

**CITY OF BRIDGEPORT
CONTRACTS COMMITTEE
REGULAR MEETING
VIA ZOOM/TELECONFERENCE
DECEMBER 12, 2023**

ATTENDANCE: Jeanette Herron, Co-chair; Maria Pereira, Co-chair;
Matthew McCarthy (6:52); Richard Ortiz; Dasha Spell

OTHERS: Council Members - Aidee Nieves; Rolanda Smith;
Fredrick Hodges; Eneida Martinez; Ernest Newton

James Maye, City Attorney; Mark Fois, Aquarian
Aaron Curry, Deputy of Public Facilities

CALL TO ORDER

Co-chair Herron called the meeting to order at 6:03 p.m. There was a quorum present at the time of roll call.

APPROVAL OF COMMITTEE MINUTES: JUNE 13, 2023 (REGULAR MEETING)

**** COUNCIL MEMBER PEREIRA MOVED TO APPROVE THE MINUTES OF JUNE 13, 2023.**

Council member Pereira added those who were present to the June 13th, 2023 meeting and currently on the council now are Matthew McCarthy, Jeanette Herron, Maria Pereira, and Jorge Cruz.

**** Council member HERRON SECONDED THE MOTION.**

****THE MOTION WAS APPROVED WITH TWO (2) IN FAVOR (HERRON AND PEREIRA) AND TWO (2) ABSTENTIONS (SPELL AND ORTIZ).**

APPROVAL OF COMMITTEE MINUTES: JUNE 20, 2023 (REGULAR MEETING)

****COUNCIL MEMBER PEREIRA MOVED TO APPROVE THE MINUTES OF JUNE 20, 2023.**

Council member Pereira added those who were present to the June 20th, 2023 meeting and currently on the council now are Matthew McCarthy, Jeanette Herron, Maria Pereira, and Jorge Cruz.

****COUNCIL MEMBER HERRON SECONDED THE MOTION.**

****THE MOTION WAS APPROVED WITH TWO (2) IN FAVOR (HERRON AND PEREIRA) AND TWO (2) ABSTENTIONS (SPELL AND ORTIZ).**

APPROVAL OF COMMITTEE MINUTES: JULY 11, 2023 (REGULAR MEETING)

****COUNCIL MEMBER PEREIRA MOVED TO APPROVE THE MINUTES OF JULY 11, 2023.**

Council member Pereira added those who were present to the July 11th, 2023 meeting and currently on the council now are Matthew McCarthy, Jeanette Herron, Maria Periera, and Jorge Cruz.

****COUNCIL MEMBER HERRON SECONDED THE MOTION.**

****THE MOTION WAS APPROVED WITH TWO (2) IN FAVOR (HERRON AND PEREIRA) AND TWO (2) ABSTENTIONS (SPELL AND ORTIZ).**

APPROVAL OF COMMITTEE MINUTES: OCTOBER 11, 2023 (REGULAR MEETING)

****COUNCIL MEMBER PEREIRA MOVED TO TABLE THE MINUTES OF OCTOBER 11, 2023.**

Council member Pereira added those who were present to the June 20th, 2023 meeting and currently on the council now are Matthew McCarthy, Jeanette Herron, and Jorge Cruz. She was not in attendance at the June 20th, 2023 meeting.

****COUNCIL MEMBER SPELL SECONDED THE MOTION.**

****THE MOTION WAS APPROVED WITH THREE (3) IN FAVOR (HERRON, SPELL AND PEREIRA) AND ONE (1) ABSTENTIONS (ORTIZ).**

01-23 Proposed Lease Agreement with Aquarion Water Company of Connecticut regarding Vacant Land at Fairchild-Wheeler Golf Course for the purpose of Installing a Water Pump Station along with any related Infrastructure or Appurtenances to the Facility.

The City attorney, Mr. Maye spoke on behalf of the proposal. There is an existing water pump at the Fairchild-Wheeler location that is considered outdated, at this point in time it is in need of an upgrade. Rather than upgrading, their acquisition is to install a new one near the existing one. It will be located on the golf course but a wooded area so it won't impact the ability to play golf.

