

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

PETITION NO. 1104

PETITION OF THE UNITED ILLUMINATING COMPANY
FOR A DECLARATORY RULING THAT
NO CERTIFICATE OF ENVIRONMENTAL
COMPATIBILITY AND PUBLIC NEED IS
REQUIRED FOR THE CONSTRUCTION,
OPERATION, AND MAINTENANCE OF
A 2.2 MW AC SOLAR PHOTOVOLTAIC
FACILITY AND A 2.8 MW AC FUEL CELL
FACILITY ON SEASIDE LANDFILL
LOCATED AT:
350 WALDERMERE AVENUE,
BRIDGEPORT, CONNECTICUT

RECEIVED
SEP 10 2014

CONNECTICUT
SITING COUNCIL

September 8, 2014

PRE-HEARING SUBMISSION OF ENRIQUE TORRES

Enrique Torres hereby submits its response to the Hearing Procedure memorandum issued by the Connecticut Siting Council (the "Council") in preparation for the September 11, 2014 hearing before the Council on United Illuminating's petition requesting a declaratory ruling that a certificate of environmental compatibility and public need is not required for the construction, operation, and maintenance of both a 2.2 MW AC solar photovoltaic facility and 2.8 MW AC fuel cell facility on Seaside Landfill in Bridgeport, Connecticut (the "Project").

I. Witnesses

Enrique Torres will call on Charles Brilvitch (former city historian and environmental advocate) who will present his professional opinion on this project.

II. Pre-Filed Testimony

I (Charles Brilvitch) initially proposed the pre-selection of Seaside Park to the Connecticut Historical Commission for inclusion in the National Register of Historic Places (1978). I consulted with Allison Gilchrist, author of the nomination, in the determination of the boundaries and provided her with substantial historic background information. Additionally, I edited portions of the NHRP application.

I served as Historian of the City of Bridgeport for 14 years. I was a consultant to the Connecticut Historical Commission as well as a private National Register consultant. I served as City Environmental Review Officer and was Executive Director of South End Neighborhood Housing Services. I was also the founder of an organization known as the Friends of Seaside Park.

RESPECTFULLY SUBMITTED

Enrique Torres

February 17, 2014

A Special Meeting of the Board of Park Commissioners was held on Monday, February 17, 2014, at the City Hall Wheeler Room, 45 Lyon Terrace, Bridgeport, CT at 5:00 p.m.

OPENING CEREMONY

ROLL CALL

Present: Commissioners: Marko, Mercaldi, Labrador, Giles and Owens. Parks and Recreation Director Charles M. Carroll and Clerk Ellen M. Gerrity. Absent were Mr. Brideau and Mr. Rosa. Also in attendance were Luann Conine, Recreation Superintendent and Stephen Hladun, Special Project Coordinator.

After determining there was a quorum, Mr. Marko called the meeting to order.

PUBLIC SPEAKING FORUM

Mr. Marko introduced the following people attending the Special Meeting: Parks and Recreation Director Charles M. Carroll, Roddy Diotalevi, Senior Director, Sales & Marketing, UIL Corporation, John F. Cottell Jr., Utilities Manager, City of Bridgeport, 999 Broad Street, Bridgeport, CT, Ronald J. Pacacha, Associate City Attorney, City of Bridgeport, Rick Torres 108 Midland Street, Bridgeport, CT, Patricia Swain 500 Cleveland Avenue and Susan T. Brannelly, 520 Lake Avenue, Bridgeport, CT

1. Jennifer Buchanan, Seabright Avenue, Bridgeport, CT

Her major concern is taking a public park and putting a utility on there.

She said in the 2011 Parks Master Plan there was no connection to the BGreen 2020 Sustainability Plan and no indication that solar panels were being prepared or even considered in any of the parks.

She said suddenly we now have a Master Plan with the solar panels proposed shown on the site.

She said that if this was such a great idea and the public needed and wanted to be aware of it why was this not made public from 2011 until about one week ago on the City web site.

She said she is all in favor of solar panels and at the presentation, it was mentioned that there were five or six other viable non-park areas in the City to put the solar plant.

She said that the City has a zoned industrial area in the Master Plan that the City has agreed upon and approved and she firmly believes that is where the solar plant belongs, and not in a public park.

2. Mary Filo, 351 Grovers Avenue, Bridgeport, CT

Ms. Filo thanked Councilman Torres for bringing the solar project to their attention.

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She said Seaside is a public park that was donated to the people for the purpose of open space.

She feels that the landfill is being used as an excuse to get the solar panels into a public park.

She said that Councilman Torres has shown them that it is possible to clean up the landfill area to become a park; and that nature takes care of itself.

Ms. Filo said that the landfill area was a mistake and does not even know if it is on record for the garbage to go there in the first place.

She said that it is a slow process, but the landfill is healing itself.

She mentioned if some was put behind it, it might speed the process up.

She said she does not think that putting utilities on a public park is the answer.

She said people do not donate land to people to build on; they donate it to the people to have a place to go to have open space.

She said that Seaside Park is Bridgeport's beautiful open space.

She said there are many other open spaces in Bridgeport where these panels can go where they will not disrupt what was given to the people.

She said she hopes that the U.I. Company, City of Bridgeport, Common Council and Parks Department will find an answer not to put the panels in the people's park.

3. Linda Simard, 9 Harborview Place, Bridgeport, CT

Ms. Simard said that she has a problem with the Ground Lease between the City of Bridgeport and the United Illuminating Company.

She said the City is giving away the farm and, ceding all control of that area to the UI Company for 20 years.

