

From: [Cynthia Reeder](#)
To: [Bellantuono, Kristen](#); [Collette, Kenneth](#)
Cc: ["John Freeman"](#)
Subject: RE: Public comment: Application 201207377-KB
Date: Wednesday, February 13, 2013 10:11:56 PM

To Kristen Bellantuono and Kenneth Collette:

I would like to submit an additional item into the record for the Magee Avenue application and also want to confirm that you received my response yesterday about the audio tape.

The Land Use Committee where Attorney Joseph Capalbo made the statement on the tape took place on January 29th. It was videotaped, but I was only able to make an audio clip of his comments from that video.

I attended the meeting, as did Attorney John Freeman, who heard first-hand Mr. Capalbo's comments to the Committee confirming that the Letter of Intent does not transfer property rights and that such a transfer requires the approval of various City boards.

A more comprehensive summary of Attorney Capalbo's statements to the Land Use Committee, which I also would like to submit to the hearing officer, are reflected in the meeting minutes. They can be found at the following link as agenda item "LU28.030 REVIEW; status of boat yard" , near the top of page 3.

<http://www.boardofreps.org/committees/landuse/2013/reports/reports/130129.pdf>

Sincerely,

Cynthia Reeder

From: Bellantuono, Kristen [mailto:Kristen.Bellantuono@ct.gov]
Sent: Wednesday, February 13, 2013 10:12 AM
To: 'Cynthia Reeder'; Collette, Kenneth
Cc: 'John Freeman'
Subject: FW: Public comment: Application 201207377-KB

Hi Cynthia-this is what I received. It includes the clip and letter. I do not see any picture on the clip but do hear sound.

Thanks,

Kristen

From: Cynthia Reeder [mailto:ckreeder@mindspring.com]
Sent: Friday, February 08, 2013 12:36 PM
To: Collette, Kenneth; Bellantuono, Kristen
Subject: FW: Public comment: Application 201207377-KB

Could you please confirm confirmation of my earlier email? Thank you. Cynthia Reeder

From: Cynthia Reeder [<mailto:ckreeder@mindspring.com>]

Sent: Friday, February 08, 2013 10:17 AM

To: 'kenneth.collette@ct.gov'

Cc: kristen.bellantuono@ct.gov

Subject: Public comment: Application 201207377-KB

Mr. Collette:

I would like to expand on the comments that I made at the February 6, 2013 hearing regarding the insufficiency of Application/Permit 201207377-KB and my request to reject the application.

Please enter the attached audio clip and letter into the public record.

Thank you,

Cynthia Reeder
43 Old North Stamford Road
Stamford, CT 06905
(203) 602-9997



**Land Use-Urban Redevelopment Committee –
Board of Representatives**

Harry Day, Chair

Committee Report

Date: Tuesday, January 29, 2013
Time: 7:00 p.m.
Place: Democratic Caucus Room, 4th Floor, Government Center

The Land Use-Urban Redevelopment Committee met as indicated above. In attendance were Chair Day and Committee Member Reps. Fountain, Lombardo, McGarry and Summerville. Absent or excused were Committee Member Reps. Kaufman and McMullen. Also present were Reps. Cerasoli, Coppola, Fedeli, Heaphy, Pia, Taylor, Uva, White and Zelinsky; Joe Capalbo and Vikki Cooper, Law Department; Norman Cole, Land Use Bureau; Karen Cammerota, Grants Officer; John Freeman, Harbor Point; Martin Levine; Cynthia Reeder; Steven Loeb; Lyda Tuijter; Maureen Boylan; John Mallozzi and several other members of the public.

Chair Day called the meeting to order at 7:08 p.m.

Item No.	Description	Committee Action
1. <u>LU28.052</u>	PROPOSED ORDINANCE; for public hearing & final adoption; amending Chapter 21, Facilities, City-Owned, Commemorative Naming of Streets.	Approved, as amended 5-0-0

Chair Day opened the public hearing. Mr. Levine pointed out the omission of the word "be" from Section 21-5(7) after the word "only", which the Committee agreed to correct as a scrivener's error. There being no further speakers from the public wishing to be heard, Chair Day closed the public hearing.

Chair Day recommended that the ordinance be amended to add "or segments thereof" and "or segment thereof" to clarify that the ordinance would also apply if a vanity sign were requested for only a portion of a street. A motion to approve the amendment was made, seconded and approved by unanimous vote. (Reps. Day, Fountain, Lombardo and McGarry in favor.) Representative Zelinsky stated that he objected to the 25-year renewal requirement as unfair to those seeking vanity names and an insult to the individual named. Chair Day noted that this had been discussed at the last meeting. Mr. Fountain stated that things change within the City over time. He felt there would be nothing unfair or insulting because those applying for the vanity naming would know of the provision at the time of the application; otherwise the Board would need to provide a mechanism for removal of vanity names.

A motion to approve the ordinance as amended was made, seconded and approved by unanimous vote. (Reps. Day, Fountain, Lombardo, McGarry and Summerville in favor.)

Submitted by C. Reeder
(ALM/C)

2. LU28.047 PROPOSED ORDINANCE; for publication;
establishing a Historic Preservation Commission.

**Held in
Committee
5-0-0**

Chair Day stated that he had spoken with Marshal Millsap, from the Old Long Ridge Historic District, who requested that the Committee hold this item for one more month. Mr. Millsap had reported to Chair Day that he has been in touch with Mary Dunne of the State Historic Preservation Office and they will have some suggestions for the ordinance clarifying the relationship of the proposed Commission with existing and future Historic Districts. Clerk Summerville suggested that it be impressed upon Mr. Millsap that the Board needs to move forward on this item.