What was originally proposed was a permanent easement to install the water pump station at 2390 Easton Turnpike in Fairfield which is a 9600 square foot location. Aquarion would handle all the site preparation, permits, construction and installation of the water pump system. Aquarion proposed a permanent easement in place but Atty. Maye didn't think it was in the best interest of the city to give up the location on a permanent basis. They negotiated a long-term lease of 100 years with a counteroffer from the city of a 60-year lease with three renewal options. They did not speak about price in regards to the renewal options. Currently they have structured a 60-year lease for \$146,000 dollars that will be paid up front with no monthly/yearly rent installments, and the renewal option at the end of the term. From the original proposal they gained \$46,000 dollars and at the renewal period there are 3 options with 20 years terms each. During the renewal period the cost is subject to market, those in council will be able to set the price for the extension. During that term, Aquarion will be responsible to insure, maintain, and identify as the city for any lawsuits. The city will have no responsibility for the property unless they are the ones who caused the damages. Any claims brought to the city, Aquarion would be defending the city with additional insurance to protect the city from any potential likelihood. Proceeds will be paid upfront and will go into the city's general fund, not any parks account.

Council member Herron asked why the term options of 60 or 100 year leases. Atty. Maye responded the parks department wanted 40 years or preferably 20 years- as minimal as possible. Since Aquarion is going to be investing a lot of money into the project, they didn't want to be in a position where the possibility of them just being allowed the property for one short term without a renewal option. Ideally Aquarion was looking for a 100-year lease or permanent easement to be in place to ensure any money they invest will be recaptured and not have to worry about installing another facility anytime soon after the lease would expire. They found a middle ground of 60 years for the lease with the option for Aquarion to come negotiate for a renewal. Council member Herron thanked Atty. Mayes for his response.

Council member Spell had a question about the property value and to confirm her understanding from the presentation that there will be no property taxes for the location. Atty. Maye responded from Aquarion's evaluation, the property was valued at \$100,000 dollars for a permanent easement, the city went back to do their own evaluation and got the value of \$146,000 dollars to sell the property. The city told Aquarion they wouldn't consider the \$100,000 but \$146,000 because if they were to actually sell the property then that's what the cost would be. In terms of property taxes, they would be paid out to the town of Fairfield and Aquarion would be in charge of those expenses.

Council member Pereira asked if there is an active pump station with a smaller square footage already there. Atty. Maye replied yes, there is an active pump station there. Council member Pereira invited Mr. Fois to respond at any time since this is his field of work. She asked to confirm that the existing square footage is smaller than what they are requesting, and not included in the proposed lease.

Atty. Maye responded that is correct, the existing structure is not a part of the proposed lease. The intent is to keep the existing water pump station in place until the new structure is built and running, then they will close down the existing station. Mr. Fois added the most used term for that is decommissioned. Council member Pereira asked if there was an existing lease for the existing water pump station. Mr. Fois replied no, that is owned by Aquarion. Council member Pereira asked to confirm, they own a parcel of land that is on the golf course or adjacent. Mr. Fois [inaudible] the driveway is so close, they will try to keep one driveway so they don't have to cut into Jefferson Street. The pump station is not on the golf course property, it is the parcel next to it that they want to build on. Council member Pereira asked if the current pump station is not on any Bridgeport Land and Mr. Fois responded that is correct.

Council member Pereira said she looked at the lease proposal and the parcel of land is 9,640 square feet and they would like to set the lease terms to 60 years for the cost of \$146,000 dollars. Which means, per month for 60 years they would be paying slightly less than \$203 dollars per month; which is also .021 cents per square foot. She added nowhere in this country can find a square foot of property for 60 years at that amount. She is trying to figure out the basis of this number over a 60 year term. She shared she has a 400 square foot apartment and pays \$1265 dollars a month. She asked what the basis was of coming up with the lease amount as it is not reflective of any real estate values at the moment. Atty. Maye responded the rationale behind it came from the standpoint of what would be the acquisition cost, if they inquired the land with a permanent easement or outright sale of land. He agreed Council member Pereira is correct about the monthly cost she came up with but in terms of getting this as a lump sum payment up front to the alternatives of getting \$100,000 dollars for a permanent easement, or \$146,000 dollars for an outright sale; they felt it was a good compromise to make it work as the \$146,000 dollars was an upfront lump sum.