She said we cannot get out of the lease for any reason including the UI's default on the lease.

She said they have total control of the area.

She said in Exhibit D of the lease is states: For the avoidance of doubt, Landlord shall not have the right to approve, authorize and/or otherwise consent to any Fundamental Alteration, and Tenant shall have no obligation to notify Landlord of any reconstruction,

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relocation or expansion of a Generating Facility that requires a Permit or other action by a Governmental Authority.

Ms. Simard said that a Governmental Authority does not have to be the City; it could be the State, EPA or any number of things.

She said you can have panels clearly visible to everyone and you cannot do a thing about it because this lease says that the UI Co. gets entire control of the project.

She said she has a real problem handing over the landfill for what is not a great deal of money something that is very valuable to the City.

She said this value is the open space and the appearance of our waterways.

She said that this is such an eyesore and Bridgeport does not have enough bad publicity about Bridgeport that we would build something in a park that could possibly change the nature of its appearance.

4. E. David Niesyn, 298 Prospect Street, Bridgeport, CT

Mr. Niesyn said that he is not against the solar park project, he is against the location.

He said he uses the park a lot and over the years, he has run his dogs up on the dump and has noticed that wildlife has come back to an area that should not have become a dump in the first place.

He said in the evening wild turkey roost in trees that are there which he enjoys watching.

He also said the ground is healing itself and it is nice to see wildlife coming back to the area.

He said that old factory sites in Bridgeport could be explored and would preferable then taking something that he enjoys and have it ruined.

He asked how long it would take to reclaim something that is now turning back to nature.

5. Charlie Gulotta, 319 Sailor Lane, Bridgeport, CT

He said that his background and experience is basically in the corporate world.

Mr. Gulotta said he moved to Black Rock from Fairfield ten years ago.

He said he moved here because Bridgeport was on its way up.

He looked at the assets Bridgeport has such as a deep-water harbor, airport, waterfront property, an arena, baseball team and is surrounded by the richest communities in the country, yet, in the ten years he has been in Bridgeport, it continues to get worse.

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He said that Bridgeport under utilizes its assets and if you go to Seaside Park it is an unobstructed view of the sound in a beautiful location.

He said he finds it mind-boggling that we would take waterfront property like Seaside Park; one of Bridgeport's crown jewels and turn it into a utility.

He said that Bridgeport takes their assets and abuse them; there are so many other areas in the city where there are deserted properties where this should be done.

He said in regionalization plans we wonder why people want to avoid Bridgeport; it is because of things like this.

Mr. Gulotta asked the Board of Park Commissioners when they found out about this plan.

He said that our elected officials should represent them since they elected them and that the people find out about things after they are done.

Mr. Marko said that the Board of Park Commissioners are citizens just like him that stand up and try to help the City by not pontificating or telling people what they should do but by actually doing things.

Mr. Marko also said the Board is not elected or paid but are appointed and are trying to do a good job.

6. Edward Piquette, 34 Hadley Street, Bridgeport, CT

Mr. Piquette pointed out that the Board found out about the plan just like everyone else.

Mr. Piquette said that this is a big proposal a very big industrial plant.

He said they now know there will be a barbed wire fence about the solar panels.

He said there will be flood lighting at least on the fuel cell portion and do not know yet if they will be around the solar panels.

He said there will be step-up transformers.

He said that fuel cells emits a lot of vapor and a significant amount of noise, which will be a nuisance both to the park and to all that live around Burr Creek.

Mr. Piquette said he has not been able to reach the Audubon Society but he said we could all be sure that there are very important bird species and other wildlife on and around the dump.

He thinks it is very important that an inventory of the wildlife be taken before a vote by the board.

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Mr. Piquette said that it is also not appropriate to vote on the plan until a disturbance plan could be done and you have some idea of what has to be done to the property.

Mr. Piquette said that there is no compelling reason that this manufacturing facility needs to be put on parkland, there are several other places that the U.I. can do this.

Mr. Piquette said the reason why they want to do Seaside Park is that it is the easiest and cheapest place for them to do it.

He said he is all for profits, but not at the expense of the citizens of Bridgeport and our parkland.

He said that the Park Commissioners are the last line of defense between ridiculous plans for profit developers' of our parkland.

Mr. Piquette said that the Park Board represents our interest and are the trustees of our land.

He said that Seaside Park has been called rightly the most beautiful park in America and if the Park Board cannot save it, no one can.

Mr. Piquette thanked the Board.

7. Maura McNeil, 33 Hadley Street, Bridgeport, CT

Ms. McNeil said that the Park Board is trusted with Seaside Park stewardship.

Ms. McNeil said that she had visited the fuel cell on Railroad Avenue and played a recording of the loud noise it makes.

She said that the fuel cell cannot be put on the Seaside Park landfill.

She also said that the Board owes it to their children, grandchild and humankind not to put the fuel cell in Seaside Park.

8. John Forster, 166 Grovers Avenue, Bridgeport, CT

Mr. Forster said he has spent twenty-five years in corporate finance working for some of the leading companies in the world and currently consults on financial matters.

Mr. Forster said there is no benefit to the City of Bridgeport or its taxpayers.

He said that the only people that would benefit are the shareholders and executives of the U.I. Company.

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Mr. Forster said he is all for solar and making green energy, but this does not make economic sense.

He said that we have one of the most prestigious parks in the county and we are going to desecrate it and put visual pollution around the park.

He said it is already polluted enough and should be cleaned up even more.

He said the solar panel should be put on other rooftops of existing City Buildings such as City Hall.

9. Merrilyn Vanghele, 53 Seabright Avenue, Bridgeport, CT

She said she lives right on the harbor and is very concerned about this solar project.

