

**STATE CODES AND STANDARDS COMMITTEE  
MINUTES**

**March 11, 2015**

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

2. **In Attendance:**

- Keith Flood, Chair
- Anthony Bruno
- Paul Costello
- Thomas DiBlasi
- Louis Free
- Robert Hanbury
- Donald Harwood
- George Iskra
- David McKinley
- Henry Miga
- Michael Musco
- Glenn Neilson
- Eric Shutt
- Michael Sinsigalli
- Fred Wajcs, Jr.
- William Zoeller

**Also Present:**

- Joseph Cassidy, OSBI
- Daniel Tierney, OSBI
- William Abbott, OSFM
- Joseph Kingston, OSFM
- Jenna Padula, DAS Legal
- Bruce Spiewak, AIA CT
- Roger Nelson, Bloomfield Fire Marshal
- Jeff Sargent, NFPA
- Bill Nash, ICC

3. Attendance was taken and a quorum was present. A motion was made and seconded to accept the minutes of the February 11, 2015 meeting. All in favor. None opposed. Motion carried.

#### **4. COMMUNICATIONS**

- a. **A-12-14 (&B).** Correspondence from Natalie Huey Min Lee re A) Norwich Building Official and B) Norwich Fire Marshal decisions re 270 Broadway, Norwich, CT. On 2/11/15 information received from appellant. On 3/9/15 additional information and correspondence received from appellant. See section Appeal Hearings 8.h.
- b. **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. On 2/17/15 correspondence from appellant submitted as A-4-10 but should be A-28-11. On 2/17/15 received Motion for Continuance and CGS 29-262(d) Petition from appellant. See section Appeal Hearings 8.c.
- c. **A-2-15.** Correspondence from Max Case, Esq. re appeal from Max Case, Esq., re Milford Building Official's decision re 354 Woodmont Rd., Units 3 & 4, Milford, CT. On 2/23/15 appellant requested postponement. See section Appeal Hearings 8.k.
- d. **A-3-15.** Request for appeal from Heather VanDeusen re Office of State Building Inspector and Office of Protection and Advocacy's decision re W-78-14 re HH Ellis Technical High School, 613 Upper Maple Street, Danielson, CT. Hold on agenda.
- e. **A-2-15.** Correspondence from Jonathan Berchem, Milford City Attorney, re appeal from Max Case, Esq., re Milford Building Official's decision re 354 Woodmont Road, Units 3 and 4, Milford, CT. On 3/4/15 correspondence from Attorney Berchem. See section Appeal Hearings 8.k.
- f. **A-11-14.** Correspondence from Chuck Kiessling, OSFM, re appeal from Harry Narine re Waterbury Fire Marshal's decision re 269 Wilson Street, Waterbury, CT. On 3/4/15 correspondence from OSFM advising appellant wishes to pursue appeal. See section Appeal Hearings 8.g.

#### **5. SUBCOMMITTEE REPORTS**

**a. Codes Amendment Subcommittee: (Free)**

This subcommittee will meet today and will discuss pending code proposal updates.

**b. Ethics/Procedural Regulations Subcommittee: (Harwood)**

There was no report.

6. **OLD BUSINESS**

There was no report.

7. **NEW BUSINESS:**

a. **Staff Report**

Joe Cassidy, OSBI, advised that there are 2 vacant positions advertised for the Office of the State Building Inspector's Office.

b. **Fire Prevention Code Advisory Committee (Harwood)**

Jenna Padula advised that the Fire Prevention Code Advisory Committee code is progressing through the approval process and is on the 3/24/15 Regulations Review agenda. She advised the Fire Marshal qualifications/certifications of local fire officials just went to Regs Review and might be on their May agenda.

c. **Joint Building Code Training Council (Musco)/ Fire Marshal Training Council (Harwood)/ (aka Joint BCTC/FMTC)** There was no report.

d. **Report on Bills**

A discussion was held regarding pending bills pertaining to accessibility, disconnects and 10 year smoke detectors. There will be a public hearing on Residential Fire Sprinklers coming up.

Joe Cassidy advised that HB 6972 proposes to change the C&S membership make-up of 2 Public Members to be 2 local Fire Marshals. There will be a public hearing on this tomorrow. A lengthy discussion ensued regarding parity, balance and diversity offered in the current C&S make-up. **Motion was made** and seconded to vote on whether the proposed bill [HB 6972] should be adopted or rejected and, whatever the vote is, to carry it forward to the committee [Public Safety and Security Committee]. A discussion followed re examples of committee standing to vote as a full committee and to have the Chair of the committee represent C&S. **Motion was amended to include that if the Chair goes and testifies to oppose the bill, the testimony has to be based on the fact that the current make-up and balance of that make-up is what C&S members are concerned about, that the C&S Committee does not think it is needed, articulate current make-up is fair and balanced and representation by increasing the number in one group is disproportionate and is not the reflection of the C&S Committee. Motion as amended accepted by maker and seconded. All in favor; 2 opposed [Sinsigalli and Flood]. Motion carried.**

e. **Public Member Vacancy:** Joe Cassidy reported that they have received several letters of interest and resume backgrounds that will be discussed with the Commissioner so she can make a nomination.

## 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. 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. Hearing was held on February 4, 2015. **Decision will be sent out within 90 days [by May 4, 2015]. 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. **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. Deliberations were set for Wednesday, April 8, 2015 at 12:00 in G38.**

- 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]. Hold on agenda.**
  
- 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.] Hold on agenda.**
  
- 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." Hold on agenda.**

- 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. Panel consists of Michael Sinsigalli, Panel Chair; Anthony Bruno and Donald Harwood. Fred Wajcs, Jr. will be the alternate. Hearing was set for Wednesday, April 8, 2015 at 10:00 in room G38.**
- 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). Refer appellant's code change proposal to the Codes Amendment Subcommittee. Panel consists of Keith Flood, Panel Chair; David McKinley and Henry Miga. Paul Costello will be the alternate. Hearing was set for Wednesday, May 13, 2015 at 11:00 a.m. in G38.**
- 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. Hold on agenda.**
- 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). Hold on agenda.**
- 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. Hold on agenda.**

**9. GOOD OF THE ORDER**

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

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David McKinley, Secretary