

**CITY OF NEWARK  
DELAWARE  
COUNCIL MEETING MINUTES**

**October 28, 2013**

Those present at 5:00 p.m.:

Presiding:           Acting Mayor Jerry Clifton  
                          District 1 Mark Morehead (arrived at 5:04 p.m.)  
                          District 3, Doug Tuttle  
                          District 4, Margrit Hadden  
                          District 5, Luke Chapman (arrived at 5:13 p.m.)  
                          District 6, A. Stuart Markham

Staff Members:     City Manager Carol Houck  
                          City Secretary Renee Bensley  
                          City Solicitor Bruce Herron  
                          Deputy City Manager Andrew Haines  
                          Planner/DNP Administrator Ricky Nietubicz

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Council entered into Executive Session at 5:00 p.m. and returned to the table at 6:54 p.m.

- A.** Executive Session pursuant to 29 *Del. C.* §10004 (b)(4) and (6) for the purpose of a strategy session involving legal advice or opinion from an attorney-at-law with respect to pending or potential litigation and discussion of the content of documents, excluded from the definition of “public record” in 29 *Del. C.* §10002 where such discussion may disclose the contents of such documents.

MOTION BY MR. MARKHAM, SECONDED BY MR. CHAPMAN: THAT THE CITY CONTINUES ITS CURRENT COURSE OF ACTION TO MONITOR AND RECEIVE INFORMATION REGARDING THE DATA CENTER AND ITS INTENDED OPERATIONS ON THE UD STAR CAMPUS UNTIL SUCH TIME AS THE CITY DETERMINES OTHER MEASURES MAY BE REQUIRED TO PROTECT THE BEST INTERESTS OF THE CITY.

MOTION DEFEATED. VOTE: 3 to 3.

Aye – Chapman, Clifton, Markham  
Nay – Hadden, Tuttle, Morehead

- B.** Executive Session pursuant to 29 *Del. C.* §10004 (b)(9) for the purpose of discussing personnel matters in which the names, competency and abilities of individual employees are discussed (City Manager & City Secretary).

Mr. Clifton advised this item would be continued at the conclusion of the regular meeting.

- 1.** The regular Council meeting began at 7:00 p.m. with a moment of silent meditation and the Pledge of Allegiance.

**2. 1. ITEMS NOT ON PUBLISHED AGENDA**

**A.** Public

**04:29**

John Morgan, faculty member of the University and a resident of District 1, discussed the local economy in regard to the power plant. (A prepared statement was submitted and attached to the minutes.)

- 3.** Catherine Ciferri, a Newark resident, detailed concerns about disclosure and public input in committee appointments and event planning.

- 4.** Katie Gifford, District 3, expressed concern about misinformation being given to the public regarding the power plant. (A prepared statement was submitted and attached to the minutes.)
- 5.** Jen Wallace, District 3, felt the overcrowding issue at the 10/14 Council meeting violated the open meeting law. She asked that public speakers be required to state whether they are a resident or non-resident and that City residents and business people be given first preference to speak.
- 6.** Rob Gifford, District 3, discussed the air permit submitted by The Data Centers. (A prepared statement was submitted and attached to the minutes.)
- 7.** Laura Henderson, District 3, opposed The Data Center being built on STAR Campus and spoke against the power plant and greenhouse gases it would produce.
- 8.** Tristan Spinski, a Newark resident, talked about the economic and cultural impact of the power plant and his concerns about the long-term viability of the community.
- 9.** Harry Gravell, a Lewes resident, spoke on behalf of 300 union families living in the City. He advised there would be employees physically working in the Newark facility. Also, this would be the smallest power plant they would be involved in building.
- 10.** Jackie LaGasse, District 3, would not further invest in her home until she was certain a power plant would not be constructed in Newark. She asked what emergency planning would be done to secure the safety of citizens and students if it was built.
- 11.** Nancy Willing, Barksdale Estates, discussed overcrowding in the Council Chamber and suggested added seating and improved audio. Parking access was also an issue. She stated the University had a one year out option on their electric contract with the City. Mr. Herron advised there was no one year out for them until year 14 as it was a 15 year contract.
- 12.** Amy Roe, District 4, reported DNREC posted TDC's draft air permit application. She asked for a moratorium on approving plans for certain power generating plants and requested the City to close the loophole on the noise ordinance. (A prepared statement was submitted and attached to the minutes.)
- 13.** Thomas Pulhamus, Alexandria Drive, discussed the power contract between the City and the University and was concerned they would be allowed to generate electricity. He disputed TDC's claim of good jobs for their work force based on Federal government and Delaware State Housing Authority statistics.
- 14.** Jan Baty, District 3, was upset about a possible power plant in Newark, the lack of transparency in government and the University's disregard for the community.
- 15.** Brian Dunigan, District 3, complained about signs posted on City property supporting The Data Centers as well as hangtags being left on doors. He felt this was intimidation and encouraged residents to contact City staff or police with their concerns.
- 16.** Drew Wakeman, District 3, commented on Newark's change from an agricultural and industrial economy to post-industrial. He objected to having a power plant built in the middle of a residential community which would be the third largest generator in the State. He suggested that carbon absorption or carbon capture be mandatory for TDC.
- 17.** Beth Sheridan, Arbour Park, said there was a representative from a New Jersey labor union canvassing her neighborhood, so she was not assured the TDC jobs (5,000 according to hangtags left on doors) would remain in Delaware. Ms. Sheridan stated Newark is a residential community where people care about their families and lives.
- 18.** Vince D'Anna, Newark resident, shared his concerns about taxes and substantial increases in fees, particularly a storm water utility fee of \$75 per household. He suggested strong consideration be given to the economic impact. The TDC building permit was estimated to be \$4.7 million, the annual revenue to the City was \$1.77 million, \$5 million would go to the school district and \$600,000 to the County.

19. Brett Zingarelli, Newark resident, did not want to see data center signs posted when he came to the meeting today. Regarding the CO<sub>2</sub> recapture it meant the CO<sub>2</sub> would be collected, sold to someone to use and then re-released into the environment.

20. Donna Means, Newark resident, discussed the lack of union employment at UD building projects. As a realtor she received negative feedback about home sales between Main Street and College Avenue because of the data center. Ms. Means was disappointed a 7-Eleven store was permitted on Main Street. She questioned the setback for the townhouse development on New London Road.

21. Len Schwartz, Devon and UD Mechanical Engineering Professor, had concerns about the plume that would be produced by a power plant and said the cooling towers would be large since the plant would not be on a river. He also noted TDC would produce 150 tons of CO<sub>2</sub> per hour where one can of soda contains one gram of CO<sub>2</sub>.