Council member Pereira added she doesn't agree with that at all and followed up by asking where the water is going to, is it going to the red rooster river that is flooding the north end. Mr. Fois responded that the Jefferson Street pump station boosts water to two elevated storage tanks, one located on the golf course and the other is located at mountain pleasant drive in Trumbull. Council member Pereira asked what the above ground tanks were used for exactly. Mr. Fois responded the tanks are used for drinking water for the times of high demand, access for the fire department, and in the event the main lines have low water pressure. The reason they pump the water up is because the land of Fairfield/Bridgeport, where the pump is located, can't pump on

its own. There isn't enough residual pressure to lift the water on its own to the golf course or Mountain Pleasant Drive. As the company grew past the 1950s, the water consumption demands grew and in order to serve the community and stay up with demands, the water pump station is necessary to meet long term and current demands. Renovating a facility is not uncommon but replacing it is sometimes necessary due to the footprint of the existing building cannot house the equipment needed in today's current design standard. The current building is all brick with a maintained structure but simply not enough space for the new equipment.

Council member Pereira added she thought this water station was designed to help with flooding but she is being told it is to collect the water and sell it back to residents for profits. Mr. Fois mentioned they don't have town boundaries, only on paper but the water mains run underground from Monroe, Bridgeport, Trumbull and Fairfield. The Greater Bridgeport Water system is a series of towns that are all served from the Easton trap falls to the Hemlock Reservoir in Fairfield. The fact that water might be produced in Shelton and delivered to a facility in Trumbull doesn't change the amount of money people pay for water. They don't have different rates for each town or city. Council member Pereira responded this is simply about profit, it is not for a greater good in the sense of selling water to your clients. She added she read the minutes of the last meeting regarding this proposal and read the parcel is essentially a part of Fairfield and it mentioned they don't have to pull any permits in surrounding areas. Mr. Fois responded that is correct. Council member Pereira asked based on what reasoning. Mr. Fois replied state statute 16-235, which exempts regulated public utilities from local jurisdiction for infrastructure projects. The only infrastructure that is specifically and legally exclusive from the exemption are radio towers and water tanks. The exemption of 16-235 is for all regulated utilities; electricity, gas, and water. This was enacted many years ago to allow water companies to maintain their infrastructure in the communities they serve. They are exempt from obtaining permits but they do have a standard program of procedures. First, they would design the project in the first half of 2024, sometime around the 90% design mark, they would bring their product into the town of Fairfield and sit down with planning and zoning, fire department, building department, and town engineer, wetlands, and inland's conversation to show them the project and get their recommendations. This would not require a public vote, they can do an administrative review to suggest recommendations on safety and saving the environment. Due to the exemption the cities and towns have a right to be open and transparent to the companies since they have no jurisdiction. Aquarion allows the towns to speak to their attorneys if they have any questions at no cost to them. He has successfully worked with Shelton, Ridgefield, Darien, Greenwich, Stamford, and more towns to help them get a better understanding of legalities, procedures, and the proposals. The public water commission, PURA oversees the right to assign a water franchise.

Council member Pereira closed by saying one of the best investments anyone can make is buying land and here is a parcel of almost 10,000 square feet that for 60 years there will be no

adjustment for inflation, no adjustment for land value, and for the residents of Bridgeport to only get \$203 dollars a month for 60 years is not okay in her mind. For the simple fact they are pumping water for profit, she will have to vote no as it is not reasonable or fair to Bridgeport tax payers.

