



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

Gloria DePina, Co-Chair  
Chair

Scott Mirkin, Co-Chair

Anabel Figueroa, Vice

# **Committee Report**

**Date:** Thursday, July 1, 2010

**Time:** 7:00 p.m.

**Place:** Republican Caucus Room, 4<sup>th</sup> Floor Government Center,  
888 Washington Boulevard, Stamford CT

The Public Safety & Health Committee met as indicated above. Present were: Co-Chairs Mirkin and DePina, Vice Chair Figueroa and Committee Member Reps. Adams, Caterbone, Coppola and Pia. Excused were Committee Member Reps. Giraldo and Martin. Also present were Reps. Cerasoli, Savage and Taylor; Mani Poola, Traffic; Trevor Roach, Matt Palmer, Chief Robert McGrath, Timothy Conroy and Matt Palmer of Stamford Fire & Rescue; Shawn Fahan, Springdale Chief; Bob Bennett, Long Ridge Chief; Frank Jacobellis, TOR Chief; Matthew Maounis, Asst. Chief TOR; John Didelot, Belltown Chief; Lou Casolo, City Engineer and Gary O'Connor, attorney for the City; and Capital Brian J. McElligott, Stamford Police Department, along with several dozen City and Volunteer fire department personnel.

Co-Chair Mirkin called the meeting to order at 7:10 p.m.

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. <a href="#">PS28.008</a>	REVIEW; Fire Departments' response to fire on 5/10/10 Deep Valley Road.	<b>REPORT MADE</b>

Co-chair Mirkin opened by saying that this is on the agenda because public safety is paramount. This matter involves the Stamford Fire & Rescue (SFR), a volunteer station and a combination station. He added that he was not interested in pitting any against each other. The Committee wanted to find out what happened and ascertain what can be done to prevent something like this in the future.

Chief McGrath distributed the [attached Analysis of Structure Fire Report](#) along with a recording of the 911 calls, which was played (in part) for the Committee. Rep. Coppola stated that he would have appreciated receiving this earlier so that he could have had an opportunity to review it, and as such, he will not consider it

during tonight's discussions. Co-chair Mirkin asked Chief McGrath to inform the Committee of the standard operating procedures (SOPs). Chief McGrath responded that it is not SOP to size up a fire before arriving. Chiefs Bennett and Jacobellis agreed that this was a violation of protocol and ensured the Committee that this would not occur again.

Captain Matt Palmer reviewed the events of the evening, describing how they accessed water, the difficulty of reaching the home, and the lack of a central command post when he arrived. He stated that the fire was aggressive, the fire lines that were being used were too small, and they had to drive the fire truck over the lawn to reach the home. Chief Bennett responded that in North Stamford they avoid driving on lawns due to the septic systems, no one from SFR knew where the water source was, and he didn't have an adequate amount of hose because his truck was out of service and he had to borrow a replacement.

Chief Bennett added that one of the reasons the SFR was turned back was to avoid a situation that occurred in March, where 11 pieces of apparatus showed up for a small chimney fire. Chief Bennett conceded that this was a tactical error, he has instructed his firefighters to not let this occur again, and he is in the process of re-writing his SOPs, which will include addressing this situation.

Depy. Chief Conroy stated that there was never an issue with water access at the fire and he never saw any of the volunteers inside the home, although Chief Bennett stated that they had attempted to fight it from inside, but due to the configuration of the home and the extent of the fire, his firefighters exited the residence and chose to fight the fire from the outside.

Rep. Coppola stated that this is not the venue to critique a fire. He stated he wished that the volunteers and SFD could just work out issues, be honest and discuss the problems. He added that there is no way he could defend the calling back of any apparatus, Chief Bennett is in agreement and hopefully that will not happen again.

Rep. Adams initiated a discussion about erring on the side of safety by allowing all available equipment to respond to any fire – it is better to have too much of a response than not enough. The chiefs responded that this is not feasible in that they need to keep firefighters available for other incidents, it is dangerous and expensive to send fire trucks throughout the city unless they are definitely needed, and this is not the way the dispatch system works.

Rep. Caterbone asked about the radio system, and Chief Conroy stated that the system works properly when it is put into effect.

