

February 8, 2019

707 Summer Street  
Stamford, CT 06901

**VIA EMAIL: [VRosenson@StamfordCT.gov](mailto:VRosenson@StamfordCT.gov)**

Valerie T. Rosenson  
Legislative Officer  
Board of Representatives  
888 Washington Boulevard, 4<sup>th</sup> Floor  
Stamford, CT 06904-2152

**RE: LU30.025 – REVISED Verification of Petition for Appeal of Amendments to the Master Plan for B&S Carting (Planning Board Master Plan Application MP-432) pursuant to Charter §C6-30-7**

Dear Ms. Rosenson:

We are writing in response to certain materials presented by Peter Quigley to the Board of Representatives on February 4, 2019. We understand the Land Use Committee will be considering the impact of these materials on the determination of the validity of the petition in opposition to MP-432 (the “Petition”) at a special meeting on Monday, February 11, 2019. The statements made by Mr. Quigley in his submission are not an accurate reflection of the facts and circumstances surrounding the approval of MP-432. Thus, we thought it was important to correct the record.

Mr. Quigley’s request for “outside, objective legal counsel” to review the validity of the Petition and make a finding that MP-432 and MP-433 are located in one Master Plan area is inappropriate. Section C5-20-3 of the Stamford Charter explains the legal functions of Corporation Counsel’s office and provides:

*The Corporation Counsel shall act as legal advisor of the City, the Mayor, the Boards of Representatives, Finance and Education and all other Officers, Departments, Boards, Commissions, Authorities, Agencies and Bureaus in matters relating to their official duties. The Corporation Counsel or his/her designee shall appear for and **protect the rights and interests of the City** in all actions and proceedings brought by or against it or any of the municipal Officials, Departments, Boards, Commissions, Authorities, Agencies and Employees. The Officers, Departments, Boards, Commissions, Authorities, Agencies and Employees shall not employ other counsel. The Corporation Counsel shall have charge of all appeals in which the City or any Officer, Department, Board, Commission, Authority, Agency or Employee thereof is involved. Subject to the approval of the Mayor and within the appropriation therefor, the Corporation Counsel shall have the power to compromise any claim by or against the City. The Corporation Counsel shall prepare all forms of contracts and other instruments in which the City is concerned, and shall in all respects act as*

*attorney for the City, its Officers, Departments, Boards, Commissions, Authorities and Agencies. Notwithstanding the foregoing, the Board of Representatives may, by resolution jointly presented by the Majority Leader, Minority Leader, the President and Clerk and approved by the affirmative vote of not less than thirty-one (31) members, retain independent counsel to represent the Board of Representatives with respect to a specific case or controversy in rendering opinions and appearing in any proceeding and may appropriate monies to pay the fees and costs of such counsel.*

Thus, it is Corporation Counsel's job to advise the Board of Representatives as to legal questions raised in connection with this matter. Moreover, outside counsel can only be retained following a joint resolution from Mr. Pratt, Ms. Fedeli, Mr. Quinones and Ms. Nabel and approved by 31 of the 40 members of the full Board. Mr. Quigley insinuates that the City's Corporation Counsel's office does not provide objective advice to the municipal boards it serves yet he provides no justification for this position. There is no reason why the Stamford tax payers should foot the bill for outside counsel when Corporation Counsel's office is responsible for providing, and willing and able to provide, legal guidance to the Board.

Mr. Quigley asserts that MP-432 and MP-433 "appear to be located within the same designated area of [the] 2015 Stamford Master Plan." This simply isn't true. The requisite language in Section C6-30-7 of the Stamford Charter provides:

*If twenty (20) percent or more of the owners of the privately-owned land in the area included in any proposed amendment to the Master Plan, or the owners of twenty (20) percent or more of the privately-owned land located within five hundred (500) feet of the borders of such area, file a signed petition with the Planning Board within ten days after the official publication of the decision thereon, objecting to the proposed amendment, then said decision shall have no force or effect but the matter shall be referred by the Planning Board to the Board of Representatives within twenty days after such official publication, together with written findings, recommendations and reasons.*

Mr. Quigley and the petitioners rely on the word "area" to determine that MP-432 and MP-433 are one and the same. In essence, they argue that because both applications relate to properties on the same neighborhood block, they consist of a single area within the meaning of the Charter. However, agreeing with the petitioners would require the Board to ignore all of the language surrounding the word "area." When considering the meaning of this statutory language, the entire sentence must be analyzed. For purposes of MP-432, "the area included in [the] proposed amendment to the Master Plan" was the area owned by my client. My client did not propose an amendment to the Master Plan for any area included in MP-433. Similarly, the Planning Board's "decision thereon" for purposes of MP-432 only related to the area of the Master Plan my client proposed to amend. This is further supported by the fact that there were separate legal notices of decisions published with separate maps relating to distinct properties. The fact that the City proposed an amendment to the remainder of the block in order to create continuity cannot somehow make two entirely separate applications one. Such an interpretation is untenable.

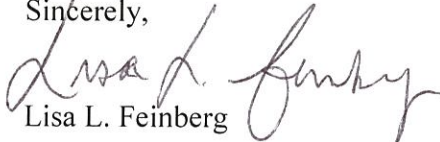
Lastly, I note that contrary to Mr. Quigley's assertions, the published notifications do not show that the Master Plan area in question is one parcel and the Land Use Committee has not



unanimously confirmed authentication of the petition in opposition to MP-432. In fact, circumstances are quite the opposite. The two applications consisted of separate applicants, application numbers, property boundaries, legal notices and decisions. The Land Use Committee unanimously recommended rejection of the petition as it related to MP-432. Nothing contained in Mr. Quigley's materials or presented by the petitioners changes this analysis.<sup>1</sup> We trust that the prior recommendation will be confirmed when the Committee reviews this matter again.

Please kindly distribute a copy of this letter to the members of the Board in advance of the Land Use Committee meeting on February 11<sup>th</sup>. We understand that a representative of the applicant will be given an opportunity to respond to comments made by the petitioners at the meeting. We plan to attend and will address any additional questions you or the Board may have at that time. Thank you for your time and attention to this matter.

Sincerely,



Lisa L. Feinberg

Cc: Ted Ferrarone  
John Freeman  
Rachael Cain  
Ralph Blessing  
David Woods  
Kathryn Emmett  
Matt Quinones  
Susan Nabel  
Charles Pia  
Virgil de la Cruz

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<sup>1</sup> Notably, Ms. Rosenson's memorandum of 1/30/19 confirms that, even if every signature was considered valid, petitioners still fall short of the 20% requirement.