22. Kevin Hansen, Newark, thought TDC could not make the economics work without the income generated by the power plant. He did not think the data center was a bad idea, although they did not provide great jobs. He stated there would be a tall heat plume and, from his experience with gas peaking plants, he was worried about the noise, especially from occasional blow down events which were very noisy.

23. Ken Grant, Newark resident, hoped to see TDC come to Newark since it would be an opportunity to bring in a lot of jobs and pave the way for the future while attracting other businesses. The power generation made sense as a way to safeguard major data.

24. Brian Cords, Newark, opposed the power plant and was concerned about noise and potential health problems.

**25. 1-B. UNIVERSITY**

**01:18:20**

(1) **Administration** –Rick Deadwyler, Jr., University of Delaware Director of Government Relations, reported on University activities.

**26. 1-B (2) STUDENT BODY REPRESENTATIVE**

**01:22:33**

Andrew Miller introduced himself as a Governmental Affairs Senator at the University, and he looked forward to working with Council and the City.

**27. 1-C. COUNCIL MEMBERS**

**01:23:06**

**Mr. Morehead**

- Mr. Morehead acknowledged the Police Department for their participation in the national prescription drug take back day.
- Mr. Morehead attended the ribbon cutting ceremony for Bloom Energy.
- Mr. Morehead recognized the City's Halloween Parade.
- Mr. Morehead announced a Comprehensive Plan meeting on 10/29/13.
- Mr. Morehead encouraged everyone to vote in the upcoming Mayor's election and announced his candidacy.

**Mr. Tuttle**

- Mr. Tuttle hoped for good participation in the election.
- Mr. Tuttle believed the only provision for referendums in the Code were for bonded indebtedness and Charter revisions.

**Ms. Hadden**

- Ms. Hadden announced a public forum would be hosted by the League of Women Voters on 11/14 at the Newark Senior Center for the mayoral candidates, and the election will be held on 11/26.

**Mr. Chapman**

- Mr. Chapman suggested that City meetings (such as the 10/29 Comprehensive Planning meeting) be held in a room that will accommodate attendance.

**Mr. Markham**

- Mr. Markham acknowledged the Mayoral candidates who were in attendance.
- Mr. Markham enjoyed the Halloween Parade.
- Mr. Markham recommended a Wisconsin Public Service Commission document on the environmental impact of power plants.
- Mr. Markham purchased a decibel meter to consider the noise perspective in regard to the power plant.

**Mr. Clifton**

- Mr. Clifton attended the ribbon cutting ceremonies for Bloom, UD's ISE Lab and Natural Dairy Products.
- Mr. Clifton reported the General Electric plant off Bellevue Road was hiring a number of employees.
- Mr. Clifton requested that more consideration be given to the change in format for Newark Nite.

**28. 2. APPROVAL OF CONSENT AGENDA**

**01:41:16**

MOTION BY MR. CLIFTON, SECONDED BY MR. MOREHEAD: THAT ITEM 2-A, APPROVAL OF REGULAR COUNCIL MEETING MINUTES – OCTOBER 14, 2013, BE REMOVED FROM THE CONSENT AGENDA SINCE THE MINUTES WERE NOT COMPLETED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Chapman, Clifton, Hadden, Markham, Morehead, Tuttle.

Nay – 0.

Ms. Bensley read the Consent Agenda as amended.

- B.** Approval of Council Workshop Minutes – October 7, 2013
- C.** Receipt of Alderman's Report – October 15, 2013
- D.** Receipt of Real Estate Tax Assessment Quarterly Supplemental Roll
- E.** ***First Reading – Bill 13-35*** – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Deleting the Location of a Traffic Control Device And Updating References to "Elkton Road" to "South Main Street" – ***Second Reading – November 11, 2013***
- F.** ***First Reading – Bill 13-36*** – An Ordinance Amending Chapter 20, Motor Vehicles, Code of the City of Newark, Delaware, By Updating Speed Limits to Match the Recommendations of the Delaware Department of Transportation – ***Second Reading – November 11, 2013***

MOTION BY MR. TUTTLE, SECONDED BY MR. MOREHEAD: THAT THE CONSENT AGENDA BE APPROVED AS AMENDED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Chapman, Clifton, Hadden, Markham, Morehead, Tuttle.

Nay – 0.

**29. 3. ITEMS NOT FINISHED AT PREVIOUS MEETING: None**

**30. 4. SPECIAL DEPARTMENTAL REPORTS:**

- A.** Special Reports from Manager & Staff
  - 1.** Report and Recommendation on Activities Proposed for 40<sup>th</sup> Year (July 1, 2014 – June 30, 2015) Community Development Block Grant and 2014 (January 1, 2014 – December 31, 2014) Revenue Sharing Programs – Planning and Development Department

**01:42:31**

Mr. Nietubicz presented the report and reviewed recommendations prepared by the Committee. The total funding recommended was \$250,000.

MOTION BY MR. MARKHAM, SECONDED BY MR. TUTTLE: THAT THE 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT AND 2014 REVENUE SHARING PROGRAMS BE APPROVED AS RECOMMENDED.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Chapman, Clifton, Hadden, Markham, Morehead, Tuttle.  
Nay – 0.

- 31. **5. FINANCIAL STATEMENT**: None
- 32. **6. RECOMMENDATIONS ON CONTRACTS & BIDS**: None
- 33. **7. ORDINANCES FOR SECOND READING AND PUBLIC HEARING**:
  - A. **Bill 13-34** – An Ordinance Amending Chapter 19, Minors, Code of the City of Newark, Delaware, By Establishing Immunity For Persons Who Suffer or Report an Alcohol or Drug Overdose or Other Life Threatening Medical Emergency

**01:48:11**

Ms. Bensley read Bill 13-34 by title only.

MOTION BY MR. MARKHAM, SECONDED BY MR. CHAPMAN: THAT THIS BE THE SECOND READING AND PUBLIC HEARING OF BILL 13-34.

Mr. Herron introduced the bill which mirrored a recent amendment to State law. Under City Code the only offenses to which the immunity would apply was Underage Consumption or Underage Possession of Alcohol. Drug related misdemeanors could not be charged in the City since they were handled at the State level.

Mr. Morehead urged giving heavy publicity to the law which he considered a Good Samaritan act.

The Chair opened the discussion to the public. There being no comments forthcoming, the discussion was returned to the table.

Question on the Motion was called.

MOTION PASSED UNANIMOUSLY. VOTE: 6 to 0.

Aye – Chapman, Clifton, Hadden, Markham, Morehead, Tuttle.  
Nay – 0.

