

**CITY OF BRIDGEPORT  
CONTRACTS COMMITTEE  
TUESDAY, JANUARY 14, 2014  
6:00 PM**

ATTENDANCE: Co-chair DeJesus; Council members: Castillo, Brannelly, Salter

NON-COMMITTEE: Council President McCarthy, Swain, Torres, Feliciano, Halstead

CITY STAFF: Associate City Attorney Pacacha; Bill Coleman, OPED;  
Andrew Nunn

OTHER(s): Representatives: United Illuminating, City Energy Sustainable  
Group; BGreen Energy

Co-chair DeJesus called the meeting to order at 6:10 pm.

Co-chair DeJesus asked the committee members in attendance to introduce themselves.

Approval of Committee Minutes of December 10, 2014.

**\*\* COUNCIL PRESIDENT MOVED TO ACCEPT THE MINUTES**

**\*\* COUNCIL MEMBER BRANNELLY SECONDED**

**\*\* MOTION PASSED UNANIMOUSLY**

**13-13** Proposed Resolution concerning Ground Lease with United Illuminating Company to facilitate the construction of a Solar Electricity-Generating Facility on the landfill near Seaside Park and the construction of a Fuel Cell Electricity-Generating Facility on adjacent land

Bill Coleman stated that he would communicate three things of how the project came about, in terms of the specific economic impact and how the project will energize the city – *per the renderings displayed*. He mentioned the BGreen process that was spurred

by the Mayor during 2008, as a front and center approach to economic strategy. He further explained the project was headed up by Paul Timpanelli, the Fairfield Community Foundation and there were meetings held over a twelve month duration. Subsequently, there were six different working groups conducted to discuss the creation of re-energy.

Mr. Timpanelli updated that the strategies were developed based on how to make the city greener and better and develop the economy further. There was a strategy for economic development in the west side of the city and they are now looking to formalize the plan in line with the BGreen initiative – *a letter from David Kooris was submitted that highlighted the benefits of the project.*

*Associate Attorney Pacacha submitted the following reference documents to be entered into the record as exhibits:*

**\*\* COUNCIL PRESIDENT McCARTHY MOVED TO ENTER EXHIBIT-1-13-13-1-14-14 SUSTAINABILITY PLAN BOOKLET INTO THE RECORD**

**\*\* COUNCIL MEMBER BRANNELLY SECONDED**

**\*\* MOTION PASSED UNANIMOUSLY**

**\*\* COUNCIL PRESIDENT McCARTHY MOVED TO ENTER EXHIBIT-2-13-13-1-14-14 B-GREEN 2020 PROGRESS REPORT INTO THE RECORD**

**\*\* COUNCIL MEMBER BRANNELLY SECONDED**

**\*\* MOTION PASSED UNANIMOUSLY**

**\*\* COUNCIL PRESIDENT McCARTHY MOVED TO ENTER EXHIBIT-3-13-13-1-14-14 BRIDGEPORT FLIP SWITCH ON NEW SOLAR PLAN INTO THE RECORD**

**\*\* COUNCIL MEMBER BRANNELLY SECONDED**

**\*\* MOTION PASSED UNANIMOUSLY**

**\*\* COUNCIL PRESIDENT McCARTHY MOVED TO ENTER EXHIBIT-4-13-13-1-14-14 LETTER DATED 1/14/14 FROM DAVID KOORIS TO CO-CHAIR DeJESUS AND CO-CHAIR AUSTIN INTO THE RECORD**

**\*\* COUNCIL MEMBER BRANNELLY SECONDED**

**\*\* MOTION PASSED UNANIMOUSLY**

Mr. Coleman to the rendering displayed and he explained that the project concerned the Solar Eco-Technology Park. He pointed out the new kind of green energy structure that is contemplated. He further referred to the largest solar energy fuel cell in existence,

noting that these types of projects tend to be subsidized and some of the cost gets passed onto the ratepayers. He mentioned United Illuminating, noting that normally, the taxpayers absorb the cost; however, for this urban project a portion of the cost will be funded by the entity.

