

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

January 15, 2013

6:00 p.m.

The Clerk called the meeting to order.

The Clerk called the roll.

Present: Aldermen Greazzo, O'Neil, Shea, Katsiantonis, Gamache

Messrs: T. Clark, D. Mara

Chairman Greazzo addressed item 3 of the agenda:

3. Communication from Mayor Gatsas requesting closing Hanover Street from Citizens Bank alley entry to Elm Street on Thursdays for the Farmer's Market.

(Note: Referred by the Board of mayor and aldermen on January 7th, 2013.)

*On motion of **Alderman O'Neil**, duly seconded by **Alderman Shea**, it was voted to discuss this item.*

Alderman Shea stated maybe we might hear from Alderman Long concerning the discussion that took place between you, the mayor and other members of the farmer's market and what the thoughts might be.

Alderman Long stated thank you, Mr. Chairman. We didn't discuss this closing; we discussed the current farmer's market. I think there are a lot of issues that need to be brought up with respect to this. I received emails from businesses that are not in favor of it that are in this area, and also residents of Manchester who are not

in my ward, but they are residents of Manchester, who use the market and they drive to the market. If it's downtown, they're afraid they're not going to have parking so they won't come down here. Those are the only things I've heard with respect to this change.

Alderman Shea stated the mayor is here and I'm sure he wants to speak on this.

Mayor Gatsas stated thank you, Mr. Chairman and members of the committee. The letter came forward after talking to a couple of folks who were in the farmer's market and asking if they thought a different location would help them, and they thought that Hanover Street would enhance the shopping at the farmer's market because of the proximity of being closer to downtown to a lot of more people having a visible point on the farmer's market and being able to come out of the office buildings between 3:00 p.m. and 6:00 p.m. and doing their shopping. I merely brought it forward because the farmers thought they could increase their revenue and their dollars and that's where it's at. I got one of the same letters from one of the constituents, but this isn't about closing the street every day. It seemed to have worked very well with Fridays and Saturdays; this would be, again, on Thursdays, it would be one day a week, and certainly would be up to this committee if they want to talk to some of the folks. If it's not something that they want, that's totally fine. It was just something that I brought forward because of discussions I had with some of the farmers.

Alderman Shea stated we were just given material from other people. A couple of owners on Hanover Street are opposed, as well Representative Jane Beaulieu, former Manchester farmer's market treasurer. She has a listing here of things. If there is no definite need at this time to move it into a different venue, my thoughts would be that we would probably be wise to consider it and get all points of view

and then maybe later on make a decision. That's where I'm coming from at this point.

Mayor Gatsas stated I think the committee should remember that when the first discussion I brought forward of closing Hanover Street for Fridays and Saturdays, I can tell you that was met with the same kinds of opposition but we found later that it worked well. Now talking to the business owners in the area and talking to the farmers, I think that it either changes or it doesn't, and if that's not something they want, that's totally fine. It's to this committee and the board with what they want to bring forward.

Alderman Shea stated by way of concluding, one of the thoughts that I have is that when the businesses on Hanover Street were open, they were using the sidewalk for people, as well as the other area. When the farmer's market is there, it is a different venue and obviously when they are setting up, I'm wondering if we can compare the same. In other words, the types of venues that they have, the size of them, would that, in turn, allow people to have access to the different areas when the people who the restaurants might want to take advantage of anybody who is there. Again, these are the thoughts that I have. The other things that were mentioned, including accessibility to different areas, where now they use different venues around where they are now... These are the thoughts that are coming from me.

Alderman O'Neil stated thank you, Mr. Chairman. I appreciate the letters from the businesses on Hanover Street. One of them, Mr. McGranahan, who owns Harris Trophy and Copy Center, was supportive of the closing of Hanover Street on Friday nights and Saturdays. I spoke with him personally about it. He seems to be very strong in his opposition about this on Thursday afternoons. I have not spoken to him but maybe it's just the wrong day and the amount of time it has to be

closed, etc. Your Honor, do you happen to know if there any outreach by anyone to the businesses on Hanover Street?