**(ORDINANCE NO. 13-32)**

- 34. **8. RECOMMENDATIONS FROM THE PLANNING COMMISSION AND/OR PLANNING & DEVELOPMENT DEPARTMENT**: None
- 35. **9. ITEMS SUBMITTED FOR PUBLISHED AGENDA**:
  - A. **Council Members**: None
    - 1. Executive Session pursuant to 29 *Del. C.* §10004 (b)(2) for the purpose of discussions on site acquisitions for publicly funded capital improvements.

**01:52:15**

Council entered into Executive Session at 8:45 p.m. and returned to the table at 10:59 p.m. Mr. Clifton advised that no action was necessary by Council at this time.

- 36. **Meeting adjourned at 10:59 p.m.**

Renee K. Bensley  
City Secretary

#2

LA

**Statement for the Newark City Council Meeting, October 28, 2013**

My name is John Morgan. I'm a faculty member at the University of Delaware, and I have lived on Kenilworth Avenue in the Cherry Hill development for the past 30 years. Two weeks ago I spoke at the Open Meeting in Mitchell Hall about some concerns for the university community about the proposed 248 MW power plant on the STAR Campus.

Later that evening there was a City Council meeting, and I've listened carefully to the audio recording of it. During the period for public comments, our former representative Tim Boulden expressed "concern for the economic condition of the City of Newark as well as the State of Delaware". He also said,

"I think they should put up a sign that says 'closed for business', because that's what I believe we're doing as a state and as a city".

He also said,

"Where Delaware was better than the worst in terms of economic performance, now we're at the bottom of the barrel."

Whenever I hear such extreme statements, I like to check their factual basis.

According to the website of the U.S. Bureau of Labor Statistics, in August 2013 our nation's unemployment rate was 7.3%. Delaware's was somewhat lower, at 6.9%. In Pennsylvania, it's somewhat higher, at 7.8%. In New Jersey it's higher still, at 8.3%. We're far from "the bottom of the barrel", and in fact we're doing better than our neighbors in other states.

There's also plenty of evidence that the local economy within our city is not doing extremely poorly, and is actually doing rather well. Along Elkton Road and for half a mile along Casho Mill Road, there are being constructed huge new developments of townhouses, which will be sold for around \$300,000 each. Why are they being built? In the expectation that lots of people with good jobs, who want to live in a relatively nice, clean, and quiet college town, will buy them. That reputation, built up over many years, is our town's most precious economic resource.

If the areas around Binns and Devon and Arbour Park become significantly less attractive and less clean and less quiet because of this very large new power plant, the character of our town will be changed forever. In my view, the primary responsibility of the 6 members of our City Council and our next mayor should be to represent the legitimate health and property interests of the citizens of Newark who have lived here for many years and decades, not to provide temporary employment for people who don't actually live in our town, and won't have to live with the long-term consequences of whatever will be constructed here.



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## Unemployment Rates by County in Delaware, August 2013



**Unemployment Rates by County in Delaware, Not Seasonally Adjusted**

Area	August 2012	August 2013(P)	Net Change
<b>United States</b>	8.2	7.3	-0.9
<b>Delaware</b>	7.3	6.9	-0.4
<b>Kent County, DE</b>	8.0	7.5	-0.5
<b>New Castle County, DE</b>	7.5	7.2	-0.3
<b>Sussex County, DE</b>	6.2	5.8	-0.4

(P) Preliminary

NOTE: Rates shown are a percentage of the labor force. Data refer to place of residence. State and county data for both the current and prior year are subject to revision early in the following calendar year.

**Last Modified Date:** October 22, 2013

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## Economic News Release

### Table 4. Civilian labor force and unemployment by state and selected area, not seasonally adjusted

LABOR FORCE DATA  
NOT SEASONALLY ADJUSTEDLABOR FORCE DATA  
NOT SEASONALLY ADJUSTED

Table 4. Civilian labor force and unemployment by state and selected area, not seasonally adjusted

(Numbers in thousands)

State and area	Civilian labor force								Unemployed			
	Number				Percent of labor force							
	July		Aug.		July		Aug.		July		Aug.	
	2012	2013	2012	2013p	2012	2013	2012	2013p	2012	2013	2012	2013p
Alabama.....	2,178.8	2,170.4	2,162.8	2,159.5	178.7	142.2	170.2	145.2	8.2	6.6	7.9	6.7
Alaska.....	375.5	373.5	369.8	369.3	24.9	22.0	23.0	20.9	6.6	5.9	6.2	5.7
Arizona.....	3,029.2	3,017.8	3,023.6	3,007.9	272.3	251.2	264.5	261.2	9.0	8.3	8.7	8.7
Arkansas.....	1,372.3	1,343.4	1,351.2	1,324.7	108.2	102.6	97.7	95.6	7.9	7.6	7.2	7.2
California.....	18,583.3	18,692.4	18,507.6	18,655.7	2,051.6	1,745.3	1,952.1	1,649.9	11.0	9.3	10.5	8.8
Los Angeles-Long Beach-Glendale (1).....	4,889.0	4,991.8	4,859.3	4,996.6	581.1	540.1	548.1	510.2	11.9	10.8	11.3	10.2
Colorado.....	2,763.4	2,786.1	2,751.0	2,781.2	229.0	193.0	216.5	216.5	8.3	6.9	7.9	6.7
Connecticut.....	1,914.5	1,895.1	1,893.0	1,868.9	174.4	158.5	166.6	152.2	9.1	8.4	8.8	8.1
Delaware.....	448.4	445.6	444.9	442.0	33.9	33.6	32.6	30.7	7.6	7.5	7.3	6.9
District of Columbia.....	368.9	375.9	365.3	361.8	34.4	33.8	33.0	30.8	9.3	9.0	9.0	8.5
Florida.....	9,449.0	9,479.8	9,411.0	9,445.8	870.8	702.5	844.1	672.0	9.2	7.4	9.0	7.1
Miami-Miami Beach-Kendall (1).....	1,305.7	1,279.4	1,301.7	1,277.1	127.2	108.3	126.1	107.8	9.7	8.5	9.7	8.4
Georgia.....	4,834.7	4,844.0	4,797.0	4,774.6	463.4	439.4	441.9	397.9	9.6	9.1	9.2	8.3
Hawaii.....	653.2	645.2	647.0	643.4	40.4	30.0	37.3	27.1	6.2	4.6	5.8	4.2
Idaho.....	781.3	784.4	775.1	775.6	53.7	48.8	52.7	49.4	6.9	6.2	6.8	6.4
Illinois.....	6,671.7	6,617.2	6,592.3	6,553.2	625.3	631.7	594.2	589.7	9.4	9.5	9.0	9.0
Chicago-Joliet-Naperville (1).....	4,174.0	4,186.5	4,116.6	4,149.4	393.5	406.6	368.4	382.8	9.4	9.7	8.9	9.2
Indiana.....	3,177.4	3,189.9	3,150.6	3,177.9	271.1	266.1	265.9	237.5	8.5	8.3	8.4	7.5
Iowa.....	1,650.7	1,670.1	1,627.1	1,662.0	84.6	77.9	83.6	77.2	5.1	4.7	5.1	4.6
Kansas.....	1,507.4	1,510.4	1,478.9	1,485.0	95.5	92.8	87.9	88.3	6.3	6.1	5.9	5.9
Kentucky.....	2,096.4	2,097.3	2,077.5	2,071.9	179.8	177.8	172.7	160.9	8.6	8.5	8.3	7.8
Louisiana.....	2,115.5	2,123.3	2,086.0	2,092.6	152.2	151.5	140.5	148.2	7.2	7.1	6.7	7.1
Maine.....	722.2	727.4	719.5	724.6	51.7	48.0	46.7	45.6	7.2	6.6	6.5	6.3
Maryland.....	3,171.0	3,167.9	3,130.9	3,123.9	228.8	222.0	220.1	207.9	7.2	7.0	7.0	6.7
Massachusetts.....	3,515.1	3,550.0	3,504.1	3,529.7	246.7	255.0	233.8	241.7	7.0	7.2	6.7	6.8
Michigan.....	4,742.9	4,805.1	4,691.0	4,760.2	496.4	465.8	433.6	415.2	10.5	9.7	9.2	8.7
Detroit-Warren-Livonia (2).....	2,048.1	2,063.8	2,031.7	2,067.2	250.5	214.5	223.1	202.4	12.2	10.4	11.0	9.8