Jeff Lightman, BRBC gave some background information about himself. He referred to the rendering of the Eco-Technology Park and he stated that they had a discussion of how they can develop the project to make it real and beneficial to the city. Then they looked at the west end of the city and saw that there were numerous facilities that had to do with energy sources, so they questioned how they could convert these older properties to tax producing properties. He spoke about the conversion of these facilities on the west end in relation to bio-diesel, flexi-paving and the renovation of 80,000 sq. feet of buildings and brownfields located in the area where food waste is burned. He explained how food waste can be burned and produced into compost that creates energy. He further noted that this type of energy could be supplied to Sikorsky in the future. He explained the process of food waste heat, instead of using fossil fuels. He stated that the totality is to create a different image for the city where hundreds of jobs will be available.

Council member Torres asked about the resolution that was being considered, noting that the specifics of the energy cell weren't relevant at this time. Mr. Coleman agreed with the comment, noting that he thought the information would be helpful.

Attorney Pacacha referred to the Seaside Park Landfill as it related to the project. He referenced the information regarding the landfill area on the west end that outlined the loss of integrity due to conditions of the wetlands – *a historic background of Seaside Park was submitted into the record.*

Council member Torres asked if the document was binding in regard to what the city determined the law to be. Attorney Pacacha replied no, the landfill is part of the Department of Public Facilities and it's in their budget. He further noted that there was nothing indicating that the landfill is a park.

**\*\* COUNCIL PRESIDENT McCARTHY MOVED TO ENTER EXHIBIT-5-13-13-1-14-14 NATIONAL REGISTER OF HISTORIC PLACES RE: SEASIDE PARK INTO THE RECORD**

**\*\* COUNCIL MEMBER BRANNELLY SECONDED**

**\*\* MOTION PASSED UNANIMOUSLY**

Council member Swain asked what year the landfill became part of Seaside Park. Attorney Pacacha stated that it historically existed as a marsh land and it was gradually filled in up to the Barnum Dike and ended there *per the rendering displayed.* He stated that it was not considered a part of Seaside Park.

Council member Torres asked why it was classified as marsh land. Attorney Pacacha stated that it was just a fact according to the report that he referred to.

Council member Halstead mentioned Veterans Park where there were piles of rubble and dumping. He commented that subsequently it was turned into a park. He explained that his comment was made to make the comparison that the same principle applied to Seaside Park.

Council member Brannelly asked about the status of the landfill. She mentioned that once they stopped the dumping there, what is the current state of it and in the future. Attorney Pacacha stated that it was officially closed by the Department of Environmental Protection in 1996. He said they put a cap of dirt on top to grow vegetation and he recalled the site was designated to be used for recreational purposes. He reiterated that the landfill was closed.

Attorney Pacacha clarified that "Post Closure Use Approval" will be required for the project to be constructed.

Council member Brannelly asked if they could possibly use the space as parkland. Mr. Coleman said he doubted that could happen, because to actively use the land, it would require a different protocol. Council member Brannelly said so theoretically, there is more work that could be done to make it usable as a park. Mr. Coleman said absolutely, noting that he has seen cases where this was done in theory; however, it's probably not practical.

Attorney Pacacha asked the United Illuminating representative to discuss the following points. It was stated that during 2011, the Energy Act was created to meet renewable energy demands by the year 2027- *per a proposal to build ten (10) megawatts of renewable generation*); so they partnered with the city for a proposal of 2.2 megawatts solar and fuel cell. Then they revisited the agreement with stakeholders and they are now proposing a 5-megawatt project on the site.

Attorney Pacacha submitted the following documents for the record;

*Council President requested Attorney Pacacha to email copies of the documents to the council members:*

**\*\* COUNCIL PRESIDENT McCARTHY MOVED TO ENTER EXHIBIT-6-13-13-1-14-14 GUIDE TO DEVELOPING SOLAR ENERGY AT A MASSACHUSETTS LANDFILL INTO THE RECORD**

**\*\* COUNCIL MEMBER BRANNELLY SECONDED  
\*\* MOTION PASSED UNANIMOUSLY**

**\*\* COUNCIL PRESIDENT McCARTHY MOVED TO ENTER EXHIBIT-7-13-13-1-14-14 BEST PRACTICES FOR SIGHTING SOLAR ON LANDFILLS RE ACCORDING TO THE ENVIRONMENTAL PROTECTION AGENCY**

