There may be an issue of timeliness re A-12-14(B).**

- i. A-13-14. Request for appeal from Rocco Tirozzi, Esquire, re State Fire Marshal's decision re 315 York Street, West Haven, CT.** Keith Flood is recused. Panel consists of Michael Sinsigalli, Panel Chair; George Iskra and Henry Miga. John Butkus will be the alternate. **Hearing set for February 4, 2015, was postponed; on 1/23/15 correspondence received from appellant requesting postponement.**
- j. A-1-15. Request for appeal from Alfred Xhuti re Waterbury Fire Marshal's decision re 359-361 Highland Avenue, Waterbury, CT.** No panel was set. On 2/4/15 additional information received from appellant. **On 2/11/15 referred to the Office of the State Fire Marshal (OSFM).**
- k. A-2-15. Request for appeal from Max Case, Esq., re Milford Building Official's decision re 354 Woodmont Road, Unit 3 & 4, Milford, CT.** Panel consists of Glenn Neilson, Panel Chair; Louis Free and Fred Wajcs, Jr. Carlton Smith will be the alternate. **Hearing set for March 11, 2015 was not held; on 2/23/15 appellant requested postponement. Hearing was rescheduled to Wednesday, April 8, 2015 at 11:00 a.m. in room G38. On 3/4/15 correspondence received from Attorney Jonathan Berchem, Milford City Attorney, requesting file copies.**

9. GOOD OF THE ORDER

The next Codes and Standards Committee meeting is set for **April 8, 2015** and will be held in conference room (G38), at 165 Capitol Avenue, Hartford, Connecticut.

10. ADJOURNMENT

C&S\AG1503