Table 4. Civilian labor force and unemployment by state and selected area, not seasonally a...

Minnesota.....	3,001.7	3,013.1	2,980.8	2,989.2	174.6	153.1	165.7	142.1	5.8	5.1	5.6	4.8
Mississippi.....	1,354.2	1,309.0	1,323.9	1,289.6	140.0	112.8	120.0	107.9	10.3	8.6	9.1	8.4
Missouri.....	3,027.6	3,050.1	2,981.1	3,022.1	225.0	225.7	210.4	214.1	7.4	7.4	7.1	7.1
Montana.....	516.9	517.3	514.8	515.8	29.8	24.9	28.7	24.5	5.8	4.8	5.6	4.8
Nebraska.....	1,032.2	1,052.9	1,019.5	1,030.7	44.5	46.5	39.4	39.2	4.3	4.4	3.9	3.8
Nevada.....	1,384.0	1,374.3	1,376.8	1,364.3	161.0	130.6	152.7	128.0	11.6	9.5	11.1	9.4
New Hampshire.....	753.5	755.9	749.2	751.0	42.9	38.4	42.5	36.4	5.7	5.1	5.7	4.8
New Jersey.....	4,656.7	4,661.5	4,607.1	4,615.5	476.4	399.6	441.8	381.2	10.2	8.6	9.6	8.3
New Mexico.....	944.9	942.8	934.9	927.0	72.8	70.3	66.4	60.9	7.7	7.5	7.1	6.6
New York.....	9,736.9	9,785.0	9,646.4	9,745.2	871.0	743.0	819.9	735.2	8.9	7.6	8.5	7.5
New York City.....	4,039.5	4,081.6	4,003.1	4,072.3	399.4	355.7	375.4	354.6	9.9	8.7	9.4	8.7
North Carolina.....	4,771.3	4,752.5	4,717.4	4,688.6	477.2	432.8	458.4	388.4	10.0	9.1	9.7	8.3
North Dakota.....	401.1	408.7	399.5	408.6	12.2	11.7	11.8	10.9	3.0	2.9	3.0	2.7
Ohio.....	5,823.2	5,821.3	5,777.6	5,777.5	435.7	424.8	402.4	399.6	7.5	7.3	7.0	6.9
Cleveland-Elyria- Mentor (2).....	1,077.6	1,075.9	1,068.3	1,066.7	81.2	78.5	77.1	74.7	7.5	7.3	7.2	7.0
Oklahoma.....	1,811.7	1,820.5	1,798.1	1,806.7	97.6	92.7	93.7	90.6	5.4	5.1	5.2	5.0
Oregon.....	1,977.6	1,944.9	1,969.8	1,941.3	176.3	157.3	170.3	150.3	8.9	8.1	8.6	7.7
Pennsylvania.....	6,576.4	6,631.0	6,538.8	6,550.5	557.2	514.5	544.2	514.0	8.5	7.8	8.3	7.8
Rhode Island.....	567.0	559.9	565.4	555.4	62.7	51.9	58.9	52.4	11.1	9.3	10.4	9.4
South Carolina.....	2,195.3	2,192.7	2,174.9	2,182.6	209.8	176.9	202.8	178.4	9.6	8.1	9.3	8.2
South Dakota.....	454.2	459.0	449.0	454.2	20.2	16.6	19.7	16.3	4.5	3.6	4.4	3.6
Tennessee.....	3,139.5	3,153.6	3,112.1	3,116.5	266.8	267.2	255.7	258.4	8.5	8.5	8.2	8.3
Texas.....	12,663.4	12,868.3	12,572.9	12,780.8	934.4	857.4	872.5	798.9	7.4	6.7	6.9	6.3
Utah.....	1,360.1	1,411.9	1,357.8	1,412.1	82.3	64.8	79.9	67.7	6.0	4.6	5.9	4.8
Vermont.....	360.3	357.2	358.9	355.6	18.6	15.9	17.5	14.0	5.2	4.4	4.9	3.9
Virginia.....	4,253.4	4,296.6	4,205.4	4,216.0	263.1	249.1	253.0	234.3	6.2	5.8	6.0	5.6
Washington.....	3,502.4	3,500.0	3,465.7	3,484.2	289.8	239.2	281.3	236.2	8.3	6.8	8.1	6.8
Seattle-Bellevue- Everett (1).....	1,516.5	1,545.6	1,496.5	1,523.3	116.7	80.4	104.3	87.5	7.7	5.2	7.0	5.7
West Virginia.....	816.5	806.4	808.3	801.2	60.3	49.8	60.0	48.6	7.4	6.2	7.4	6.1
Wisconsin.....	3,092.4	3,125.2	3,062.6	3,087.9	221.7	211.3	208.3	190.5	7.2	6.8	6.8	6.2
Wyoming.....	310.7	312.1	308.2	309.7	16.2	13.1	15.5	12.6	5.2	4.2	5.0	4.1
Puerto Rico.....	1,221.2	1,187.1	1,203.8	1,183.3	183.7	174.3	173.4	176.6	15.0	14.7	14.4	14.9

1 Metropolitan division.

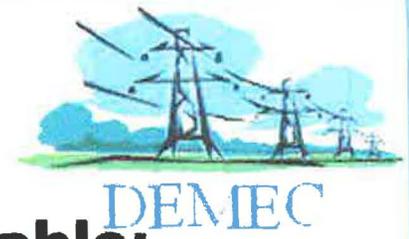
2 Metropolitan statistical area.

p = preliminary.