Council member Spell asked what will happen to the current pump station and who decided the profits will go into the general fund and not the park commission. Atty. Maye replied the current pump station will stay in effect and utilized until a certain point of the new building being completed, he doesn't know exactly when it will be decommissioned but at some point it will be. In terms of the funds going into the general fund account is based on a charter, the charter provides where the funds go. If this was an actual sale then the money would have been deposited in the Park's capital improvement fund. Mr. Fois added Atty. Maye is correct that the existing station will be fully operating until a period of time after the new build is operating to confirm no issues will arise from the new build. The old station will be electrically turned off then safely piece by piece will be demolished, it cannot happen with one tumble. There is a process with decommissioning facilities as there are a lot of electricity and dangerous components they need to remove with a lot of caution. [Inaudible] Once the designs are complete and gone to bid they can confirm dates to the project. The best guess that can be shared right now is if they are successful in the year 2024 to complete the design, go out the bid then they would have only quarter 4 to work. The projects are usually 16 months, it is possible to look at completion for mid 2025 and the existing facility will sit until 2026/2027. While the old facility sits they will follow routine procedures for maintenance and begin the decommission procedures to avoid unnecessary maintenance cost.

Council Member Newton asked what would happen if the council or this committee said no. Mr. Fois responded the water company went through an extensive year long alternative analysis study to determine the best way to bring the pump [inaudible]. Bridgeport was not the first stop that goes down to Jefferson Street. They spent a better part of half the year analyzing and purchasing a parcel in Trumbull which dealt with condos, HOA, and many legal matters. They decided to back off and with the general analysis looking at all available land including their own. The pipelines that go to the station are called suction pipes, and the pipes going away are referred to as discharge pipes. If they were to pick a location at their other locations, they would have to run 1,000 feet of suction and 1,000 ft discharge pipes to the location. If they are lucky, they can complete both installations at the same time but that causes a huge disturbance to everyone in the neighborhood. If they do not get the proposed site then they would have to look at alternatives like that. Mr. Newton added they are already doing this already, where lines are running and not through someone's backyard, it's ideal, the city of Bridgeport is not using this land for anything else. Atty May added it is a part of the existing golf course but in a wooded area. He took a walk through the property and it is fairly close to Jefferson Street, not impacting

the golf course at all. From his perspective, the land can be used for something else down the road but currently there is no intent to be utilized, this would be an opportunity to generate some income for the city for unused property.

Council Member Newtown shared he knows of the location and since the city of Bridgeport doesn't have future plans on this parcel of land that's in a wooded area, he believes the contracts committee should consider the plans as the old facility needs to be taken out of commission and possibly save money for residents on their water bill. For example, the WPCA is ready to build new plants as the existing ones are old.

Council member Pereira added she doesn't issue with leasing the parcel, just the price. No one can get almost 10,000 square feet for \$203 a month for 60 years, that's not fair to Bridgeport residents.

Council member Newtown asked, is there any way that the city can ask for more money.

Council member Martinez added she agrees with Council member Pereira, the amount per square footage would be an issue for taxpayers.

COUNCIL MEMBER MCCARTHY JOINED THE TELECONFERENCE MEETING AT 6:52 P.M.

Council member Herron thanked Council member Martinez for sharing and is in agreement with them as well. She shared that she got a phone call from a tenant today and her landlord is raising her rent \$200 dollars, she won't be able to afford to live. This is a problem.

Council Member Huges added he agrees with Council member Pereira and Council member Martinez, and if there is any possible way they can renegotiate the price as Mr. Newtown said as well.

**** COUNCIL MEMBER SPELL MOTIONED TO TABLE ITEM NO. 01-23, ALLOWING THE CITY TO RENEGOTIATE LEASING PRICES FOR THE ARRANGEMENTS BEFORE MOVING TO COMMON COUNCIL.**

**** COUNCIL MEMBER PEREIRA SECONDED THE MOTION.**

****THE MOTION WAS TABLED UNANIMOUSLY.**

Atty Mayes responded they are in the position to look at numbers and express to Aquarion their concerns in terms of the amount.

Council member McCarthy added if they could just double the offer or \$300,000 dollars then it could work.

Council member Pereira agreed.

ADJOURNMENT

**** Council member SPELL MOTIONED TO ADJOURN**

**** Council member PEREIRA SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 6:54p.m.

Respectfully Submitted,

Vianca Rivera,

Telesco Secretarial Services