**\*\* COUNCIL MEMBER BRANNELLY SECONDED**

**\*\* MOTION PASSED UNANIMOUSLY**

**\*\* COUNCIL PRESIDENT McCARTHY MOVED TO ENTER EXHIBIT-8-13-13-1-14-14 COPY OF ARTICLE FROM MASSACHUSETTS 2013 OUTLINING COMMENTS OF CONSTRUCTION OF SOLAR ARRAY ON THE LANDFILL**  
**\*\* COUNCIL MEMBER BRANNELLY SECONDED**  
**\*\* MOTION PASSED UNANIMOUSLY**

Attorney Pacacha stated that the project is subject to a wide array of federal approvals as follows:

- PURA approval
- Post Closure approval – DEP
- Ground Lease approval
- City Hall Committee review
- Planning & Zoning Commission 8-24 Referral

*\*It was stated that no variances will be required for this project; however; Coastal Area Management (CAM) approval will be required.*

- Public Hearing scheduled before the full City Council
- Citing Council approval

Tom Judge, United Illuminating began to refer to the physical aspects of the project, but there was a question about the scheduling of the public hearing. Attorney Pacacha stated that a public hearing must be held before the full city council and before the vote. Council President McCarthy clarified that the committee can only order a public hearing before the city council, but they can't order a full city council public hearing. Attorney Pacacha clarified that the idea is to hear from the public and consider their comments before a city council vote is taken. He emphasized that the timeline for approval of this project and a final decision was crucial as indicated by United Illuminating. Council President McCarthy stated that he was almost certain that the full city council has to vote for a full city council public hearing.

Council President McCarthy asked what the deadline was for getting the project done. It was stated that the matter was based on the permit approvals and then they would need twelve months to construct the project.

Tom Judge continued to explain the physical aspects of the project for 2.2 megawatts for the solar facility and fuel cell facility. He explained that the solar facility will be located on top of an 11-acre ballasted system and the system will sit on top of the landfill and mounted onto a racking system. There will only be one-tier of solar panels constructed the appropriate number of inches above grade. He added that the footprint will be small for the fuel cell facility of approximately 150-200 feet long x 100 feet wide and the final design will outline the exact footprint where there will be an interconnect to United Illuminating.

Attorney Pacacha asked him to explain the method of getting the power generated by the Solar PV down to the grid. Mr. Judge pointed out the fuel cell on the rendering per Council member Brannelly's request. He oriented the committee to the property and what is surrounding it and the area they are looking to lease for the fuel cell facility. He explained that it will go through the underground, up Atlantic Avenue and back to the substation. He further explained the direct current that comes down the road in a cable tray with the following options: a) the option to bring it down to the underground b) put it on a pole line – *it was noted however, that the environmental nature needed to be considered.*

There was some additional information reviewed to give a better visual and explanation of what will occur in the landfill, as it related to the change in grade etc. It was further explained the other features included for this project, such as: a fence around the facilities; all the buildings will meet the industry noise standards; there won't be any air quality issues and no water will be discharged.

*Attorney Pacacha submitted a map that was prepared for United Illuminating Corporation.*

**\*\* COUNCIL PRESIDENT McCARTHY MOVED TO ENTER EXHIBIT-9-13-13-1-14-14 MAP RE: PREPARED FOR UNITED ILLUMINATING CORPORATION  
\*\* COUNCIL MEMBER BRANNELLY SECONDED  
\*\* MOTION PASSED UNANIMOUSLY**

Council member Torres commented that the map wasn't at scale. It was stated that a graph of a scaled map could be submitted.

It was stated that United Illuminating was required to submit to PURA a final cost for the project, so they are obligated to submit that information, so the dilemma is that information is required for the award to proceed. Attorney Pacacha stated that when the Citing Council receives the information, the city will be notified, inclusive of the specific information required for the project to proceed. It was further stated that this is a cost of service project and on United Illuminating's books and paid for by the ratepayers.

Mr. Judge stated that a lot of due diligence was done to come up with the cost impact for the land lease, which resulted in a more refined estimate of \$20-22 million and a tax estimate of approximately \$7 million over seven (7) years.

