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Hand-Delivered – 11/13/09

November 13, 2009

Mark T. Anastasi, City Attorney
Office of the City Attorney
999 Broad Street
2nd Floor
Bridgeport, CT 06604

RE: Connecticut Freedom of Information Act Request for Documents

Dear Attorney Anastasi:

I have been retained by the Committee to Ungag the People to represent them in this and related matters.

Pursuant to the Connecticut Freedom of Information Act (FOIA), I am writing to inquire about possible *ex parte* communications between City of Bridgeport staff and commissioners on the one hand and developers, special interests and land use attorneys on the other with respect to the recently proposed changes to the City's Master Plan, zoning map and regulations. While this inquiry is general in nature, my client has specific concerns about proposed changes to the Plan, the zoning map and zoning regulations for following areas: (a) area on Main St comprising in whole or in part the Eastern side of Main St. one property depth in from Trumbull town line southerly along Main St. to Commerce Park Funeral Home and the Western side of Main St. one property depth in from Trumbull town line southerly along Main St. to south of Minturn Street; (b) area on Main St comprising in whole or in part the Eastern side of Main St. one property depth in from N.A.G.E. Union Hall property southerly along Main St. to apartment complex just north of intersection of Beechmont Ave and Main St and the Eastern side of Main St. one property depth in from former Calvary Episcopal Church southerly along Main St. to northern parcel on Fairview Ave and the Western side of Main St. one property depth in from Stoehrs Place southerly along Main St. to and including Lupe's Drug Store; (c) 420 Anton Drive (abutting Commerce Park); (d) 9.9 acres of open space off of Greenwood St.; and (e) Testo's Restaurant, 1775 Madison Ave. (the "Proposed Zoning Changes").

Accordingly, I am requesting the opportunity to inspect and copy the documents and materials outlined below that may be in the possession of the City of Bridgeport and/or its Planning and Zoning Commission (the "Commission"), including the Commission's members:

Instructions and Definitions

- A. The term “document” as used herein shall include all means by which communications are preserved and shall include without limitation all originals, non-identical copies and drafts, of any written, printed, typed, photostatic, photographed, recorded or otherwise reproduced communication or representation, whether comprised of letters, words, numbers, pictures, sounds or symbols, or any combination thereof, of the following items: invoices, purchase orders, receipts, statements, bills, correspondence, memoranda, records, summaries of conversations or interviews, minutes or records of meetings or conferences, opinions or reports of consultants, projections, summaries, statistical statements, contracts, agreements, confirmations, telegrams, telexes, books, notes, reports, logs, analyses, ledgers, checks, wire transfers, printouts, telephone records, diaries, calendars, tape recordings, video recordings, charts, photographs, notebooks, drawings, plans, inter-office communications, computer printouts, computer disks, computer tapes, computer programs, applications for protection of intellectual property, electronic storage systems, electronic mail, and/or any other data compilation from which information may be obtained in any way.
- B. The term “relating to” shall mean relating to, referring to, reflecting, constituting, consisting of, connected with, commenting on and/or concerning.
- C. The term “*ex parte* communication” shall include any contact, oral, written or electronic, formal or informal, whereby information of any nature was transmitted or transferred outside of a public meeting or hearing where such communication would have been recorded and made a part of the public record.
- D. As used herein, “and” and “or” shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive. The plural of any word used herein includes the singular and the singular includes the plural. The masculine gender of any word used herein includes the feminine and vice versa. The past tense of a verb used herein includes the present tense and the present tense includes the past tense.
- E. All documents shall be produced as they are kept in the ordinary and usual course of business, and each and every document not so produced shall be organized in a manner which clearly corresponds with the proper request set forth herein, and shall also bear a label which clearly designates the request under which it is organized and produced. If a document is called for under more than one request, it should be produced in response to the first request to which it is responsive and a notice appended to it stating the other request(s) to which it is claimed that such document is responsive.
- F. If you withhold any requested document from production on the basis of a claim of attorney-client privilege or any other privilege or on the basis of the attorney work-product doctrine, identify each such document by producing a privilege log which lists: (i) the date of the document; (ii) its title, if any; (iii) the name and address of its author; (iv) its sender and each recipient, including “cc’s”; (v) the name and address of each person who has custody of the document or a copy thereof; (vi) the name and address of each person who has seen the document or a copy thereof; (vii) a description of the subject matter of the document; and (viii) the basis for the claim of privilege.

- G. If any responsive document has been, but no longer is, in the possession custody or control of the Commission, identify the document by listing the following information: (i) the date of the document; (ii) its title, if any; (iii) a description of the subject matter of the document; and (iv) the names and addresses of each person who prepared, received, reviewed and has or has had possession, custody or control of the document.
- H. Each request for documents seeks production of the document in its entirety, without abbreviation, redaction or expurgation.
- I. Unless otherwise indicated, the time period of this document request is from January 1, 2008 to the present.

