

**SPECIAL MEETING
COMMITTEE ON LANDS AND BUILDINGS**

January 15, 2013

4:15 p.m.

Chairman Osborne called the meeting to order.

The Clerk called the roll.

Present: Aldermen Osborne, Ludwig, Craig, Shaw, Levasseur

Mssrs.: T. Clark, J. DeStefano, T. Bowen, D. Paris

Chairman Osborne addressed item 3 of the agenda:

3. Communication from Mayor Gatsas requesting that the baseball field at Memorial High School be named in honor of Mike Flanagan.

Alderman Levasseur moved to table this item.

Chairman Osborne asked is there any discussion? He wants to table. Is there a second?

Alderman Levasseur asked isn't that the School District's property?

Alderman Craig asked could the solicitor weigh in on that? Is this something that is our decision or is it the School District's decision?

Mr. Thomas Clark, City Solicitor, replied it has been done both ways. In the past the City has named some of the fields. Recently, I know that the School District has named some of the fields. It has never really been cleared up about who

would be doing what. I know that the last time it happened was over at West Memorial football field and they named it after a specific person by the School District.

Chairman Osborne stated I had a question before we move on. They are talking about Memorial. What about the Clem Lemire part of that field? I guess Alderman Ludwig would have an idea of what the story is there. Is that a separate part of the field?

Alderman Ludwig stated I think the entire complex is the Clem Lemire complex and then you have Chabot and McDonough football field. I'm not sure that the baseball field even has a name.

Chairman Osborne asked but the football field does have someone else's name besides Clem Lemire?

Alderman Ludwig replied yes, it does.

Mr. Clark asked Alderman, do you know who named the football field? Was it the district or the aldermen? Do you recall who named the Chabot field?

Alderman Ludwig replied if memory serves me right, I think the proposal came from the School District to do that because I believe those two individuals were both educators and that was probably the reason why it emanated from the School District. If the committee's wish is to let the School District weigh in on the topic I'm fine with that. If not, I'm ready to support the request of the mayor.

Alderman Roy stated in light of the recent difficulties we have had naming things with the board, I have been thinking about this situation and I have an idea. I am looking forward as to how we can continue to recognize the citizens who made a big contribution to this city and not have the tug of war that we have from time to time on naming rights. My thought is that we could start to construct, almost like the historic landmarks that you see on the side of the highways in the State at the different locations, in this case we would have a landmark right by the field that says that this is where Cy Young award winning Mike Flanagan played at. Then we don't have to name the field and in 30 years there is a tug of war about whether we want to rename the field. You could do the same thing with the ten fire fighters and the four police officers who have died in the line of duty on South Elm Street; you could have a historic marker that says this is the place that Dave Anderson died while fighting a fire, in which two teenagers also perished. We could recognize these people in a thoughtful manner and not have a tug of war over it. That is my thought.

Chairman Osborne stated there is a motion to table. Is there a second? Do you want to give a reason why, Alderman Levasseur? Is there something that we should know?

Alderman Levasseur replied no, I just thought that it was a School District issue where it is school property.

Chairman Osborne stated you didn't say so I didn't know. It is City property too so it is a catch-22. Who wants to be the one to name it? We will have plenty of names in the future, we have plenty of names now, but we won't have plenty of baseball fields and buildings and bridges. We are going to run out of that sooner or later. I said that years ago. There is no end to it and then someone gets slighted

by them not being able to at least have a chance of seeing this in their own mind, even though they never get it, but at least there is still a shot at it.

Alderman Craig asked could we vote on this contingency upon approval of the School Board?

Chairman Osborne replied anything the committee wants to do, I go along with. I have no problem with that.

Alderman Ludwig stated I will second it and I would like to comment. I would like to say to Alderman Roy that I think he is headed in the right direction with naming rights for buildings, fields and so forth. I think that that is something that we should have a better policy on. In this particular case, I don't think the City has... We have a lot of great athletes in this city and we have over time going back to ones that I don't even remember, but certainly we have a large field of very good athletes: football, baseball. Some are equal to the accomplishments of Mike Flanagan. It is a baseball field. Who knows whether a baseball field will always be there? Maybe we will build an addition to the school there someday and that will change. We have named baseball fields at Livingston Park after, I believe, individuals who were instrumental in Babe Ruth. It is a matter of hanging a sign over the backstop over there. This may be a little bit more; I'm not sure what is planned. We have named Prout Park after another individual who was instrumental in Babe Ruth baseball and what was a sign on the back of the backstop. To what level that they are going to create any kind of signage, memorialized area or monument at the field, I'm not sure. Again, Alderman Roy's suggestion has merit. In this particular case, with this individual, I am going to support the request of the mayor as stated by Alderman Craig and move on from there. If we want, as Alderman Craig indicated, to make it subject to the

School District I do think that is a nice gesture since they use the field. If that is her motion, I will second it.