Attorney Pacacha talked about the ground lease proposal. He explained that they had intensive discussions, noting that the lease is straightforward consisting of a 20-year term with and extension of two(2), five-year terms. He estimated that based on the cost, it appeared that the project will generate 6.9 million to 7.2 million in taxes over the initial term of the lease. The ground lease will generate \$150k and it will be offset by the taxes paid.

Attorney Pacacha stated that if UI continues with the renewal terms, since there is no agreement yet, they will conduct negotiations or go through the appraisal process to come to an agreement as the process is outlined. He stated that the lease is specific about what UI can do on the property, i.e., **no sub-leasing** and the maintenance and security will be included. If there are other things they want to do on the property, it will require city approval. He went on to say that UI will be responsible for protecting the CAP and if there is an issue, they will have to repair it. Overall, environmental responsibility is included in the lease. If they move out, they are obligated to take all their personal property. He clarified that “*mutual indemnification*” is outlined in the lease. He commented that consultations were conducted from beginning to the end of the proposal.

Council member Halstead stated the project didn't seem ready for review yet, because there weren't any renderings. He emphasized the importance of knowing what will visually be seen, since the project will affect the waterfront.

Council member Castillo said he was concerned about what he called “our park”. And his concern about kids and putting up a fence that will be electrical, noting the risk of kids jumping, climbing and throwing rocks at the solar panels. He questioned what will happen. It was stated that risks were considered known as “*attractive nuisances*”. The solar panels are rated for projectiles for things that could hit them. There is also performance monitoring that will trigger an immediate alarm to United Illuminating that will be addressed immediately. As far as security, they have sub-station facilities all over and the fences will have a posting of high voltage and caution. They area also proposing to put barbed wire up to discourage kids from trespassing.

Council member Brannelly further questioned details about the fencing. It was stated that there is currently a 3 foot high fence in the area. There are also 12 foot high berms located in the area pointed out on the rendering; a gated access area and gabion walls located in another area. It was further noted that the Sikorsky area was fenced in.

Council member Brannelly stated that the barbed wire was not going to fly, because it will give the appearance of a prison. She emphasized that they don't want to lose the visual of the park. She further emphasized that the project is on the water and they need to consider the underground wires for the project. She stated that they need to see an artist's rendering in order to make a thorough decision and to really really see how the project will appear. She made it clear that she wouldn't vote on the project unless they can see what they are actually talking about. She suggested that a community meeting be held where a presentation of the project could be made, before the public hearing is scheduled. She expressed that this will allow them to see the scope of the project.

Council member Brannelly asked if the rent would be offset by the taxes and she questioned if the taxes didn't get to the amount of \$350k as previously mentioned; will they have to pay it anyway. Attorney Pacacha clarified that if they go below \$150k, then there will be stipulations as outlined in the lease— *he stated that Exhibit-C amended ground lease was submitted to the city clerk on January 13, 2014.*

**\*\* COUNCIL PRESIDENT McCARTHY MOVED TO ENTER EXHIBIT-10 AMENDED GROUND LEASE SUBMITTED TO THE CITY CLERK ON JANUARY 13, 2014 ENTERED INTO THE RECORD  
\*\* COUNCIL MEMBER BRANNELLY SECONDED  
\*\* MOTION PASSED UNANIMOUSLY**

Attorney Pacacha clarified the revision to Exhibit-C, which outlines that United Illuminating will pay taxes on the facility at a minimum of \$150k per year and will be offset by any city taxes they pay. He noted that this will only result in the case of property depreciation.

Council member Brannelly asked for clarification about the language concerning brand new non-depreciative equipment in terms of the value and expected taxes. Attorney Pacacha stated that it will be approximately \$2 million for restocking, so add the \$2 million at 70% and multiply it by the mill rate and they will see the taxes going up.

Council member Swain reiterated that the renderings were important to see, since the visual of the project is key. She also asked if other sites were considered for the project. It was explained that there weren't any renderings available, because they had to go out to bid first, obtain prices and approval to build; but they will have them in the near future. It was further stated that other sites were considered; however, they were informed that only third parties could build solar facilities in the state and the proposed site was found to be a great land reuse. Also, acreage was a key factor, due to the limited acreage available in the city for this type of use. It was further stated that other sites were looked at in and outside of Bridgeport.

