



Legislative & Rules Committee – Board of Representatives

Arthur Layton, Vice Chair

Committee Report

Date: Monday, September 21, 2009
Time: 7:00 p.m.
Place: Legislative Chambers, 4th Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Legislative & Rules Committee met as indicated above. Present were Vice Chair Layton and Committee Member Reps. Berns, Day, Gabriele, Heaphy, Kaufman, Mitchell and Zelinsky. Absent/Excused were Committee Member Reps. Giraldo and Martin. Also present were Rep. Skigen; Sybil Richards, Deputy Corporation Counsel; Dr. Johnnie Lee, Director of Health; Robin Stein, Land Use; Bill Callion, Director of Public Safety, Health and Welfare; Ben Barnes, Director of Operations; Mill Puryear, Mill River Collaborative; Tom Cassone, General Counsel; Vin Tufo, Executive Director, Charter Oak Communities; Michael R. DiFate, 64 West Hill Circle, Stamford, CT; Peter J. Buchetto; 35 Halliwell Drive, Stamford, CT, and other members of the public, as listed on the attached sheet.

Vice Chair Layton called the meeting to order at 7:12 p.m.

Item No.	Description	Committee Action
2. LR27.112	RESOLUTION; and public hearing; approving the purchase of 1 Whittaker Place by the City of Stamford; purchase price: \$1.2 million	Committee Approved, as amended, 8-0-0

The committee first considered item LR27.112. Vice Chair Layton opened the public hearing. Ms. Richards summarized the details of this purchase and sale agreement, which has a tentative closing date of 12/31/09. She explained that the purpose of the accompanying use and occupancy agreement is to permit the current owners to remain in the house for a short period after closing, if necessary, until they find other housing. Mr. Stein stated that the money to fund this is coming from the open space account and has already been appropriated. Mr. DiFate commented on the purchase price and questioned whether the house was going to be included as part of the Mill River Corridor. Vice Chair Layton closed the public hearing.

In response to questions from the committee, Ms. Richards and Mr. Stein stated that Phase I environmental testing has been done on the property, and that the property has been in residential use for several decades. Rep. Day noted that both LR27.112 and LR27.113 benefit the City both as to the creation of open space and also as a real estate deal. Vice Chair Layton asked how the purchase price was determined. The committee went into executive session at 7:23 and resumed the public meeting at 7:31. A motion to amend the third paragraph of LR27.112 to include "any and all documents" and to add a reference to the use and occupancy agreement was made, seconded and approved by unanimous vote. (Reps. Layton, Berns, Day, Gabriele, Heaphy, Kaufman, Mitchell and Zelinsky in favor). A motion to approve LR27.112, as amended, was made, seconded

and approved by unanimous vote. (Reps. Layton, Berns, Day, Gabriele, Heaphy, Kaufman, Mitchell and Zelinsky in favor).

3. [LR27.113](#) RESOLUTION; **and public hearing**; approving the purchase of 1050 Washington Boulevard by the City of Stamford; purchase price: \$5,010,465.93 Committee Approved, 6-1-1

Vice Chair Layton opened the public hearing. Mr. DiFate questioned the location of the property and the source of the funds for the purchase price. Mr. Stein and Mr. Barnes explained the appropriation of funds from the Mill River TIF and bond issuances. Mr. Buchetto spoke in opposition to the purchase, stating that any clean-up of the property should be at seller's expense. Vice Chair Layton closed the public hearing. In response to questions from the committee, Ms. Richards stated that the City is currently in Phase II environmental testing on the property and that the City may cancel the agreement without prejudice if the cost of remediation would be too high, and the owner would remain responsible for any remediation. Several representatives commented on the value of the purchase to the City, both as a real estate deal and also the benefits of creating open spaces. Mr. Berns made a motion to hold LR27.113 until after the committee considered LR27.114. The motion was seconded and defeated by a vote of 1-7-0. (Rep. Berns in favor. Reps. Layton, Day, Gabriele, Heaphy, Kaufman, Mitchell and Zelinsky opposed). Rep. Zelinsky expressed his opposition to this transaction. A motion to approve LR27.113 was made, seconded and approved by a vote of 6-1-1. (Reps. Layton, Berns, Day, Heaphy, Kaufman, Mitchell in favor, Rep. Zelinsky opposed, and Rep. Gabriele abstained).