Chief Bennett mentioned that they are experiencing many chimney fires as a result of the failures of prefabricated chimneys.

All Committee Members agreed that no matter what comes out of the Mayor's proposed fire plan, the volunteers and SFR need to work together and address any issues that they have. Both SFR and the volunteers stated that in most cases they work well with one another. This was an unfortunate lapse in judgment, and all assured it would not happen again.

2. PS28.009 REVIEW; fatal accident on Hope Street.

**REPORT  
MADE**

Rep. Coppola stated that he and Rep. Cerasoli put this on the agenda because there seems to be a lot of car accidents at the area just north of Viaduct Road, where the road bends. Since the fatal accident, they have painted a line and installed a 25 mph sign with a curved arrow, but he feels that perhaps flashing lights or something more prominent is called for.

Cpt. McElligott stated that he could not release the report or discuss the fatal accident as it was still under investigation. He did note, however, that this was not a "normal" accident, which occurred in the early morning hours and most likely will be attributed to "other factors." He added that during the day this area is not a particular problem because the traffic volume and the width of the road generally prevents excessive speeding.

Rep. Cerasoli said that the street lights have been out for some time, and this may be part of the problem. He also suggested the City consider putting up some reflective material on the light poles.

Chief Fahan noted that there were numerous accidents at this location, and the road pitches the opposite way that drivers are used to. If the City cannot regrade the road so that it banks appropriately, maybe consideration should be given to putting in an attractive guardrail.

Mani Poola advised that he would install a speed and time meter there, leave it for several weeks, request a listing of all accidents at this location, assess the road geometry and report back at the end of August.

3. [PS28.011](#) REVIEW; Fire Protection Plan.

**HELD**

Co-Chair Mirkin reported that because the Mayor was unavailable to attend this month's meeting, the item will be held until next month.

4. [PS28.012](#) APPROVAL; of an agreement with University of Connecticut re: Research of Contamination in Scofieldtown Area.

**COMMITTEE  
APPROVED  
2-0-4**

Co-Chair Mirkin asked Lou Casolo to give an overview of the contract. Mr. Casolo stated:

- This is a contract between the City and UCONN for environmental services.
- In February, the Board approved a capital project closeout to fund the \$250,000 that this study will cost.
- The Scofieldtown Task Force asked for this contract.
- Attorney Gary O'Connor was hired to negotiate this contract on behalf of the City.

Mr. Casolo stated that originally, he did some testing around the landfill, and because the contaminants found there were not the same as those in the contaminated wells, the City (at the Task Force's request) engaged TRC to study this. TRC basically concluded that the land fill was not the source of the contaminants, suggesting that the source *could* be pesticide and insecticide use by individual homeowners. The Task Force then wanted to explore more fully the source of the contamination and have a review of the TRC Report. Mitch Kaufman, Co-Chair of the Task Force, recommended contacting Dr. Robbins, a hydrogeologist at UCONN. In February, Dr. Robbins began putting together the scope of the project; he has made presentations to the Task Force. The final proposal does not differ significantly from that which was presented to the Task Force.

Dr. Robbins is charged with three tasks: 1) reviewing the TRC Report and commenting on its efficacy as well as providing constructive suggestions; 2) trying to find the cause of the contamination (or the source of the pesticides); and 3) utilizing state of the art, complex equipment to study the bedrock to determine how the ground water flows. This study was put together with the assistance of the State DEP and DPH, who hope that the result will be a model that can be used throughout the state for these types of situations.

Mr. O'Connor stated that he was charged with drafting the contract. UCONN was not used to being hired as a consultant, so it took some time to get insurance indemnifications, performance standards and so on included in the contract. This contract provides the City with certain protections, and the Board of Finance approved it on Monday (see attached Board of Finance approval).

A lengthy discussion took place, which centered around the following main points:

#### Access Permissions/Homeowner Liability

Mr. Casolo stated that in order for the study to go forward, they will need permission from approximately 110 homeowners to access property. They

mailed out the requests about three weeks ago, and to date, they have received 9 signed permissions. Mr. O'Connor added that if a certain minimum number of permissions are not received, the study cannot go forward and the city will be able to cancel the contract and will incur no costs related to this aspect.