Council member Swain commented that she wasn't sure if this project was processed as a typical architectural project would be, speaking from her experience in this field. Mr. Judge stated that the area was outlined in the new FEMA flood plain. The building elevation will be (14) and it's proposed to be built up to that standard that will be a 150 ft.-100 ft. footprint.

Council member Swain asked for input on the actual design of the fence and the fuel cell buildings. It was explained that the cells are packaged units and they are put down on a pad, noting that it is a very simplified design. It was further stated that there isn't any indication that it will be an intrusive design and this type of structure generally goes unnoticed, as it's been observed by others that have been constructed. It was noted that the fuel cell is so quiet that the decibel level is equivalent of a normal human conversation.

Council member Torres posed the following questions and comments:

- Why wasn't the full city council made aware of the proposal before the committee meeting
- Suggested the rendering wasn't accurate in scale

- Project will definitely be visible because it will be constructed high at a greater height of the landfill
- Concern about damage to the fuel cell from birds

*He referred to the agreement and noted the following concerns:*

- Distinguishing the landfill from a park wasn't outlined in the agreement
- Problem with the process going through without a public hearing
- Consideration for the loss in property value, due to the visual attack on one's eyes – *he mentioned that Blood Root Restaurant as very distressed about the proposal*
- He asked them to slow down, due to what he called "his park" and being disturbed about the construction of the fuel cell facility. He didn't feel the project had anything at all to do with alternative energy
- FAA has jurisdiction over the project due to the land pattern. He suggested that the airport land might be a more viable option for the project, since it's shielded by a wooded area
- There were overall concerns from the Black Rock NRZ

He requested that his comments and concerns be made part of the record as an exhibit. And he reiterated that the project had nothing to do with alternative energy options and he felt that the matter involved quality of life issues. He emphasized that this type of project would never be considered in the Town of Westport. He further noted the issue about the quit ruling that was outlined in the agreement as it pertained to United Illuminating.

**\*\* COUNCIL PRESIDENT McCARTHY MOVED TO ENTER EXHIBIT-11-13-13-1-14-14 COUNCIL MEMBER TORRES COMMENTS RE: BLACK ROCK NRZ**  
**\*\* COUNCIL MEMBER BRANNELLY SECONDED**  
**\*\* MOTION PASSED UNANIMOUSLY**

*It was noted that Council member Torres would submit his comments to the full city council.*

**\*\* COUNCIL MEMBER McCARTHY PRESIDENT MOVED TO ENTER EXHIBIT-12-13-13-1-14-14 RESOLUTION TO CITY CONCIL RE: GROUND LEASE WITH NOTES FROM COUNCIL MEMBER TORRES**  
**\*\* COUNCIL MEMBER BRANNELLY SECONDED**  
**\*\* MOTION PASSED UNANIMOUSLY**

Council President McCarthy made the following comments:

- Stated that a vote wouldn't be possible tonight, because the committee hasn't had time to absorb all the information outlined in amended Exhibit-C.

He stated that the committee wants to put together more questions and he urged them to submit their questions to Co-chair DeJesus, who will then forward them to Attorney Pacacha for responses.

He mentioned that he appreciated all the representatives that attended tonight.

- Suggested for the next meeting, the city should have an idea as to what the probability is or not of cleaning the site up to make a reasonable park land. He noted that although that may never happen, the matter should be looked at.
- Clarified that the city council is definitely part of the process, noting that if the city council doesn't take positive action, the project won't happen. Also, the city council can apply restrictions, so changes, suggestions etc. can be made and the city council has the right and obligation to do that.

Council President McCarthy recommended tabling the item and he urged the committee members to bring their suggestions to the table before the next scheduled meeting for discussion. He emphasized that one significant issue he had was not having at least a mock up rendering of the project, noting that the heights are very important.

**\*\* COUNCIL PRESIDENT McCARTHY MOVED TO TABLE  
\*\* COUNCIL MEMBER BRANNELLY SECONDED  
\*\* MOTION PASSED UNANIMOUSLY**

**ADJOURNED**

**\*\* COUNCIL PRESIDENT McCARTHY MOVED TO ADJOURN  
\*\* COUNCIL MEMBER BRANNELLY SECONDED  
\*\* MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 8:05 pm.

Respectfully submitted,

Diane Graham  
Telesco Secretarial Services