She said she has personally seen that part of the park become a natural habitat and has seen the return of the ducks, geese, swans, hawks, falcons, osprey and Brant breeds which is a small goose of the ocean shores and hooded warblers.

Ms. Vanghele said that her son has a degree in forestry and has documented the birds in the area.

She said that the landfill is a natural habitat and whatever is on the land feeds the birds, therefore whatever is on the land or flies over the land will die.

She said we would not be seeing these birds if the solar panels go in.

She also said there is a safety factor with the panels and that is why a barbed wire fence would have to go up around it to keep children and wildlife away from it.

She said that the solar panels will be a safety hazard to anything around it that exists off that property.

10. Terence Sullivan, 350 Grovers Avenue, 7-B, Bridgeport, CT

Mr. Sullivan wanted to know how the people would benefit from this project and are there any other places where this project could be located.

11. Rick Torres 108 Midland Street, Bridgeport, CT, presented his slide show.

Mr. Torres gave a slide presentation.

Mr. Torres said when he first found out about this he was told that the project was going through on the State Citing Board, which abrogates all local laws except the Common Council.

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He said the Harbor Commission was excluded, but is relevant because all land dividing a harbor in the City of Bridgeport is required to go through the Harbor Commission for approval and all use must be water dependent use.

He said in 1997 the City of Bridgeport adopted new zoning regulations that made all parks residential A.

He said the purpose of that reason is that Residential A is among the most difficult Zoning definitions that would be difficult to change if someone requested it.

Mr. Torres said that the reason he added the statue of Elias Howe to the presentation is that he is relevant in that since from his statue westward, at one point everything was swampland.

Mr. Torres said that PT Barnum bought 325 acres with the help of Nathaniel Wheeler and Colonel William Noble.

Mr. Torres said that Barnum deeded three parcels to the City.

He said that one was directly in front of the eastern most part of the University of Bridgeport, one was directly in front of most of the UB Campus between Iranistan and Park Avenue's and the third was deeded in 1882, all of the land from Barnum Dyke westward with no definition as to how far west; but the goal was an additional 100 parks in the City accomplished the 100 parks in the 1960's.

He said that if you take that away it is 265 acres proving that the landfill area is part of Seaside Park.

Mr. Torres showed a slide with a copy of the Seaside deed from the City's archives.

He said in 1917 the City provided a plot of plat book where the area has grown another 40 acres and at that point, you can see it is called Seaside Park.

Mr. Torres showed a slide from the 1960's before the landfill and showed the area had plantings and a concession stand.

In another slide he showed that the area of Captain's Cove was formally a landfill.

Mr. Torres said that the greater growth of the landfill did not exist prior to the administration of Mayor Mandanici, and after that, the landfill began to grow in earnest.

Mr. Torres showed a slide of the landfill area that the City of Bridgeport agreed to in an application to the Federal Government's National Park Register and is now a protected registered site.

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He also showed an overlap of the solar panel project onto the registered site; which is a clear violation of the conditions set forth in the National Register, which is that we protect the land.

He said the reason that the growth existed and people assumed that the dump was the size it was, is because the registration application went in 1986 and approved.

He said it took three years for the landfill to close in 1999, and in that time, a contracting firm brought in all kinds of construction debris and landfill grew by thirty-three percent.

He said to allow the solar panel in the protected landfill area would be a violation of the Historic District.

He said there is a stewardship agreement that we have to protect and maintain the landfill.

He said that one of the processes that wasn't employed until the last Common Council contract meeting last week was contacting the EPA Long Island Sound study.

He said that the stewardship initiative provides for protection of all waterfront land adjacent or near including estuaries into Long Island Sound.

He said the purpose of this EPA project was to protect all coastal land if it can be grabbed.

He said the land should not be industrialized and should be returned to ecological protection.

He said all of this information could be found on the EPA's web site.

Mr. Torres said that the City spent 3.5 million dollars to clean up the ACME Shears site for park use, instead of providing those same dollars into cleaning and restoring the Seaside Park landfill.

He said from on top of the landfill you could clearly see beautiful scenes looking across to Long Island Sound and Bridgeport, which is an awesome site.

Mr. Torres said that area would be restricted for thirty years with twenty years at first and with two extensions.

Mr. Torres showed a slide of land that used to be a landfill, which is now a beautiful park, and which the same can be done to Seaside Park's landfill.

This park is now a renewable energy area and is a demonstration project for children so that they may understand their hopeful future need and desire to protect the environment through economical and environmental reasons.

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Mr. Torres provided different ways of providing solar energy including , such as parking lots, roof tops and on top airports where the panels reflect less light than grass and they are ideally suited.

He said the EPA Long Island Sound Study provides money to the Fish and Wildlife administration for this very purpose, and it is available every year

12. Susan T. Brannelly, Councilperson, 130th District, 520 Lake Avenue, Bridgeport, CT,

Ms. Brannelly said that the land in question is a dump and is sixty feet high and there is not a chance that you could have children playing on top of it.

She said that it was told to the Common Council that it would cost upwards to hundreds of millions of dollars to remediate.

Ms. Brannelly said that the project for the park in Norwalk that Mr. Torres references to started 20 years ago; she said that the City of Bridgeport could use this land at Seaside to generate revenue while we put in place a plan for remediation.

She said there is not a possibility that the federal funding available for this project every year add up to the 165,000.000 or more that would be needed to remediate this land.

She also said that she has also seen the renderings that the UI Company has provided and that the impact visual is minimal.