Mayor Gatsas replied I can tell you that I talked to Chris Wellington, he was out last week, he's going to go around in the next few days and talk to those business owners and to get some direct feedback, but he was out sick last week so he couldn't get out there to do any of that outreach.

Alderman Katsiantonis stated I don't know if the board wants to table until we get more information in a couple of weeks after we get all the answers from the mayor, and what the other businesses think about it.

Alderman Craig stated when we closed Hanover Street, prior to making that decision, the Chamber hosted a meeting with all of the businesses that are on Hanover Street. I went to that and it was very successful in terms of having an open dialogue in terms of what the implications were and what the positive aspects of that were. I would suggest that we do the same with the businesses, in addition to all of the farmers who are participating. You mentioned you only spoke to a couple, but if a majority don't feel the same way, we need to understand that now, I believe, before we make a decision. Thank you.

Chairman Greazzo asked Your Honor, any further comments?

Mayor Gatsas replied no. As I said, it was just a discussion that I had with some of the farmers and it is the will of the board.

On motion of Alderman Katsiantonis, duly seconded by Alderman Gamache, it was voted to table this item.

Chairman Greazzo addressed item 4 of the agenda:

4. Request from Attorney Susan Manchester, Sheehan, Phinney, Bass & Green, for approval of the Wellington Hill amendment to the Purchase and Sale agreement.

(Note: Referred by the Board of mayor and aldermen on January 7, 2013.)

On motion of Alderman Shea, duly seconded by Alderman Katsiantonis, it was voted to discuss this item.

Alderman Shea stated I was just going to ask the city solicitor if the agreement that has been brought forth by Attorney Manchester is in conformity with what the original intent of this was.

Mr. Thomas Clark, City Solicitor, responded Attorney Manchester has worked with Attorney Arnold from my office, and they have reviewed the documents as I understand it. We're talking about extending the contingency period to allow him to proceed with him getting his plans done, and it will clarify the fact that there will be no rezoning and that there will be no dedication of excess land to the City of Manchester. And it is in conformance with the original agreement; we're not looking at extending the time period. I know Attorney Manchester is here if you have any questions.

Alderman Shea stated after the discussion I'll make a motion.

Alderman O'Neil asked could we have the applicant come forward please? The basic question is what's going to happen in the next 13 months that's going to make a difference in this project going forward or not going forward?

Ms. Susan Manchester, Sheehan, Phinney, Bass & Green Attorney, responded the developer Keith Martel is here with me. As you may recall, the original project was predicated on it being rezoned and it being developed as a kind of planned-unit development. There would be some open space dedicated to the city of Manchester. That rezoning did not occur, and as a result, the developer has to go back to the drawing boards, redo all plans to develop a traditional subdivision, there will be more approvals that will be required as a result of the reconfiguration because the earlier proposal would have avoided wetlands, this proposal will require much more approval with the Department of Environmental Services. What this will do is it allow the developer to go forward, and if he gets his approvals through a traditional subdivision, then he will buy the land and the City will get its money.

Alderman O'Neil stated if I may; it just seems like an awful long time for this to happen. How long ago was the rezoning denied?

Ms. Manchester replied I think the rezoning was denied in the summer, is my recollection, but in between that period of time, this project also will be more expensive, so we did some renegotiation with the diocese. While the money to the City is not changing and the money to the other owners is not changing, there is a difference in the structure in the way diocese is going to be paid. So there was some negotiations with that. Also, we have to petition to discontinue of some roads. That took an incredible amount of research because of where the roads were; it took an awful lot more time than we thought. Honestly everything with this project has been more difficult than anticipated, everything from the title to the road discontinuance to the permitting.

