



## **Public Safety & Health Committee - Board of Representatives**

Jeffrey Stella, Chair

Eric Morson, Vice Chair

# **Committee Report**

**Date:** Thursday, December 3, 2020  
**Time:** 6:30 p.m.  
**Place:** This meeting was held remotely.

The Public Safety & Health Committee met as indicated above. In attendance were Chair Stella, Vice Chair Morson and Committee Member Reps. Curtis, Matherne, McMullen, Sandford, and Sherwood. Excused were Reps. Giordano and Palomba. Also present were Reps. Adams, Coleman, and de la Cruz. Also present were Mayor Martin; Dr. Jennifer Calder, Health Director; Ralph Blessing, Land Use Bureau Chief; Tracy Babbidge, DEEP; Kathy Emmett, Corporation Counsel; Cynthia Anger, Law Department; Ted Jankowski, Director of Public Safety, Health & Welfare; Tyler Theder, Regulatory Compliance and Administrative Officer, Bharat Gami, Building Official; Richard Talamelli, Environmental Planner; and Ted Ferrarone, Bill Buckley and Jim Luczak, BLT.

Chair Stella called the meeting to order at 6:38 p.m.

<b>Item No.</b>	<b>Description</b>	<b>Invitee(s) or Designee(s)</b>
The Committee first took up Item No. 5.		
5. <a href="#">PS30.077</a>	REVIEW; Covid-19 City Response Update. 11/05/20 – Submitted by President Quinones	<b>REPORT MADE</b>
Mayor Martin reviewed the <a href="#">attached power point presentation</a> with the Committee.		
1. <a href="#">PS30.075</a>	APPROVAL; Agreement between City of Stamford and Century Protective Services, Inc. for Security Services for the Stamford Government Center under RFP No. 793. 10/29/20 – Submitted by Mayor Martin <b>11/12/20 – FAILED at Board of Finance</b>	<b>NO ACTION TAKEN</b>

2. [PS30.068](#)      REVIEW; Impact of Work Performed by A. Vitti      **REPORT  
MADE &  
HELD 7-0-0**  
Construction on Air Quality.  
09/01/2020 – Submitted by Reps. Coleman, Adams,  
Stella, Figueroa, Zelinsky, Sherwood and Di Costanzo  
10/01/20 –Held in Committee 8-0-0  
10/29/20 – Report Made & Held in Committee 8- 0-0

Committee members discussed this item at length with the invited guests.

Mr. Blessing discussed the following:

- The property is zoned MG, which is a manufacturing district; a small part of the property is not in the manufacturing district; it has been zoned this way for 40 years; a contractor's yard and construction business is permitted in this zone
- The City began enforcement actions against the property in 2005
- In 2017 the Zoning Board granted a special exception for an indoor recycling operation; the Zoning Board certificate has a number of restrictions on the operations
- In 2017, the owner applied for a demolition permit to build a building for a rock crushing business; this permit was delayed because the building was an historic structure;
- In 2018, the owner applied for a building permit; no progress was made, so the City filed a motion for contempt in 2019; a stipulated agreement was then filed establishing fines if the owner does not comply with the Operations Agreement; the City can collect \$1000 per day for a violation
- The building is in the process of being built and the City is monitoring the progress; the City retained outside counsel to keep the owner progressing in implementing the zoning permit
- The owner paid \$20,000 to the City when he received his building permit
- There has been enforcement by DEEP as to air quality issues; the City does not have the authority, ability or knowledge to enforce air quality issues
- There has been significant progress on the construction of the building since the beginning of the year; it is almost finished
- The owner will not receive a C of O until there is significant testing that the equipment in the building will meet the requirements of the operations plan; he will need to make any necessary changes to meet the threshold; the testing has begun and will be done by an independent 3<sup>rd</sup> party (the City does not have the ability to measure things such as vibration); once the testing requirements are met, the owner will receive a C of O
- The Operating Agreement requires a 24/7 number for complaints which will be implemented once the C of O is approved
- The owner has a time limited permit; he will have 5 year to operate after approval of the C of O, and then must return to the Zoning Board to allow or deny continued operations

Committee members expressed frustration that Mr. Stein, Chair of the Zoning Board did not attend on the advice of Corporation Counsel because the Zoning Board is an independent decision-making body and because Mr. Stein does not have the authority to speak for the board.

Ms. Babbidge noted that DEEP made an unannounced visit on 11/17 and did not find any violations or fugitive dust emanating from the facility. The filtration to be installed and other requirements will control any dust or particulates emanating from the facility.