NOTE: Data refer to place of residence. Data for Puerto Rico are derived from a monthly household survey similar to the Current Population Survey. Area definitions are based on Office of Management and Budget Bulletin No. 10-02, dated December 1, 2009, and are available on the BLS website at [www.bls.gov/laus/lausmsa.htm](http://www.bls.gov/laus/lausmsa.htm). Estimates for the latest month are subject to revision the following month.

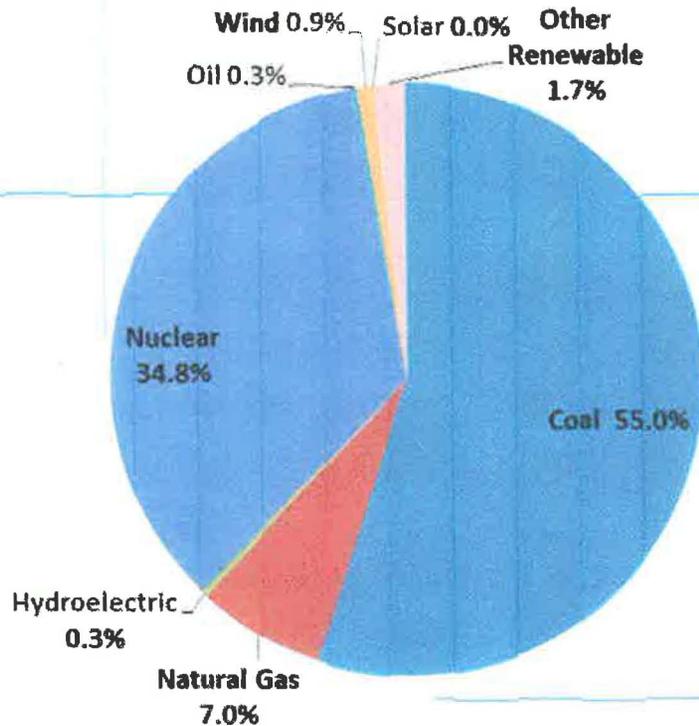
**Table of Contents****Last Modified Date:** September 20, 2013

Rank	State	Per capita income	Median household income	Median* family income	Population	Number of households
	<i>Washington, D.C.</i>	\$42,078	\$58,526	\$70,883	601,723	266,707
1	Maryland	\$36,775	\$67,740	\$84,170	5,773,552	1,371,087
2	New Jersey	\$34,858	\$69,811	\$84,904	8,791,894	3,214,360
3	Connecticut	\$34,849	\$70,647	\$85,098	3,574,097	2,156,411
4	Massachusetts	\$33,966	\$64,509	\$81,165	6,547,629	2,547,075
5	Virginia	\$32,145	\$61,406	\$73,514	8,001,024	3,056,058
6	New Hampshire	\$31,422	\$63,277	\$76,446	1,316,470	518,973
7	New York	\$30,948	\$55,603	\$67,405	19,378,102	7,317,755
8	Alaska	\$30,726	\$66,521	\$77,886	710,231	258,058
9	Colorado	\$30,151	\$56,456	\$70,046	5,029,196	1,972,868
10	Washington	\$29,733	\$57,244	\$69,328	6,724,540	2,620,076
11	Minnesota	\$29,582	\$57,243	\$71,307	5,303,925	2,087,227
12	California	\$29,188	\$60,883	\$69,322	37,253,956	12,577,498
13	Delaware	\$29,007	\$57,599	\$69,182	897,934	342,297
14	Hawaii	\$28,882	\$66,420	\$77,245	1,360,301	455,338
15	Illinois	\$28,782	\$55,735	\$68,236	12,830,632	4,836,972
16	Rhode Island	\$28,707	\$54,902	\$70,663	1,052,567	413,600
17	Wyoming	\$27,860	\$53,802	\$65,964	563,626	226,879
18	Nevada	\$27,589	\$55,726	\$64,418	2,700,551	1,006,250
19	Vermont	\$27,478	\$51,841	\$64,135	625,741	256,442
	<i>United States</i>	\$27,334	\$51,914	\$62,982	308,745,538	116,716,292
20	Pennsylvania	\$27,049	\$50,398	\$63,364	12,702,379	5,018,904
21	Wisconsin	\$26,624	\$51,598	\$64,869	5,686,986	2,279,768
22	Florida	\$26,551	\$47,661	\$57,204	18,801,310	7,420,802
23	Oregon	\$26,171	\$49,260	\$60,402	3,831,074	1,518,938
24	Kansas	\$25,907	\$49,424	\$62,424	2,853,118	1,112,096
25	North Dakota	\$25,803	\$46,781	\$62,920	672,591	281,192
26	Arizona	\$25,680	\$50,448	\$59,840	6,392,017	2,380,990
27	Maine	\$25,385	\$46,933	\$58,185	1,328,361	557,219
28	Iowa	\$25,335	\$48,872	\$61,804	3,046,355	1,221,576
29	Nebraska	\$25,229	\$49,342	\$61,888	1,826,341	721,130
30	Michigan	\$25,135	\$48,432	\$60,341	9,883,640	3,872,508
31	Georgia	\$25,134	\$49,347	\$58,790	9,687,653	3,585,584
32	Ohio	\$25,113	\$47,358	\$59,680	11,536,504	4,603,435
33	Texas	\$24,870	\$49,646	\$58,142	25,145,561	8,922,933
34	North Carolina	\$24,745	\$45,570	\$56,153	9,535,483	3,745,155
35	Missouri	\$24,724	\$46,262	\$57,661	5,988,927	2,375,611
36	South Dakota	\$24,110	\$46,369	\$58,958	814,180	322,282
37	Indiana	\$24,058	\$47,697	\$58,944	6,483,802	2,502,154
38	Montana	\$23,836	\$43,872	\$55,725	989,415	409,607
39	Tennessee	\$23,722	\$43,314	\$53,246	6,346,105	2,493,552
40	South Carolina	\$23,443	\$43,939	\$54,223	4,625,364	1,801,181
41	Utah	\$23,139	\$56,330	\$64,013	2,763,885	877,692
42	Louisiana	\$23,094	\$43,445	\$53,702	4,533,372	1,728,360
43	Oklahoma	\$23,094	\$42,979	\$53,607	3,751,351	1,460,450
44	Alabama	\$22,984	\$42,081	\$52,863	4,779,736	1,883,791
45	New Mexico	\$22,966	\$43,820	\$52,565	2,059,179	791,395
46	Idaho	\$22,518	\$46,423	\$54,689	1,567,582	579,408
47	Kentucky	\$22,515	\$41,576	\$52,046	4,339,367	1,719,965
48	Arkansas	\$21,274	\$39,267	\$48,491	2,915,918	1,147,084
49	West Virginia	\$21,232	\$38,380	\$48,896	1,852,994	763,831
50	Mississippi	\$19,977	\$37,881	\$47,031	2,967,297	1,115,768
	<i>Puerto Rico</i>	\$10,355	\$18,791	\$21,764	3,725,789	1,376,531