Alderman Ludwig stated thank you, Mr. Chairman. This has been a long process, and I appreciate that the developer needed to do a lot of work on this project, there was a due diligence, there were a lot of different property owners. I totally understand that and I get that. I think that that's a reason why this parcel hasn't been developed a long time ago, and in fact, I'm sure other developers looked at it, I know they did many years ago, but the difficulties in bringing together the parties, overcoming environmental issues, I think, were probably very difficult. There was a change, and I want to say it was about a year and a half ago, that this board voted to keep the property as the R1-A designation. Maybe it is a year, I don't want to be taken to task to that, but it was a long time ago. I'm of the opinion now that, and it's just my opinion, I'm not speaking for anybody else here, if this was under a regular real estate deal, this is an exorbitant amount of time to ask us to tie up this property. By now the developer should have been able to do due diligence on this project to determine whether it's financially feasible or not. I believe that the wetlands have been delineated, I know that may change, he has to change roadwork, he's got to change a whole myriad of things out there, and I totally get it. But I think there has been ample time for a lot of that work to be done, and if someone can tell me that we had to discontinue streets, to me I don't see that as a very difficult process, those paper streets. I don't think that that's an exorbitant amount of time. I think that we're tying this property up for another 13 months, and I think it is too long. I accept Ms. Manchester's comments relative to the length of time necessary, but I'm not buying it. I think it's too long. I think that he's had an opportunity; I could agree to something less, but to tie this property up for another 14 months, a year from next month, is just too long, in my opinion. If we needed money that badly, then we certainly really didn't need money that badly because we're willing to wait another year or 13 months to possibly get it. I know that that's the outside opportunity, maybe it gets done sooner or later, and I'm not going to vote for it just because of the time constraints.

Ms. Manchester stated I do want to make one thing clear. The due diligence period has run. That is not staying open. What is staying open is the time to get the permits. He does not have the right to cancel the purchase and sale agreement because he doesn't like the wetlands or because there are too many frogs in the vernal pools. What we are asking for is more time to get all of the zoning approvals, and since this, as the aldermen wanted, is now back to being zoned the way it was. But that's what the time period is for. It is for developing plans, there will have to be new engineering, I'm sure, because the old plans we're not putting the roads in the same places, but the contingency remains. There are actually a couple; one is discontinuing the roads, the other is that the title does have to be cleared, we do have to petition a quiet title, there is not good title, and the third is the approval. But not the overall due diligence contingency, that period has passed, and we are not asking to lengthen it.

Alderman Roy stated I have several points, if I may. This individual came forward and proposed us getting into an agreement with other people and we all jumped on board with that. There was a vote by the Board of Mayor and Aldermen and we agreed that we would do that knowing full well that part of his proposal is that he was going to come back before our board to get a zoning change and we accepted that. When he came back in front of this board, the gig was closed on him. So part of the delay, and as the months run on, has been on our shoulders because we told these people come on down, you're the next contestant and we changed the game, in my opinion. Being on the planning board we just had a great discussion with the Chamber of Commerce the other day and with some of the engineers and people who develop property here in the city. One of the things that is changing is the banking industry, and it's no longer easy for

them to go in like they used to and not have plans and all that kind of stuff ready along with the approvals from the planning board sometimes before they will give money. So it is a longer process, and I say that because I've been witnessing people coming into the planning board and getting their approval and they're supposed to pull a permit in a year and they keep coming back for extensions, so that's why it's taking longer to do this stuff because of the banking industry now. I don't think that the time that their asking for is exorbitant. Are there any quiet titles that are going to have to be reached?

Ms. Manchester replied yes.

Alderman Roy stated you're going to have to go to court to get quiet title once the road is discontinued. That, along with having to deal with DES, and they aren't that quick. I don't think it's unreasonable for us to extend this. Thank you.

Alderman Corriveau stated thank you, Mr. Chairman. This whole process has taken two and a half years. From what I recall, this was one of our very first votes. Alderman Ludwig, Alderman Craig, a majority of aldermen on this board, this was one of our first votes. I believe it was February or March of 2010, so it's been two and a half years since this agreement came before the board. That's a lot of time; two and a half years until today. It's not our burden. I disagree with what Alderman Roy said. It is not our burden to rezone property. It is the developer's. This board heard from people all in that neighborhood who did not like those plans and we responded and we said we don't approve of the rezoning. That was their burden and they did not meet it. Now we're being asked again to say we need more time. The way I see it is continually these burdens aren't being met and

we're expected to take action. That's not what I'm in this for. Now I agree with Alderman Ludwig's comments. I think 13, 14 months, I don't see why we would do that. Actually I don't see why we would do this. Is this common practice for the Board of Mayor and Aldermen to give developers more time to close their land deals? We would do this for Joe Schmo? I don't think we would. I'm opposed to this just like Alderman Ludwig. I've been opposed to this since the beginning, and I don't see the reason why we should change our minds now. This board two and a half years ago changed our minds a couple of times on this. From what I recall, there were vetoes and reconsideration votes and it's been messy from day one and it's still getting messier. If the deal can't get done, let it go. Thank you, Mr. Chairman.