She said that this is a dump that generates no revenue and has absolutely no function as a park at this time or any time in the near future; you are not putting your children on this land to play at least not in the next 20 year without a plan to move forward.

Ms. Brannelly said she would like to see a plan put in place by the Board of Park Commissioners to move forward with this project; with part of that perspective being a plan for remediation at the end of the twenty or thirty years because she would like to look forward to the generations to come to see what they can do for this park and not just stare at it for next thirty years.

GUESTS

1. Ronald J. Pacacha, Associate City Attorney, City of Bridgeport, requesting to speak to the Board in regards to a Seaside Solar Project.

Mr. Pacacha said that cities that are well run are well run because that plan and they plan in advance.

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He said there has been a lot of talk and allegations that this is the first time anybody has ever heard of this use of the landfill, and this is just not true.

He said for those people that have been engaged in the public process starting with the Master Plan of Conservation and Development, which is done every ten years; the City sits down and asks what are we going to do within the City during the next ten years.

He said that Master Plan is vetted in every neighborhood where there are many public forums with hundreds of participants both consultants, stakeholders, outside advisors, before the Master Plan of Conservation and Development is adopted.

He said the Plan was adopted by the Zoning Board at the time.

He said the Master Plan was adopted in 2008, and although the Master Plan cannot see everything that will happen and did not know at the time of all renewable energies opportunities that there were, it did talk about renewable energy and reusing property that may be lying fallow such as old industrial and brown fields in which the City has a lot.

He said the City receives millions of dollars to remediate brown fields and are doing this all over and putting the properties back on the tax rolls.

He said you do not have to do this to the landfill because it is not on the tax rolls.

He said it is a brown field and was closed because it was dangerous to operate, not modern and was best to isolate the landfill under a cap.

He said we do not have to spend brown field dollars remediating the site because we have capped it.

He said we have isolated contaminates from the public digging in it, touching, or breathing it.

He said you really do not know what is in the landfill until you start excavating it.

Mr. Pacacha said he would submit a letter from their environmental consultant who monitors and measures the water quality of the ground waters around the landfill and he has listed possible ways that you can treat the landfill.

Mr. Pacacha said that the Master Plan was 2008 and following that was the BGreen 2020 Sustainability study that was done in 2010.

He said that it talks about a lot of ways you can think differently and that the Mayor put forward because he thought that Bridgeport could be branded as a new place for businesses to come to where people and government were thinking sensibly and responsibly especially using sustainable technologies.

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He said the City paid a lot of money to dump things like sludge from the wastewater treatment plants and other recycling material; that today we are actually turning these things into products

He said that right now the City has a proposal in to turn the sludge at the Westside treatment plant into electricity.

He said the B Green 2020 Sustainability Plan talks specifically about using the landfill for solar power and renewable energy.

He said that this was vetted by all the people that were involved in the public process and was later adopted in 2009.

He said following that in 2011 was the Parks Master Plan, which was designed by Sasaki Associates and was adopted by the Board of Park Commissioners.

He said that the on page 143 of the Master Plan it shows specifically the use of the landfill for solar.

Mr. Pacacha said that this is the City's planning process that enables it to grow and improve and this is just one aspect of the overall planning process.

He said they started talking to the U.I. Company about this project about one year ago to discuss whether and under what circumstances we would give the U.I. control of the landfill for this project.

Mr. Pacacha said that the U.I. Company had to go through (PURA) The Public Utilities Regulatory Authority process that oversees utilities, rates, projects and more.

In said in October 27, 2013, the project was approved provisionally providing that all the numbers pencil out that the U.I. has property control and that the U.I. finally approves the whole project as well as the Attorney General's Office, the Office of Consumer Council that represents ratepayers and any other public bodies involved in the process.

He said that this has not been finally approved by PURA as of yet.

He also said they have to go to the Connecticut Siting Council because they site all facilities like this.

He said that the City of Bridgeport still has a seat at the table with respect to visual, noise and heat impacts, and there are many Boards that will have to hear about this project.

Mr. Pacacha said there are public hearings they go to where they state what they request in a project.

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Mr. Pacacha said that this did not originally come before the Parks Board only because they thought when they originally looked at the whole program that the landfill was not part of the park.

He said that it turned out that without them trying to misrepresent the facts, they simply learned through review of historic records that the Seaside landfill is part of the park.

He said what it is not part of is the National Register of Historic places which specifically cut out the landfill area.

He said there is no proof that the landfill is actually violating the National Register.

Mr. Pacacha said that tomorrow night there will be a public hearing before the City Council, followed by a City Council vote.

He also said there will be a Harbor Commission tomorrow night.

He said that he represents many commissions and the Harbor Commission has no jurisdiction whatsoever over this project.

He said the Harbor Commission's jurisdiction is below mean high water and all the lands that lie below mean high water.

He said they have no jurisdiction over this project, which is above mean high water.

He said they also went before the Port Authority, and the City Hall Committee, both of which approved the project.

He said this matter does come before Planning and Zoning, but for a limited reason.

He said the Siting Council has superior jurisdiction as far as the siting of a utility.

He said the Siting Council however does not have control over the local coastal management review that this project has to go through.

He said that this matter was scheduled to come before the Planning and Zoning Commission but they have postponed their meeting several times due to lack of a quorum.

He said the City has no obligation to contact the Office of Long Island Sound Programs and get an approval.

He said when the U.I. makes its submissions to the Planning and Zoning Board for an 824 review it will then go to the Long Island Sound Programs for 35 days to do a review and that is when the program will have an effect on the P & Z.