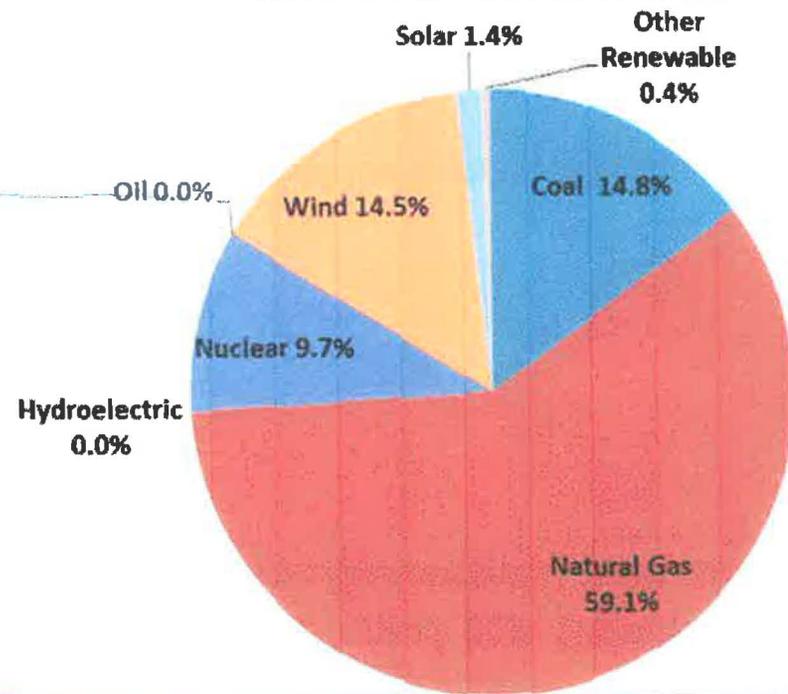


## Fuel Diversity – Moving Toward Renewable:

**2008 Fuel Resource Mix**



**2013 Fuel Resource Mix**



Reduced coal usage by 73%

#4

To those of you on the council including my own councilman Mr. Tuttle, though three minutes goes by quickly, I would like to take the first few seconds to thank you for listening to public comments. This is one of the few chances a regular citizen has to be heard and I am grateful for that. I also thank the representative from UD and any mayoral candidates who are present.

*omitted my joke in spoken comments*  
[Tonight, unlike most of the other commenters here, I have something to say about the power plant planned for the STAR campus.] Last Wednesday, I received a telephone "push poll" positioning Newark's upcoming mayoral race as a referendum on job creation, specifically jobs constructing and operating the proposed power plant and data center. Two days later, a union representative from Philadelphia was knocking on doors in my neighborhood of Devon Binns, handing out pamphlets with the same inflated jobs numbers as the telephone survey (an impressive doubling of the number of full-time jobs the data center's own CEO estimated in his two local public appearances). That petitioner took the time, both verbally and on the facebook page the pamphlet guided readers to, to tell us that the proposed power plant is offering us electricity from natural gas – a clean alternative to the dirty coal they stated makes up a majority of the power on our grid. This is blatant misinformation. The fraction of coal used to generate Newark's electricity is well below 50%, In fact recent data from DEMEC, our supplier, indicates the percentage from coal is actually 14.8%.<sup>1</sup> I've attached references on that for the public record.

Given that interests outside of this city, including state-level politicians, are so intent on painting concerned residents as ill-informed and anti-jobs, I ask you to consider this: The unemployment rate in the city of Newark is a comparatively healthy 6.7%, slightly lower than Delaware's overall 7.3%, and significantly lower than the city of Dover's 9%, or Wilmington and Philadelphia, both over 10%. The unemployment rate in the city of Newark suggests that we have been more friend than foe to Delaware's jobs numbers and that the rancor currently directed at concerned residents is out of touch with the reality. This is my 2<sup>nd</sup> time speaking up about this project. The first time, at UD, I focused on environmental concerns and UD's consistency with its prior commitments to sustainability. I remain concerned about those issues but at this moment, presenting the honest facts about this project is even more important. *Not being near a power plant is fact - Even after knowing for other reasons, Delaware neighborhood characteristics,* National data suggests that those of us who live within 2 miles should anticipate a drop in home values, and an increase in the proportion of renters vs. owner-occupied homes, which may exacerbate some of the other concerns in this city. It falls to us city residents, the real long-term stakeholders, to look beyond the *strong, overly simplistic 'jobs & clean energy' rhetoric,* rhetoric and make our voices heard as well. *consider the real numbers,*

Thank you very much.

References on Delaware's actual energy sources:

DEMEC (Newark): 14.8% from coal  
Attached.

Delmarva (most of Delaware): 42% from coal  
<http://www.delmarva.com/res/documents/DP-DE-ENV-FUEL-MIX-10-2013-v2.pdf>

<sup>1</sup> <http://www.delawareworks.com/oolmi/Information/LMIData/LAUS/Current-Labor-Force-Statistics.aspx>

#6

1A

Rob Gifford, District #3

First, I would like to begin by thanking council for patiently listening to the concerns the residents have had over these last few meetings. I recognize that our concerns have caused additional work on everyone's part.

Tonight I want to briefly discuss some information from the air permit recently submitted by The Data Centers, LLC.