On motion of Alderman Shea, duly seconded by Alderman Katsiantonis, it was voted to approve this item. The motion carried with Alderman O'Neil voting in opposition.

Chairman Greazzo addressed item 5 of the agenda:

5. A request to discuss the denial of a Taxicab Driver's License.

On motion of Alderman O'Neil, duly seconded by Alderman Shea, on a roll call vote it was moved to enter non-public session under the provisions of RSA 91-A:3(II)(c).

Chairman Greazzo called the meeting back to order.

On motion of Alderman O'Neil, duly seconded by Alderman Gamache, it was voted to uphold the denial of the taxicab driver's license.

TABLED ITEMS

6. Presentation by Robert Cote, President of Brattle Consulting Group, Inc., regarding SubItUp.com and its impact on the Manchester Police Department.
(Note: Retabled on 8/30/2010; Police Department to evaluate through December 2010. Originally tabled 4/20/2010.)

This item remained on the table.

7. Communication from Mayor Gatsas regarding water shutoff for non-payment of EPD bills.
(Note: Tabled 9/18/2012; City Solicitor to research NH RSAs.)

This item remained on the table.

8. Communication from Timothy Soucy, 239 Wells Street, regarding an amendment to zoning ordinance 8.08 Agriculture and livestock.
(Note: Tabled 9/18/2012; Information and a draft ordinance revision have been submitted by the Planning & Community Development Director.)

This item remained on the table.

9. Request from towing contractors for a cost of living increase.
(Note: Retabled 12/18/2013; Police Department to provide recommendation for rate increase. Originally tabled 11/20/2012; Communication is attached from the Police Department.)

On motion of Alderman O'Neil, duly seconded by Alderman Shea, it was voted to remove item 9 from the table.

Chairman Greazzo asked chief, could you come up.

Mr. David Mara, Manchester Police Chief, stated there should be a memo from Lieutenant Tessier.

Alderman Shea stated chief, I read through this and you're in agreement with what the new rates that you're proposing to us.

Mr. Mara replied to raise it to \$110, yes.

Alderman Shea moved to approve this request. Alderman O'Neil duly seconded the motion.

Alderman O'Neil asked what is the duration of this agreement, chief?

Mr. Mara replied that agreement goes until, I believe it is typically a two-year agreement; 2014, it is a two-year agreement.

Alderman O'Neil asked what month in two years?

Mr. Mara replied I believe December is when we signed it.

Alderman O'Neil stated so it is less than two years at this point.

Chairman Greazzo called for a vote on the motion to approve this request. There being none opposed, the motion carried.

Alderman O'Neil asked is this one time sensitive? Should we send it to the board tonight? I'm sure the wrecker operators are looking for this.

Mr. Mara stated yes, they are here. I just want to raise one other point and that is that we also discussed at the last committee hearing that we have to open up the contract to reflect the new rates because we already signed the other contract.

Alderman O'Neil asked what do you need us to do on that?

Mr. Mara replied I would ask the city solicitor if it needs any action from the board or could I just do that.

Chairman Greazzo added I think what happened last time, chief, is that we approved the extension that you signed and waited to get this information, essentially have the new contract. Is that your understanding, Mr. Solicitor?

Mr. Clark responded if you're just authorizing him to amend the contract, that would be fine.

On motion of Alderman O'Neil, duly seconded by Alderman Katsiantonis, it was voted to authorize Chief Mara to amend the contract subject to review and approval of the City Solicitor's Office.

There being no further business, on motion of Alderman O'Neil, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

A handwritten signature in black ink, appearing to read "Matthew Normand". The signature is written in a cursive style with a prominent initial "M".

Clerk of Committee