One of the residents of the area stated that the City Health Department initially sent out a letter advising residents that if contamination was found on their property, they would be held responsible for abating the contamination. Shortly thereafter, the access releases were sent out. Now, residents are afraid because if a homeowner had termite spraying on his/her property that resulted in contamination confirmed by these test results, the homeowner is responsible. He added that the city needs to address this. Rep. Caterbone stated he didn't blame the owners for not signing the permissions, and that the Law Department should be contacted about providing some sort of indemnity to the property owners.

Co-Chair Mirkin stated that he understands the concerns of the residents, but he is not in favor of giving blanket immunity to all of the homeowners in that some may in fact be guilty of contaminating their property. He added that the City of Stamford has worked remarkably fast to provide water mains, at no cost, to affected city residents and that it is somewhat insulting that they are now refusing to allow Dr. Robbins on to their property to try and determine the source.

Lou Casolo noted that the permissions that went out are clear: Paragraph 4 advises homeowners to contact their attorneys prior to signing.

Rep. Coppola stated that none of this is going to happen unless the City agrees to hold the property owners harmless. The City is offering to do a study to get to the bottom of this, but there has to be agreement on both sides. Attorney O'Connor responded that the City cannot really do this. If it did, 1) there is no cap on the amount of money that the City could become liable for; 2) the City could be put in the position of having to sue its own residents; 3) if you had a neighbor-neighbor suit, the City would in effect be representing and holding harmless one party at the expense of the other – the city has responsibilities to all residents.

### Public Input

Ms. Figueroa stated that because there are members of the audience who are not in favor of approval of this contract, she recommended that a public hearing be held. She will not vote to approve the contract until she receives input from the residents affected. Mr. Casolo stated that there have been several Task Force meetings where the public has had an opportunity to comment. The meetings have lasted several hours, and this is a vocal community that has taken

advantage of this forum. Co-Chair Mirkin confirmed that there have been several task force meetings with public input.

### Scope of Study

Mr. Casolo stated that as part of a small building project he is overseeing at Bartlett, at the ordering of the Zoning Board, he has conducted soil samples, and while contamination was found, again it is not the same pesticides that are being found in wells. Dr. Robbins has indicated that the scope is adequate for his purposes (although several members of the public disputed this).

Resident Bob Bouchet (sp??) noted that he has considerable documentation on Bartlett's activities, which included aerial spraying of pesticides and insecticides over a 200 acre area in North Stamford. This has never been looked at.

Co-Chair Mirkin called on Ms. Laurichella, a consultant hired by the North Stamford Concerned Citizens for the Environment (NSCCE) stated that the landfill is only one possible source and that others, such as Smith House, the Bartlett Arboretum property, need to be included in the scope. She added that if Dr. Robbins used less state-of-the-art, high tech equipment in favor of more traditional methods, the cost could stay the same while the scope is expanded. She added that they should be doing Phase I environmental assessments on these properties. She requested a 2-week hold on the contract so that their hydrogeologist could consult with Dr. Robbins to expand the scope of the study.

### Task Force Role

Committee members questioned whether the Task Force had approved the final contract, and it was determined that the Task Force requested this contract but did not hold a formal vote on this particular contract. (This was confirmed by Mr. Yossi Stern, co-chair of the Task Force, who was present at the meeting and who added that concerns were raised by some task force members about the scope of the study).

### Discussion

Rep. Adams questioned why the Board couldn't hold the contract until the minimum number of permissions for access have been received. Mr. Casolo responded that this would then prevent Dr. Robbins from doing the TRC review and the other work included in the contract. Co-Chair Mirkin asked if the scope of the contract could be amended after it was approved. Attorney O'Connor stated that the costs could change.

Mr. Casolo stated that this contract was developed in consultation with the DEP and DPH staff, it came out of the Task Force, and the drafting of the scope by Dr. Robbins was not influenced by either himself or the Task Force.

Co-Chair DePina moved to approve the contract; said motion was seconded and approved by a vote of 2-0-4 (Reps. Mirkin and Coppola in favor; Reps. DePina, Figueroa, Adams and Caterbone abstaining).

The meeting was adjourned at 10:38 p.m.

Respectfully submitted,

Scott Mirkin, Co-Chair