The air permit does not allay my concerns about the impact of pollution and noise on the surrounding neighborhoods, but these issues have been raised many times and I believe we are all aware of these impacts. The issue that has been raised less is the potential dangers of storing concentrated aqueous ammonia for pollution control.

Most modern gas-fired power plants use pollution control technology. Selective Catalytic Reduction using ammonia to reduce Nitrogen Oxides is a common choice. However, ammonia, even in aqueous form, is a highly toxic material and would likely be the most toxic chemical stored on site. The site plan included in the air permit indicates the storage of this chemical will be located on the rail yard side of the facility. This choice of location puts this material <1000 ft to some residents of Devons/Binns.

Replenishment of this ammonia tank will be performed regularly, ~~regularly~~, and will introduce the risk of spills which could affect the surrounding area. Even in aqueous form, when ammonia is spilled it can produce a small vapor cloud that can travel and reach the neighborhood under normal wind conditions. This is according to the Sensitivity Studies for Worst-Case Aqueous Ammonia Scenarios Predicted Distances to Toxic Endpoint by the EPA's Chemical Emergency Preparedness and Prevention Office.

This issue among others is why I continue to voice my concern about this project. I ask city council to take this concern seriously, as you have others. I also challenge the University to ask themselves if they want to introduce this kind of risk to the STAR campus.

Thank you for listening.

#12

Amy Roe

1A

DNREC has posted the draft air permit application along with their technical comments.

Page 86 of the draft permit says that the city will receive \$0.35 million in annual revenue. This is the lowest number that we have seen to date in revenues from this project to the city. This past summer the amount of revenue was estimated to be \$1.6 million. At the October 14<sup>th</sup> public meeting at UD, it was lowered to \$990,000. On October 2<sup>nd</sup>, it was \$350,000, which I imagine TDC would have known on October 14<sup>th</sup> when they published 3x that amount in their powerpoint. My point in raising this is that the financial impact of this project on the city needs to be quantified as part of the discussion of this project by city council. This is especially worrisome if UD will purchase blocks of power from TDC instead of from the city, which would have a significant detrimental impact on our operating budget. That the projected revenues are dropping is a concern that also deserves explanation.

DNREC's comments to the draft permit application say: "It is stated that the property is zoned properly; the Department will need verification from the local zoning department that the property is zoned for this use."

Since the City of Newark would have to certify the zoning issue, yet there are many uncertainties in the zoning discussion, including whether a power plant that greatly exceeds the energy needs of the data center can be an "accessory use", I ask City Council to vote tonight to place a moratorium on all zoning verifications until this issue can be appropriately addressed on the public record.

Since the legislative intent of the STC Zoning has been questioned, and critical information about the power plant was withheld from City Council prior to the adoption of STC Zoning, I also ask that Newark City Council vote tonight to establish a moratorium on accepting or approving any plans for power generating facilities greater than 1 MW until the legislative intent can be settled. Whether such clarifications need to be established in the zoning code is something that should be deliberated by this body.

On the subject of Noise, TDC has said numerous times that they will have to abide by the City of Newark's noise ordinance. However, the noise ordinance provides a critical loophole that is big enough to build a power plant in. It allows the City Manager, at her own discretion, to waive the noise ordinance for any party. I ask City Council to take steps immediately to close this loophole and require applications for exemptions to the noise ordinance to be brought before this body and subject to public hearing for industrial, manufacturing, and power generating facilities. Such decisions, which could permanently impact quality of life for thousands of residents, should not be made behind closed doors.

Sec. 20A-5. Exceptions and special waivers.

Special waivers.

- (1) The city manager shall have the authority, consistent with this chapter, to grant special waivers.
- (2) Any person seeking a special waiver pursuant to this chapter shall file a written application with the city manager. The written application shall contain information which demonstrates that bringing the source of sound or activity for which the special waiver is sought into compliance with the chapter would constitute an unreasonable hardship on the applicant, on the community, or for another purpose.
- (3) Determining whether to grant or deny the application, the city manager shall balance the hardship to the applicant, the community, and other persons of not granting the special waiver against the adverse impact on the health, safety and welfare of persons affected, the adverse impact of property affected, and any other adverse impacts of granting the special waiver.
- (4) Special waivers shall be granted by notice to the applicant and may include all necessary conditions, including time limits on the permitted activity. The special waiver shall not become effective until all conditions are agreed to by the applicants. Noncompliance with any condition of the special waiver shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sounds or activity for which the special waiver was granted.
- (5) The city manager may issue guidelines defining the procedures to be followed in applying for special waivers and the criteria to be considered in deciding whether to grant a special waiver.

**NONATTAINMENT NEW SOURCE REVIEW, MINOR NEW SOURCE REVIEW AND  
PREVENTION OF SIGNIFICANT DETERIORATION REVIEW  
AIR QUALITY CONSTRUCTION PERMIT APPLICATION  
COMBINED HEAT AND POWER PLANT  
FOR THE  
WOLF TECHNOLOGY CENTER 1**

**SCIENCE, TECHNOLOGY, AND ADVANCED RESEARCH CAMPUS  
NEWARK, DELAWARE**

October 2013

Prepared for:

State of Delaware  
Department of Natural Resources  
and Environmental Control  
Division of Air Quality  
655 South Bay Road, Suite 5N  
Dover, Delaware 19901

On behalf of:

The Data Centers, LLC  
1554 Paoli Pike, Suite 325  
West Chester, Pennsylvania 19380

Prepared by:

Duffield Associates, Inc.  
5400 Limestone Road  
Wilmington, Delaware 19808

Project No. 8718.CI

## 6.2 BENEFIT-COST ANALYSIS

Construction and operation of the Wolf 1 CHP facility will result in economic and social effects. This subsection describes the socioeconomic benefits and costs.

### 6.2.1 PROJECT BENEFITS

A primary benefit to the region will be the introduction of a new forward looking economic development project that will create hundreds of good sustainable jobs, an even greater number of construction jobs and construction spending as well as significant investment in regional gas infrastructure and fiber optics while also providing a clean, and reliable energy power source and improvement of regional air quality. These project benefits are further discussed in the following paragraphs.

The near term construction impacts on local employment opportunities will be significant. This project will likely be the largest construction project that Delaware has seen in many years. Construction employment, likely to last approximately 2 years, will be a positive socio-economic benefit to the region and locality. TDC estimates that approximately 1,000 construction jobs (over the life of construction) will be generated as a direct result of the proposed project. Additional, indirect employment in the local area will occur primarily in retail and wholesale trade, business services, health services, and eating and drinking establishments. In addition, the local purchase of construction materials will have a significant beneficial impact to area supply companies.