Document Requests

- 1. Documents relating to *ex parte* communications between Jose Tiago and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
- 2. Documents relating to *ex parte* communications between Carl Kish and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
- 3. Documents relating to *ex parte* communications between Melville Riley Jr. and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
- 4. Documents relating to *ex parte* communications between Reginald Walker and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
- 5. Documents relating to *ex parte* communications between Barbara A. Freddino and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
- 6. Documents relating to *ex parte* communications between Gail Solis and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
- 7. Documents relating to *ex parte* communications between Robert Morton and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.

8. Documents relating to *ex parte* communications between Anne Pappas-Phillips and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
9. Documents relating to *ex parte* communications between Thomas Fedele and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
10. Documents relating to *ex parte* communications between Assistant City Attorney Greg Conte and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
11. Documents relating to *ex parte* communications between City Attorney Mark Anastasi and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
12. Documents relating to *ex parte* communications between Dennis Buckley and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
13. Documents relating to *ex parte* communications between Mike Nidoh and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
14. Documents relating to *ex parte* communications between Don Eversley and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
15. Documents relating to *ex parte* communications between William Minor and any individual or entity involving the Proposed Zoning Changes including, but not limited to, correspondence, e-mail, instant messenger conversations, memoranda, notes, recordings (including voicemail recordings) and transcripts.
16. Documents relating to, addressing or discussing conflicts of interest, potential conflicts of interest, ethical violations or any other violations of law, statute, ordinance, City Charter, regulation or internal rules and regulations of the Commission of any of the following: Jose Tiago; Carl Kish; Melville Riley Jr.; Reginald Walker; Barbara A. Freddino; Gail Solis; Robert Morton; Anne Pappas-Phillips; Thomas Fedele, Greg Conte, Mark Anastasi, Dennis Buckley, Mike Nidoh, Don Eversley and/or William Minor.

17. Monthly telephone statements for Jose Tiago's landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
18. Monthly telephone statements for Carl Kish's landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
19. Monthly telephone statements for Melville Riley Jr.'s landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
20. Monthly telephone statements for Reginald Walker's landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
21. Monthly telephone statements for Barbara A. Freddino's landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
22. Monthly telephone statements for Gail Solis' landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
23. Monthly telephone statements for Jose Tiago's landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
24. Monthly telephone statements for Robert Morton's landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
25. Monthly telephone statements for Anne Pappas-Phillips' landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
26. Monthly telephone statements for Thomas Fedele's landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
27. Monthly telephone statements for Greg Conte's landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.

28. Monthly telephone statements for City Attorney Mark Anastasi's landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
29. Monthly telephone statements for Dennis Buckley's's landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
30. Monthly telephone statements for Mike Nidoh's landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
31. Monthly telephone statements for Don Eversley's landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
32. Monthly telephone statements for William Minor's landline telephone accounts and cellular telephone accounts reflecting calls made to or received from any individual or entity involving the Proposed Zoning Changes.
33. Any archived or transcribed e-mail messages or telephone messages to or from any employee, consultant or commissioner of the City of Bridgeport involving the Proposed Zoning Changes.
34. Any Documents involving, addressing or otherwise relating to the Proposed Zoning Changes and Mario Testa, Darlene Chapdelaine, Joe Voll, Steve Eaton, Attorney Dan Portanova, Gus Curcio, Attorney Raymond Rizio, Nancy Hadley, Anne Fardy, and/or Paul Timpanelli.
35. Any Documents relating to site visits relating to any of the Proposed Zoning Changes, including a list of commissioners participating and other attendees, if applicable.
36. Documents relating to any meetings between commissioners and any interested parties relating to the Proposed Zoning Changes other than a public meetings and hearings where recordings have been made as part of the public record.

Please be advised that this FOIA request is intended to be as broad and inclusive as permitted by law and is intended to apply to all officers, officials, employees, departments, divisions, bureaus, commissions, councils, and any other private agency, person, partnership, corporation or business entity acting on behalf of, or with the knowledge of (whether actual or constructive), the Commission.

If the Commission or any commissioners claim that any requested document or materials is exempt from inspection and copying, please state the name and description of the document, and an explanation of the basis for the exemption, including the statutory citation to an exemption created or afforded by statute.

Please note that I am initially requesting to inspect these documents and materials, prior to identifying specific items for copying. If specific documents and materials are later identified for copying, we agree to compensate the Commission up to the per page copy fee permitted by law.

Your immediate attention to these matters is greatly appreciated. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brendan Sharkey', written over the printed name.

cc: client