A motion to hold this ordinance was made, seconded and approved by unanimous vote. (Reps. Day, Fountain, Lombardo, McGarry and Summerville in favor.)

3. LU28.058 APPROVAL; of an exception to Code Section 72-2 to
provide for the serving and consumption of liquor at
the gala event scheduled for May 2, 2013
commemorating the opening of Mill River Park.

**Approved 3-0-2,
subject to
conditions**

Chair Day explained that he invited Mr. Capalbo to discuss this issue and had conferred with Ann Mones, the City's Risk Management officer, who said that it would be appropriate for the Mill River Collaborative to provide the City with an insurance certificate naming the City as an additional insured in connection with the proposed event.

Mr. Capalbo stated that:

- The Code only permits the sale of beer on City property, except that the Board of Representatives can approve the sale or consumption of other alcoholic beverages by granting an exception
- An organization seeking an exception should provide the City with an insurance certificate naming the City as an additional insured for amounts approved by the City's Risk Manager
- The City could also request a hold harmless/indemnification agreement to protect the City in the event of an incident
- The City should have an application with the date, time and location of the event in order to evaluate the insurance coverage

Committee members requested that the Mill River provide specific details regarding the location and duration of the event during which alcohol will be served on a form to be submitted to the Risk Manager and Corporation Counsel.

A motion to approve this item, subject to receipt by the Risk Manager and Corporation Counsel of an acceptable Certificate of Insurance naming the City as an additional insured in an amount determined by the Risk Manager, and a hold harmless/indemnification agreement satisfactory to Corporation Counsel, was made; seconded, and approved by a vote of 3-0-2. (Reps. Day, Fountain and Lombardo in favor; Reps. McGarry and Summerville abstaining.)

5. LU28.050 REVIEW; construction work at Star Meadow Ranch, Erskine Road. **Report Made**

Ms. Cooper reported that the City will be bringing an action against Star Meadow Ranch and Mr. Rizzutto tomorrow. She expects to have more to report in about four months.

4. LU28.030 REVIEW; status of boat yard. **Report Made**

Mr. Capalbo explained that

- A party seeking to acquire an interest in land from the City must submit an application, but it is up to the Land Use boards to decide
- The purpose of the letter of intent between the City and BLT was to allow the proposed McGee Avenue boat yard to get before the Land Use boards and the public
- The letter does not determine any rights
- The letter does not determine any consideration
- The letter does not include the type of grant that might be issued for the waterfront strip of City property included in the proposal, e.g. conveyance, lease, license.
- A license might be the most appropriated type of grant because the City would be able to get back the rights to the waterfront more easily
- The purpose of the letter of intent was simply to move the process along
- If the property were leased/sold, Board of Finance, Planning Board and Board of Representatives approval would be required under the Charter and Code
- There is no such express requirement for a license or an easement in the Charter or the Code
- The Mayor has always taken the position that he would send any proposed grant of interest in this property to the Board of Representatives and any other appropriate boards, regardless of the ambiguities of the Charter and Code
- The language in the letter was intended to preserve the Mayor's right to send any proposed agreement to other Boards without the risk of a mandamus action compelling him to enter into a transaction without Board approval

Chair Day recalled that the Committee previously considered amending the Code to require Board approval of any easement granted by the City, but found it too difficult to craft, given the number of small easements the City routinely grants, such as construction and utility easements that clearly require no Board review. The Committee had determined that the Charter, State statutes and Connecticut case law—all read together—provided sufficient authority for requiring Board approval of a transfer of a significant interest in City land.

In response to questions from the Committee, Mr. Capalbo explained that

- a license would convey fewer rights than a lease and would be easier to terminate
- a transfer of park property would require different approvals than other transfers of City property

Ms. Taylor noted that a 2008 article in The Stamford Advocate reported on the ribbon cutting at this property as an “unnamed park.”

Chair Day stated that his recollection was that when the property was purchased, it was split into 2 parcels of 5 and 3 acres, and that the development was to be on the 3 acre lot and the rest was to be open space. The strip in question was to be used for pedestrian access along the waterway. Mr. White recalled that the entire parcel, including the strip, was to be parkland. He expressed concern that the City had failed to pursue a \$325,000 grant and noted that this issue goes back to the initial decision of the Zoning Board that the boatyard was to be preserved—a decision ignored by BLT.

Mr. Cole explained that:

- Until January the Zoning Board refused to accept the application for the property at 205 Magee Avenue because BLT did not have any authority for the inclusion of City property
- After the letter of intent was issued, the Zoning Board received an opinion letter from Jim Minor of Corporation Counsel’s office that the letter of intent was sufficient for the Zoning Board to consider the application
- To date, the Zoning Board has not reviewed the opinion letter or the application
- CT DEEP will be holding a hearing on 2/6/13 to consider approving the dredging
- The property at issue is 40 ft in depth from the waterfront, and 100 ft wide, for a total of 4000 sq. ft.
- There is an easement for access on BLT land and a gravel path to connect to the WPCA facility
- The records he was able to locate do not state whether this property is a “park”

In response to requests from Committee members, Mr. Capalbo stated that

- he will recommend to the Mayor that he provide the Board with a letter that he intends this transaction to be considered by the relevant boards
- he would be willing to provide the Board with an opinion letter that the letter of intent allows the Zoning Board to consider it the application
- When a party seeks to purchase City property, the Board of Finance, Planning Board and Board of Representatives do not approve the transaction until after the transaction has been negotiated and an agreement has been reached

Karen Cammarota stated that the City has requested an extension until June 1, 2013 to apply for a grant if the City determines it wants to make the property open space.

Chair Day adjourned the meeting at 9:00.

Respectfully submitted,

Harry Day, Chair

This meeting is on video.