Duffield Associates anticipates that New Castle County companies and residents, will receive a majority of the construction wages. Another local economic benefit from construction will be the use of local subcontractors and vendors to provide labor and goods.

Once operational, the Wolf 1 CHP and Data Center will create approximately 370 direct fulltime job equivalents and 90 indirect jobs. Additional contractor jobs to support ongoing plant maintenance are also anticipated. These jobs most likely will be filled by people who reside in Newark, New Castle County and nearby areas of Cecil County, Maryland and Chester County, Pennsylvania – the same area economically impacted by the closure of the Chrysler Newark Assembly Plant. The “ripple effect” of good paying jobs is well documented and will occur as a result of the Wolf Technology Center 1 project.

Construction of the facility will also generate significant public revenues through corporate and individual income taxes. Current forecasts prepared for TDC project that the State of Delaware would receive approximately \$21.18 million from taxes and equipment purchases. Purchased services for

wastewater conveyance and treatment will restore a portion of the City of Newark's revenue that was lost as a result of the closure of the former Chrysler Plant. Similarly, revenues to United Water Delaware, lost when Chrysler closed, will be restored. This restored revenue will aid with system maintenance expenses.

#### 6.2.2 PROJECT SOCIO-ECONOMIC COSTS

No significant traffic problems are expected during the construction period. Much of the heavy equipment and materials for the Wolf Technology Center 1 is anticipated to arrive at the site by railroad, rather than by over the road transport. The road network around the proposed construction was developed to handle the employee traffic of the former Chrysler Newark Assembly Plant. The number of people traveling to or from the site during construction or when the facility becomes operational will be significantly less than the number of employees that formerly traveled daily to and from the site when the vehicle assembly plant was operational. Simultaneous construction of the adjoining Bloom Energy manufacturing plant and the College of Health Sciences building on STAR Campus has not resulted in noticeable traffic congestion. Construction of both of those currently ongoing projects is anticipated to be substantially complete before construction starts at the Wolf Technology Center 1.

Nearby neighborhoods adjacent to the site may experience minimal impacts during construction of the Wolf Technology Center 1. These impacts might include intermittent temporary construction noise and visual impacts. Noise levels during construction and from plant operations will be controlled to ensure compliance with applicable City of Newark noise standards. The facility design is intended to minimize long-term aesthetic impacts through the incorporation of architectural features and site screening. The proposed screening techniques should render most daily operational activities at the site invisible to nearby residents, with the possible exception of visible water vapor emanating from the cooling towers during specific atmospheric conditions. The site is located in an area that currently receives transportation noise from Christina Parkway (Delaware Routes 2 and 4) and the Northeast Corridor railroad, one of the most active railroads in the United States, serving Amtrak, SEPTA and Norfolk Southern, currently. In addition to through train noise, Norfolk Southern operates a switching yard adjacent to the site.

Rental properties and hotels will benefit during construction and long-term operation, to provide construction workforce temporary residence for construction workers, vendors, and transient employees. Construction of the proposed facility will have a beneficial impact on housing market by improving employment and stemming foreclosures that have resulted from the economic downturn of the local economy. Similarly, no negative

impacts are expected on local restaurants and lodging/hotel properties.

Construction and post-construction impacts related to public services and facilities such as police, fire, and medical services and water, wastewater, and solid waste disposal (related to housing) are not expected to be significant. Those services were provided to the larger employment base of the former Chrysler Newark Assembly Plant.



Following construction, benefits associated with the operation of the facility are anticipated to be significant. Projections prepared for TDC forecast that the State of Delaware should receive approximately \$3.54 million in annual revenue from the Wolf Technology Center 1 operations. Similarly, the City of Newark should receive approximately \$0.35 million, New Castle County should receive approximately \$0.22 million, and Christina School District should receive approximately \$2.84 million annually. Adverse impacts associated with facility operations are expected to be marginal and localized. The following summarizes some of these potential minor impacts.

The improved employment condition anticipated to occur as a result of the Wolf Technology Center 1 should help support real estate values in the local community. While the number of permanent employees is not anticipated to generate a large demand for new housing construction, employment at the facility likely will improve demand for local resale housing, which in turn, should serve to stabilize or increase the value of local residential real estate.

Adverse impacts to aesthetic quality of the area will be minimal. While the Wolf Technology Center 1 project will be visible from the surrounding area, the appearance of the facility is intended to blend with the other entities being built at STAR Campus, such as the Bloom Energy factory. The proposed site is not located near national or state parks or designated scenic views. Screening devices (berms and vegetation) are planned for installation along the railroad tracks to the north of the facility. These features should reduce the visible presence of the facility for the closest residents, who are located to the north of the existing railroad. Motorists driving along Christina Parkway, the closest road, may briefly view (in passing the facility) portions of the Wolf Technology Center 1 buildings, but that view will not be incongruous with the new Bloom Energy factory that is being constructed between the proposed facility and Christina Parkway or the prior Chrysler Newark Assembly Plant. Existing woodlands on the DelDOT property to the west of proposed site location should contribute to the screening of the facility from drivers traveling on Christina Parkway. The site is approximately one mile west of South College Avenue (DE Route 896) and should be unobtrusive to drivers traveling along that road.

Operation of the proposed Wolf Technology Center 1 will not affect essential services or facilities negatively. While the facility will rely on local

police and fire protection, the facility will be equipped with Fire Marshall approved fire protection systems, and the site will be secured with controlled, fenced access and manned around the clock.

In summary, the Wolf Technology Center 1 will directly employ an estimated 370 fulltime (or equivalent) workers and is anticipated to create approximately 90 indirect jobs. Most of these future workers should be drawn from the existing population of the area. Employment at the facility, or created in support of the facility, should not affect provision of services, schools, or degrade traffic along local roadways materially. Such services previously were adequate to handle the much larger employment and infrastructure of the former Chrysler Newark Assembly Plant. In the unlikely event of medical emergency, existing local medical facilities are available and previously were adequate to support the need for such services at the former Chrysler Newark Assembly Plant.

In summary, the Wolf Technology Center 1 facility is a Brownfield Redevelopment project of an abandoned heavy industrial site including large antiquated electrical substations, a wastewater treatment plant and a massive assembly plant, a very large painting facility, and a regional parts warehouse. The Wolf Technology Center 1 project is an adaptive re of this former heavy industrial site and is following recommended land use practices including seeking LEED Certification. Further, the project is not anticipated to displace residents, adversely impact property values, or place an unmanageable burden on public infrastructure. The site will also not displace visually impact or otherwise impair scenic, recreational, or ecologically sensitive lands.