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He said the P & Z hearing is very limited; it reviews whether or not it is an appropriate use of municipal land and whether it is consistent with a master plan of development.

He said that at least P & Z has some jurisdiction over this project.

He said there are many bodies looking over this project not just the Parks Board, City Council or Port Authority, so there are many levels and a lot of regulation going on before this project will be allowed.

Mr. Labrador said he has been listening to Mr. Pacacha speak and he kept using the work we.

He asked if that should just be yourself and a certain people, or should the Park Board have been a part of we.

He said secondly when they did find out it was parkland why wasn't it brought to the Park Board right away to obtain permission.

Mr. Pacacha said it was about one day after he learned from the U.I.'s Title Searcher that this was part of the park and not excluded from the park.

He said that he immediately submitted it to the Park Board for review and approve the use of the land.

Mrs. Owens asked how anyone involved in this project did not know that this land was part of Seaside Park.

Mr. Pacacha said that this is a matter of historic record and goes back into the 1800's with many deed transfers.

He said that a lot has been said that this land was donated by PT Barnum but, by his title search this is not the case.

He said there are two deeds from the Crane Co. west of Barnum Dyke, a couple of smaller deeds from an individual and then there is 18.18 acre addition to the park that was made by virtue of a dredging project run by the U.S. Engineers who deepened the harbor.

He said they have a photograph showing a 1934 overhead geographic map of the park area with the landfill overlaid over that area that shows a huge area of water that was then filled in.

He said that none of that makes any difference now because they do admit that it is part of Seaside Park.

Mrs. Owens asked how long ago did they find out that this was part of the park.

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Mr. Pacacha said he found out a day before he made a submission to the Board.

Mr. Marko asked what is the urgency of this project having to be decided on now?

Mr. Pacacha said the City is not pushing this project through on a rush basis, they are going through all the Boards and Commissions and trying to explore all the issues with the Board.

Mr. Marko said that this is a major decision by the Parks Board and wanted to know what the deadline for the project is?

Mr. Pacacha said he would let the U.I. answer their portion as to if there is an urgency to this.

Roddy Diotalevi, Senior Director, Sales & Marketing, UIL Corporation stated that the U.I. is not a for profit developer; they are a regulated public utility company.

He said because of this any money they would want to invest in a project such as this they would have to put a proposal before PURA (The Public Utilities Regulatory Authority); who would ultimately approve the capital spending for this project.

He said this is the way they would increase rate.

He said they put a proposal before the PURA to say can we build this project.

He said someone asked what is the benefit of a project like this?

He said it goes back to the State of Connecticut's renewable portfolio standards when the State of Connecticut is trying to build 20% class 1 renewable projects by the year 2020.

He said that there was some legislation that allowed the U.I. and Connecticut Light and Power to build up to 10 MW of renewable power.

He said that the U.I. has a long-standing relationship with the City of Bridgeport and well vested in this project.

He said they want to build this project in the City of Bridgeport because not only would it benefit the State but it fits well with the BGreen 2020 and there is some tax revenue of \$7,000,000.

It is turning unusable land of brown field into green energy.

Mr. Diotalevi said that the time line is tight because when they got approval back in October it was contingent upon the U.I. submitting specific costs for this and other projects they wanted to build.

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He said that they had already asked for a thirty-day extension for the project for specific costs that they had to go out to bid for such things as the solar panels, inner connection and fuel cell component and package the costs up and in a couple of weeks put before PURA again for the final approval to build the \$23,000,000. project.

He said it is done this way because it is a cost to service project; they put these costs within the land and every other component in front of the regulators and tell them that this is what it will cost to do the project.

He said that the U.I. would earn a regulated return on the invest; it is no different from building a sub-station or maintaining poles and wires.

Mrs. Owens asked Mr. Diotalevi how much more would this cost the ratepayer.

Mrs. Diotalevi said that because the cost is spread across the whole rate base it would cost less than \$5.00 a year per ratepayer.

He said that this project would be funded by all ratepayers statewide no matter where the project is built.

He said that this is approved through State legislation and then through regulation to allow the U.I. to build two projects up to 10MW projects ranging from 1MW to 5MW's in size.

He said wherever they build these projects they will be approved and will be funded by ratepayers because the State has a policy to build renewable projects such as wind and solar fuel cells.

He said we need to have 20% renewable power by the year 2020 to displace some of the older coal and fossil burning plants.

Mr. Diotalevi said the Dominion fuel cell facility on Railroad Avenue is an electricity-generating facility and a much larger project at 13MW as is the proposed Seaside fuel cell project which is a little over 2MW.

He said the Railroad Avenue fuel cell is an organic ranking cycle, which is a heat recovery mechanism.

He said the heat that comes off the fuel cells goes into an organic ranking cycle to make steam instead of turbine.

He said the noise that comes off the State Street fuel cell is from the heat recovery organic ranking cycle turbine that is spinning at that location which the Seaside fuel cell does not have.

Mrs. Owens asked if they could add to this project.

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Mr. Diotalevi said that legislation limits the size of any plant they build to be between 1MW and 5MW.

Mr. Mercaldi asked if the U.I. Co. could expand the project without coming back to the Boards?

Mr. Pacacha said they have very specific limits on the project they can build there.

He said they are allowed to, under the ground lease to change out to upgrade to a more efficient solar panel, but they cannot expand.

He said anything they do has to go before PURA and the City will be able to sit at that table.

Mrs. Buchanan questioned Mr. Diotalevi about the cost to the ratepayers; she said she when on the PURA site and read that the Bridgeport site is in conjunction with the New Haven site.