1. [LR27.101](#) PROPOSED ORDINANCE; for **final adoption**; approving a tax abatement agreement between Palmer Square LP (Charter Oak Communities) and the City for 51 of 85 units of housing at 26 Palmers Hill Road. Held in Committee

Vice Chair Layton stated that this item was discussed at last month's meeting and held until questions raised by the committee were answered. He has since learned that

- the Zoning Board traffic study was done in 2009
- in September, 2008 the Board of Education discussed maintaining the Palmers Hill students at Westover School
- the lawsuit filed by neighboring residents is based on the claim that the Zoning Board relies on an outdated traffic study

Rep. Mitchell stated that this item should be held because there are 71 units for 1 to 1 compliance which have not been identified and because there is no residents' council. Mr. Tufo explained that this is a multi-phase development. There are 46 1-for-1 replacement units that will be replaced in the 4th phase, in approximately 5 years. He stated that there are currently 36 vacant units and more are becoming vacant because of attrition and the uninhabitable conditions in some of the units. He commented that there is an advisory council of residents at Vidal Court which the residents seem to prefer to a residents' council. A motion to hold this item was made, seconded and approved by a vote of 7-1-0. (Reps. Berns, Day, Gabriele, Heaphy, Kaufman, Mitchell and Zelinsky in favor, Rep. Layton opposed.)

4. [LR27.114](#) PROPOSED ORDINANCE; **for publication**; Committee
amending Chapter 238 of the Code of Ordinances, Approved, as
Water Emergency, Article II, Concerning immediate amended, 8-0-0
need for extension of water mains.

Rep. Skigen explained that this is an important issue for North Stamford because there are homes with pesticides in the water. He commented that, in view of the fact that the working hypothesis is that the source of this contamination is Scofieldtown Park, the homeowners should be connected to public water mains as quickly as possible and the homeowners should not bear the cost. He noted that the Fiscal Committee will be acting on a \$2 million appropriation for this work this month. Dr. Lee stated, in response to questions from the committee, that he would not be able to authorize this work under the current ordinance. A motion to amend this item to change the words imminent and immediate to urgent was made, seconded and approved by unanimous vote. (Reps. Layton, Berns, Day, Gabriele, Heaphy, Kaufman, Mitchell and Zelinsky in favor.) A motion to add a new section to the ordinance to require approval of a fee waiver by 2/3 of the representatives present and voting was made, seconded and approved by unanimous vote. (Reps. Layton, Berns, Day, Gabriele, Heaphy, Kaufman, Mitchell and Zelinsky in favor).

In response to questions from the committee, Mr. Barnes explained that the source of the pollution at the houses in North Stamford had not been identified with any degree of certainty. The well contamination is due to contamination of the ground water. The City has just begun the process to remediate the dump and evaluate the pros and cons of the various remediation possibilities. The committee discussed amending the ordinance to postpone the decision waiving fees for several years. Mr. Cassone stated that since the assessment of benefits goes with the property, postponing a decision on such an assessment could create a cloud on the title to any property affected, making it more difficult to sell. A motion to amend the ordinance to postpone the decision to waive the fees was made, seconded and defeated by a vote of 2-6-0. (Reps. Layton and Berns in favor, Reps. Day, Gabriele, Heaphy, Kaufman, Mitchell and Zelinsky opposed). A motion to amend the ordinance to change the word "shall" to "may" in C.(1) was made, seconded and approved by a vote of 4-3-1. (Reps. Layton, Berns, Day and Kaufman in favor, Reps. Heaphy, Mitchell and Zelinsky opposed and Rep. Gabriele abstaining.) A motion to approve this ordinance, as amended, was made, seconded and approved by unanimous vote. (Reps. Layton, Berns, Day, Gabriele, Heaphy, Kaufman, Mitchell and Zelinsky in favor). A motion to waive publication of this ordinance and vote for final adoption was made, seconded and approved by unanimous vote. (Reps. Layton, Berns, Day, Gabriele, Heaphy, Kaufman, Mitchell and Zelinsky in favor).

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,
Arthur Layton, Vice Chair