

State of Connecticut Board for Crane Operators
Minutes of the February 1, 2017, Meeting

Members Present: Nate Brown; Keith Murphy, Edward Shapiro, and Richard Cop

Also Attending: Elliot Henowitz, State Crane Inspector; Chris Syrek, Associated Builders and Contractors, Inc; John Cavatorta, Middlesex Corp.; David Bordeau, Industrial Riggers, Inc.; Jenna Padula, DAS Legal; David D'Ostilio, Local 478; Ryan Pepin, Eastern Steel Erectors; Bill Abbott, State Fire Marshal, and Vincent Neri, Old Colony Construction.

1. The meeting was called to order at 9:30 a.m.
2. Approval of Minutes of the October 5, 2016, meeting – approved and seconded.
3. Old Business:
 - A. Agreements: None.
 - B. Crane regulations: The State Crane Inspector reported to the State Crane Board that the final list of ANSI/ASME standards were being submitted to be ordered. DAS Staff Attorney Jenna Padula stated that the standards will have to be ordered then reviewed and modified as needed. After this process, the proposed regulations will be presented for public comments.
 - C. At a previous meeting of the State Crane Board on April 6, 2016, the Legal Advisor of DAS, Jenna Pedula, submitted various ways the Board could handle the process of addressing fraudulent licenses. At that meeting, Chairman St. John suggested that the wording of the drafts be more stringent and the penalty be increased from a civil penalty to a criminal offense. This issue was tabled at the April 6, 2016, meeting and continues to be tabled: Waiting on Legal Department's reply on comments from the State Crane Board to use more stringent wording and penalty. Tabled.
 - D. At its October 5, 2016, meeting, the State Crane Board reviewed a fatal hoisting accident, which occurred on December 8, 2015, in Danbury, Connecticut. Hoisting operator Benjamin Kovacs was hoisting two bundles of rebar, which resulted in a construction worker, who was working on the foundation being constructed on the site, being pinned under the rebar. As a result of being struck by and/or pinned under the two bundles of rebar being hoisted, the construction worker died. The State Crane Board decided to have the hoisting operator attend a hearing due to this fatal accident.

Chairman Edward St. John reviewed a letter submitted to him from State Fire Marshal William Abbott in regards to the pre-revocation conference held on September 12, 2016, with respect to the above-referenced incident.

In the conclusion of his letter, State Fire Marshal William Abbott stated that he, Crane Board member Edward Shapiro, and DAS Staff Attorney Jenna Padula recommend that Benjamin Kovacs receive a six-month license suspension and the Board not continue with any further administrative proceedings related to Mr. Kovacs' involvement in the fatal accident of December 8, 2015. State Crane Board Chairman Edward St. John and members Nate Brown, Edward Shapiro and Richard Cop agreed with said recommendation; State Crane Board member Keith Murphy did not concur with said recommendation. As the majority of the State Crane Board was in agreement with said recommendation, DAS Staff

Attorney Jenna Padula was to issue a letter to Benjamin Kovacs to ascertain whether he is in agreement with said recommendation.

DAS Staff Attorney Jenna Padula reported that issuance of said letter is pending approval sign-off by Chairman Edward St. John.

At the conclusion of this discussion, David D'Ostilio of Local 478 respectfully requested to comment on this matter as a representative of the public, and the Board granted permission. Mr. D'Ostilio stated that he disagreed and was upset with the Board's decision in this case. He stated that the penalty levied against Hoisting Operator Benjamin Kovacs was far too light. He presented several other accidents/incidents of far less severity in which far more severe penalties, including re-testing, were levied by the State Crane Board against the operators.

After listening respectfully to David D'Ostilio, Crane Board Member Edward Shapiro stated that that was what the Board had determined.

4. New Business:

- A & B. Crane and apprentice crane applications were reviewed by the State Crane Board for compliance to the state regulations at this meeting. All reviewed at this meeting were approved. Also, three hoisting operator applicants who submitted their renewals past the allowable 60-day renewal period were denied acceptance of the renewals.
- C. Crane Board Member Nate Brown requested that the State Crane Inspector provide the State Crane Board with a count of how many crane operators have passed the re-certification testing process to date and also a count of crane operators who still need to take the re-certification test.
- D. Crane Board Member Nate Brown stated that there are three proposed bills regarding crane legislation for consideration by the General Assembly during the current legislative session. He stated that due to budgetary circumstances, it is not likely that these proposals will be enacted.

5. Accidents/Incidents

- A. The State Crane Board reviewed a hoisting equipment accident which occurred on November 4, 2016, on the I-84 project in Waterbury, Connecticut. On this date, a CAT 349 excavator was operating on the hill beside the city cemetery and the West-bound lane of I-84. The CAT excavator overturned on the steep 45-degree slope of the 300-foot incline on which it was operating. The CAT excavator became unstable and overturned when a sinkhole occurred from pockets caused by decaying garbage-fill material having been dumped in this location in previous years.

The State Crane Board did not cite the hoisting operator, Pietro Bivona, in regard to this accident. However, the Board agreed that Pietro Bivona would be cited \$500.00 for operating hoisting equipment without possessing a State of Connecticut hoisting operator's license. The Board also agreed that the contractor of the I-84 project, the I-84 Constructors, would be cited \$500.00 for allowing a hoisting operator unlicensed by the State of Connecticut to operate hoisting equipment on this project.

Meeting adjourned at 10:15 a.m.