She said that when you add in New Haven it says that every U.I. customer would have a .55 cent per month surcharge added to their bill to cover the cost of the two facilities, which the total investment is \$63,000,000.

She said that when she backs into the numbers of \$63,000,000 at .55cents for 350 ratepayers the rate will go from .799 to .34 which is also what is in the report, which is how much it will cost the U.I. to produce this energy.

She said that when she does the math it comes out to far more than what he is stating; it comes out far more than \$2.00's a year it is more like \$1.30 a month per ratepayer.

Mr. Diotalevi said that he does not have the costs in front of him but will get it to the meeting tomorrow night.

Mr. Diotalevi said that State police is to build 20% renewable power by the year 2020, and there has been other RFP's issued by the State to build renewable projects.

He said there is a solar facility in Somers, East Lyme and the Dominion plant on State Street was originated because of State policy 150.

Mr. Marko said he would like to go back to the timetable issue and completion of the project.

Mr. Diotalevi said the filing is due February 21st and they have already asked for a 30 day extension.

He said they promised the regulators that they would make a filing with the final cost by February 21st.

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He said part of that is to show they have site control.

They have had to go out into the market to procure the exact cost for the fuel cell and solar facility and have been issued RFP's and a lot of people bid.

He said they have been working on these detailed costs since the tentative back in October.

Mrs. Owens asked where else in Bridgeport have they looked?

Mr. Diotalevi said they had looked at Pleasure Beach but it did not work out.

He said they looked at a landfill in New Haven but the topography was not conducive to locating solar.

Mr. Marko asked what would be the effect of changing the date to a future date?

Mr. Diotalevi said he did not know what cost this would have on the regulators, but some of the costs that were procured had a certain timetable, this would have an effect on the price, and he believes it would delay the project significantly because they would have to go back out for an RFP to get updated costs.

Mr. Marko said he would like to go through some of the questions.

1. How would this benefit the City? It would benefit the City by \$7,000,000 over 20 years.

Mr. Marko believes that a passive solar panel project on the landfill would not be such a bad idea.

He did think that the fuel cell plant looked very industrial, but he did research on both the panels and fuel cell and found that they are both considered safe.

He does not think they looked into a lot of alternative locations.

Mr. Pacacha said they are placing a lot of solar panels on school roofs and tried to put panels on the arena but it did not work out.

He said that Bridgeport is land poor; and there may seem like that there are large areas of land available but most of it is in the parks.

He said that the City had a hard time finding a location for the new 4th Inter District Magnet High School and had to trade parkland with the Town of Trumbull so they could locate there.

He said they are looking for a donation from the former G E site on Boston Avenue for a 15-acre site that is double the space of their existing site; he said there is just not enough land in Bridgeport.

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2. Security Fence

Mr. Marko asked if the security fence would be around the perimeter on the whole site or just on the landfill.

Mr. Diotalevi said the fence would be around the solar facility not the broader landfill area.

Mrs. Owens asked what type of security fence they would use?

Mr. Diotalevi said that would be one of the issues taken up by the Connecticut Siting Council.

He said they would want to protect anyone from venturing into the area.

3. Cost to Bridgeport ratepayers

The average residential ratepayer would see an increase of .43 a month or \$5.16 a year to support this project.

Mr. Pacacha said that he has a letter from U.I. Co. dated today committing to work with the City to work on a security fence and vegetative barrier around the solar facility and around the fuel cell as well as a commitment to make an educational component display so the public would understand the benefits of have this solar facility on the landfill.

Mr. Pacacha said he would like to submit the letter for the record.

4. Lights on Landfill

Mr. Marko asked Mr. Diotalevi about placing lights on top of the landfill.

Mr. Diotalevi said he does not have the final design on that but he does not believe they would be putting lights on top of the landfill, but they would probably have them near the fuel cell and and the switch.

5. Disturbance Plan

Mr. Cottell said that the Disturbance goes through DEEP, Connecticut's Department of Energy and Environmental Protection and once they figure out how the project will be constructed it is submitted to DEEP.

Mr. Pacacha said that this does not mean that the landfill cap will be disturbed and under one of the protections in the ground lease states that if the UI disturbs the cap of the landfill it would have to be replaced.

6. Transformers & Transmission of power from the Landfill to the Grid

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Mr. Diotalevi said there will be an inner connection where the power will come off the landfill somewhere near the fuel cell to an existing line from a pole through the city streets back to the Pequonnock sub-station.

7. Solar Panels – Sound

Mr. Diotalevi said there will be no sound coming from the solar panels.

8. Pole line - Sound

Mr. Diotalevi said there is no sound. There are no transformers between the site and sub-station.

9. Panels – Visibility

Mr. Diotalevi said the panels are tilted 3” to 4” fixed and do not tilt

Mr. Marko said that the panels are 3’ to 4’ tilted 24 degrees; he does not think they would be visible from below.

10. Vapor from fuel cell

Mr. Marko said the there is natural gas is a hydro-carbon, and a vapor of Co2 & water will be released.

11. Hurricane Safe

Mr. Marko said that the panels would be safe in 130 mile winds and work on a ballast system and the grids they are on are weighted.

12. Access to Solar Panel

Mr. Cottell said there is an old access road that goes to the top of the landfill and is blocked off at the entrance road with concrete blocks.

13. Panel Count

Mr. Diotalevi said there are approximately 9,000 panels.

Mrs. Owens asked if the panels would be visible from Black Road.

Mr. Diotalevi said you could see only the top edge of the panels from Black Rock.

He also said that fencing will be obscured by trees and plantings around the area.

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Mr. Pacacha said he would like to submit for the record copies of before and after pictures of seven different views from locations around the landfill.