Dr. Calder noted that the Health Department has sent inspectors out to the site upon receiving complaints; they have found no violations but have referred them to DEEP

Committee members continued to discuss this with the invited guests. Items discussed included:

- Many of the conditions in the Zoning Certificate do not take effect until the C of O is issued
- The City is not aware of where the owner has other operations; the City has received complaints regarding other rock crushing operations by other operators
- The number of trucks is limited
- Residents believe rock crushing work is already going on and will send photos and other evidence to Mr. Blessing and to FixItStamford
- The City does not have staff for 24/7 surveillance of the site; Mr. Jankowski noted that the Camera Review Committee would have to determine if a camera was warranted

A motion to hold Item No. 2 was made, seconded, and approved by a vote of 7-0-0 (Reps. Stella, Morson, Curtis, Matherne, McMullen, Sandford, and Sherwood in favor).

3. [PS30.073](#)      REVIEW; Impact on Air Quality and Possibility of      **REPORT**  
Discharge of Contaminants into Stamford Waters due      **MADE &**  
to Work being performed by Construction Company at      **HELD 6-1-0**  
the BLT Property Located in the South End.  
10/08/20 – Submitted by Reps. Stella, Curtis,  
Sandford, Sherwood, Adams & Coleman  
10/29/20 – Report Made & Held in Committee 8- 0-0

Mr. Theder stated that he has inspected this site and very little dust or debris was found on Dyke Lane. The alternate side street cleaning was not done because of leaf collection, so he reached out to BLT to ask them to collect residual material.

Ms. Babbidge stated that DEEP inspectors are reporting minimal dust or debris on the site and that street sweeping measures have been effective.

Chair Stella stated that he observed a plume of dust going to the water and piles of soil without a tarp on top. He has received complaints from residents.

Committee members continued to discuss this with Mr. Buckley and Mr. Luczak. Items discussed included the following:

- All of the soil on the 14 acre site was remediated and impacted soil was removed
- The crushing operation was state of the art and the plume that appeared to be dust was water vapor
- During the crushing operation there was a monitoring operation developed with the State DOH and the City Health Department; an air quality monitoring plan was developed and there was 24/7 monitoring which was uploaded to a public website

- Dyke Lane is a challenge because the cars can't be moved; every cache basin has a silt bag to collect any debris; these are monitored and cleaned
- There was internal and external water systems during the crushing operations which appeared to be dust but were water
- They follow the noise ordinance for their operations, which permits them to work until 8 p.m.
- A DEEP coordinator from the soil remediation division is present 3 or 4 days per week
- This operation has now concluded
- The monitoring included VOCs

A motion to permit David Michel to speak was made, seconded and approved by a vote of 6-1-0 (Reps. Stella, Morson, Curtis, Matherne, Sandford, and Sherwood in favor; Rep. McMullen opposed). Mr. Michel stated that the air monitoring was done after the soil was covered with tarps and that material could become airborne when dry.

Committee members continued the discussion:

- The odor the public smelled was H<sub>2</sub>S a contaminant due to the historical use of the properties; this had to be removed to remediate the soil
- There is a 40 mil thick membrane over all the soil which is not water permeable
- Rainwater is piped to the pump station for treatment before going into the Sound
- There need to be more citation officers to enforce the storm drain fines throughout the City

A motion to hold Item No. 3 was made, seconded, and approved by a vote of 6-1-0 (Reps. Stella, Morson, Curtis, Matherne, Sandford, and Sherwood in favor; Rep. McMullen opposed).

4. [PS30.076](#) RESOLUTION; Advocating that the City of Stamford Prepare And Seek State Approval of an Air Quality Monitoring Program and Implement Such a Program. **HELD 6-1-0**  
 11/05/20 – Submitted by Rep. de la Cruz, Stella, Sherwood, Lee, Giordano, Adams, Coleman, Curtiss, Pratt, Matherne and Cottrell

A motion to suspend Rule III.C.11 to take up Item Number 4 was made, seconded and approved by a vote of 6-1-0 (Reps. Stella, Morson, Curtis, Matherne, Sandford, and Sherwood in favor; Rep. McMullen opposed). Rep. de la Cruz explained that he put this item on the agenda because the subject of air quality has come up numerous times. The field is preempted by State law unless the State approves a municipal monitoring program. The State currently does not monitor in Stamford.

A motion to hold Item No. 4 was made, seconded, and approved by a vote of 7-0-0 (Reps. Stella, Morson, Curtis, Matherne, McMullen, Sandford, and Sherwood in favor).

Chair Stella adjourned the meeting at 9:50 p.m.

Respectfully submitted,  
 Jeffrey Stella, Chair

This meeting is on [video](#).