Mr. Torres said that he has heard the answer I don't know a lot and one of the unanswered questions is the lighting.

He said that this is a big deal because lighting will show an industrialized park that just shouldn't be.

He also said that these panels hold 600 watts ea. and he believes that kids could jump over the fence in no time at all, and the City and UI Company will expose themselves to liability.

He said a bigger issue in the lease is that the City of Bridgeport provides full coverage liability for the UI and all of their contractors and if a worker comes forward years from now claiming that they got sick because of working on the landfill; the City is environmentally responsible.

Mr. Torres said we will open up the City for liabilities and change the topography of what they view from the beautiful Black Rock Harbor all for a laughable amount of \$7,000,000 for 20 year.

He asked why can't they put the facility at the airport where the land is low and you will not be able to see it from the street; and save one of Bridgeport's beautiful parks.

Mr. Diotalevi said that the UI Company will not build a facility that is unsafe, and if there needs to be security fencing or a small amount of security lighting there will be.

He also said that the landfill would not be lit up where you can see it from Black Rock.

He said he is sorry about the "I don't know" answers, but there has not a file on design and he will not state answers on speculation.

A statement was made that David Kooris, Director of the Office of Planning and Economic Development made a statement that there was no economic benefit for the City or taxpayers for this project.

He said being environmentally conscious is great but when there is no economic benefit it hits everyone financially.

Mr. Pacacha said that he works with Mr. Kooris on a daily basis and he said that he might have said there are no economic benefits from jobs created because the project will only create a few new jobs for UI personnel.

He said that this project generates new tax dollars for the City of Bridgeport, is consistent with the Master Plan for Economic Development to bring new businesses to the City and is consistent with the BGreen 2020 Program.

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He said that his comments were taken out of context without the explanations for why such things would be said by our economic developer.

He said that this ground lease agreement was very difficult to negotiate with the UI. There was give and take and there are risks and liabilities on the project that are divided between the City and UI.

He also said that the City is not giving the UI an indemnification for everything that happens on the landfill.

He said the City indemnifies the UI for things that the City is responsible for and they will have insurance on the solar facility and fuel cell site that will cover everything that happens as a result of the existence of their facility.

He said if a trespasser jumps over the fence and goes onto the property and gets hurt it would be covered by the UI Company and their insurance would be triggered.

Mr. Pacacha said the City only indemnifies for the things caused by our actions or negligence.

A question was asked as to where the gas line would be run.

Mr. Diotalevi said they would use the existing underground gas lines located along Barnum Dyke.

They also asked if this plant would overtax the system.

Mr. Diotalevi that that there is plenty of gas to supply the fuel cell.

A suggestion was made to place the fuel cell facility at either the Old Remington site or the East Side, land behind the transfer station; anywhere but on park land.

A question was asked about in the ground lease where it states specifically that the UI is excluded from any liability from environmental conditions in such intent of the ground lease.

They also commented on losing the beautiful view from the harbor and that \$7,000,000 is nothing for 20 years.

Mr. Pacacha said we are not taking on any more liability than what already exists for the dump we created.

Mr. Pacacha submitted a spreadsheet for the record a spreadsheet over the first twenty years of the project, which show just how the taxes are estimated, be generated at the current mill rate based on the value of the personal property that the UI will install at the landfill.

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Mr. Pacacha also commented that the City uses a company by the name of the National Development Council, which is a non-profit agency that the City hires on an annual basis that advises the City on all kinds of economic development projects.

He said this is to make sure we are getting a fair return for the project that we are joining in with someone else and this project falls within the parameters of what this property would be worth if it was to be sold or leased over a long period of time to another party.

He said this council is also there to advise us whether this business plan fits into their financial model; and this particular amount fits into the model.

He also said that PURA and the Office of Consumer Council objected very much when the City asked for a higher land rent previously so they had to reduce the amount of land rent and apply it as a creditor of the taxes, but in the overall the City will net \$7,000,000 projected over twenty years.

Mr. Diotalevi said for clarification, the UI will maintain the solar facility; the City of Bridgeport has no ongoing operation of maintenance of that facility.

Its \$7,000,000 projected taxes is \$7,000,000 to the City of Bridgeport, not netted out.

He said that solar power in general cost more, but he does not think we are here to debate public, Connecticut or national policy to try to move away from fossil fuel or renewable; renewable power is not cost effective.

Mr. Torres said that we are not here to debate that issue, he said we are here to debate whether we should put solar panels on a City park.

He said we keep going back to that other issue as to whether the State of Connecticut is forcing utility companies to move to twenty percent renewable power by 2020; he said that is irrelevant and the issue here tonight is whether or not they industrialize a park.

Mr. Piquette said that the goals and policies of the State of Connecticut may be nice but they have nothing to do with whether this industrial park is appropriate for parkland, and the same goes for the Master Plan and BGreen 2020, they are all irrelevant to this conversation.

He said that the UI is doing a nice job trying to sell this as a benefit to Bridgeport and that they are trying to convince us that we should want this.

He said they would never submit this plan to Westin, Westport or Compo Beach because they would laugh them out of town.

He said if we they cannot find fifteen acres elsewhere, they should go somewhere else.

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He said that we do not have land in Bridgeport and that the park is not an appropriate place for industrial purpose.

14. Ground Vegetation

A question was asked on how they would control the vegetation around the panels & if they would put poison on the ground.

Mr. Diotalevi said they would be putting down gravel and no poison would be put down.

She also wanted to know if there was an engineer study done of what effect it would have once the solar panels are put down.

Mr. Torres said that there was an EPA Long Island Study that was done by Mark Tedesco, which stated that plants that have penetrated the landfill should not be cut down because they essentially cork themselves into it and actually help clean whatever is beneath the surface.

He said cutting them down would eliminate the cork, they would rot out and you would have the opportunity for methane to come back out.

Mr. Pacacha said we have to do is observe the consent order and stewardship permit that applies to the landfill and that does not permit trees to grow on the landfill, he said there are other forms of vegetation they can use.

Mr. Torres said that once a tree is in there you should not take it out.

A statement was made that Seaside Park was designed by the famous architect Frederick Law Olmsted, the same architect that designed Central Park and Beardsley Park.

They said that when the park was commissioned it was given to the City as a gift and it is the City's job to maintain this park for future generations and to not set the dangerous precedent to begin industrializing our parks.

Mr. Marko said when he first heard about this project he did not think it was a bad idea and thought it was a creative way to bring back an archaic landfill.

A statement was made by Ms. Buchanan that the City should find out if the landfill is on the National Historic Land List or not and if it will jeopardize the City from receiving federal funds in the future.

Mr. Piquette said that it does not necessarily have to be on the National Historic Land List, so long as it adversely affects the National Historic Park.

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Mr. Torres said in the National Historic Register that he has submitted to the Board you can overlay the map onto the map the City has and you will see an overlap of thirty-three percent.

Mr. Pacacha said he has a letter from the City's environmental consultant for the landfill and has previously testified to the contracts committee that there is no methane leaking anymore from the landfill or it is very diminished.

He said this came as a result after public comments that were made on what it would take to remediate the landfill.

He said in the letter dated February 4, 2014, which he would like to submit into the record, describes three different paths that you could follow: 1. Take out all the contents of the landfill down to about eight feet below the surface, filling it in and reconverting it into a park, and that would cost \$620,000,000. 2. Flatten the part of the landfill at the top to make it safe and useful as parkland, he said there are so many unknowns of what is in the landfill and what area you would be disturbing and how you would dispose of the contaminants that are found and without a plan in place the cost would very substantial. 3. Utilize the landfill for the solar park but expand the uses of the park in that area & the best opportunity for doing that would be along Cedar Creek from Barnum Dyke all the way to the end of the landfill area because it is a flat road that goes all the way out to a beach.

He said it would be possible through the budget process you could move some of the anticipated tax revenue from this project into monies for planning, repairing from Sandy or expanding the uses and activities that may not be available at the park now by doing minor modification of opening area of the park along Cedar Creek.

Mr. Diotalevi thanked the Board and guests for the opportunity to answer these questions and the UI will continue to work in conjunction with the City and they think it is a good project turning a brown field property into useable renewable power and hopefully they can move this project forward.

Mr. Marko asked what would be the harm in taking the time to analyze the project a little longer.

Mr. Marko said that he has read all the materials given to him and has personally gone to the site; he and the Board have put a lot of thought into this project.

Mr. Diotalevi said they are obligated to make a filing and can certainly put a footnote in the filing that they do not have land control.

He said he does not know what the City process is or that they need a decision tonight because there are a lot more questions that are coming before this council.

He said if the Board needs more time than take it, but they have to make a filing and that date is not going to change.

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Mr. Pacacha said there is no urgency but the matter has been keyed up before many agencies including the council.

He said they have put effort into it throughout the last year and so has PURA.

He said there are many regulatory bodies also looking at this and it is keyed up for a decision which as much information as they have that they can share with the Board.

On a motion made by Mrs. Owens seconded by Mr. Labrador, it was unanimously voted to go into executive session at 7:25 p.m. for the disposition of real estate.

The Commissioners came out of execution session at 7:45 p.m.

On a motion made by Mr. Mercaldi seconded by Mrs. Owens, it was unanimously voted to deny the use of the landfill site at Seaside Park or any City of Bridgeport Park for the construction of a solar electricity generating facility to be built and operated by the United Illuminating Company.

2. John F. Cottell Jr., Utilities Manager, City of Bridgeport, 999 Broad Street, Bridgeport, CT, requesting to speak to the Board in regards to the "City Hall Micro-grid System".
Mr. Cottell presented the board information in regards to the City Hall Micro-grid System.

He said it was passed under the governor's storm bill (Public Act 12-148), and the state awarded the City \$2,975,000 towards the electrical portion of the infrastructure.

The program is designed to develop innovative ways to keep critical buildings powered during electric grid outages.

The project will provide power for government services and businesses that are critical during extreme weather events

Mr. Cottell said they are looking at the micro-grid to connect City hall, police station, and senior center.

Mrs. Owns asked once it is up and running can you add another building.

Mr. Cottell said although it is expensive, it is technically possible to add other building in the future.

He said the infrastructure wiring between them would be under ground to keep it resilient.

Mr. Mercaldi asked at what point does the generator take over?

Mr. Cottell said it takes over as soon as you lose power since it generates it own power.

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He also mentioned that it has its own generating plant and will operate in parallel with the electrical grid, and allows the generation to be as economical as possible.

Mr. Marko asked what the building would look like.

Mr. Cottell said it is a one story non-descript building where vegetation can be placed around it to make it look attractive.

On a motion made by Mr. Labrador, seconded by Mr. Giles, it was unanimously voted to approve the installation of the City Hall Micro-grid System building in Wheeler Park.

ADJOURNMENT

On a motion made by Mrs. Owens, seconded by Mr. Labrador, it was unanimously voted to adjourn the meeting at 8:10 p.m.

Respectfully submitted,

Ellen M. Gerrity
Clerk