Alderman Craig moved to approve the request contingent upon the approval of the Board of School Committee. The motion was duly seconded by Alderman Ludwig.

Alderman Levasseur stated Alderman Ludwig knows more about Mike Flanagan than I, but my understanding is that when we named a field after Clem Lemire or we name things after people from Manchester they have actually been people who have been very involved in their communities, not just because they were born here and then did well at a high school level. I'm going to ask you this because I don't know and maybe you know more than I do, but I don't remember Mike Flanagan ever becoming very involved in our community after he made it to the major leagues. As a matter of fact, I don't remember him ever coming back and doing anything for the City of Manchester. There are a lot of other athletes like Steve Balbone or Joey Senical, who was a community guy who still lives in the city who pitched two shutouts in the last year of my high school career. I see a lot of people who are still living in the city of Manchester, who give a lot of the city of Manchester, who still live here, work here. I don't remember Mike Flanagan ever coming back to Manchester and performing any kind of charitable work or community activist type work or anything of that nature in the city of Manchester. I think before we step on all this, I would like to know more about why the mayor thinks that we should be naming it after Mike Flanagan. Is it because he left a huge endowment that I don't know about? Just because he played baseball and went off to the major leagues... A lot of people have done stuff like that. The Shuberts have obviously have done a lot of work in the city of Manchester. They not only committed money, but they have committed a lot of time. Mayor Gatsas' father had a field named after him when he committed a lot of time and money and

was a member of our city. Mike Flanagan may have pitched for the Baltimore Orioles and he may have won a Cy Young and maybe a World Series, but I don't remember him ever being anyone who was integrated into the actual framework of this community. I think that is an extremely important designation when you name something after someone and I think it needs a little bit more thought before we go that far. Of course, if you know something I don't because I didn't follow his history, I was a Red Sox fan so I didn't care too much for anyone from Baltimore, but seriously there are some serious athletes in this city to whom the designation would be important.

Chairman Osborne stated I really don't want to drag this out because we could talk about it all night long. I'm a Yankees fan. You can take a field and put 40 names on a plaque. I guess there is always going to be someone behind him and someone with him, like the police officers, like the Fire Department, like anything else. That is why we have 15 people here to vote on it. You have your own view and you have a right to vote it up or down. I just want to know now what we are going to do. Are we going to table it? Are we going to approve it? Do we have a second on his motion to table?

Alderman Shaw asked can you repeat the motion?

Chairman Osborne replied the first motion is to table.

Alderman Ludwig stated no, he didn't get a second.

Chairman Osborne stated that is why I am asking if there is a second. There is no second. Okay, now we have a second motion.

Alderman Craig moved to approve the naming contingent upon the School District's approval. Alderman Ludwig duly seconded the motion.

Chairman Osborne called for a vote on the motion to approve the request contingent upon the approval of the Board of School Committee. The motion carried with Alderman Levasseur voting in opposition.

TABLED ITEMS

4. Report of the Committee on Lands and Buildings:
The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that the communication from Constantine Scrivanos on behalf of the Dunkin' Donuts Store located at 921 Beech Street to purchase City owned parcel 271-2 be approved with the following stipulations:
 - the property be deemed surplus;
 - the applicant submit a Lot Line Adjustment plan to the Planning Board for approval;
 - the applicant maintains an existing 12 foot buffer; and
 - no building expansion be allowed within the parcel

(Unanimous vote with the exception of Aldermen Ludwig and Osborne who voted in opposition)
(Note: Tabled 11/19/2012; Referred back to the Committee on Lands and Buildings by the Board of Mayor and Aldermen on 10/02/2012)

This item remained on the table.

5. Status report on the Adam Curtis Skate Park presented by James DeStefano.
(Note: Tabled 11/19/2012; An updated letter from Mr. DeStefano is attached as well as communications from the Parks Division and Planning and Community Development)

On motion of Alderman Shaw, duly seconded by Alderman Craig, it was voted to remove this item from the table.

Mr. Jim DeStefano, 65 Michigan Avenue, stated I'm here to answer any questions as it relates to the skate park proposal. I know I have been in front of this committee a couple of times. It was tabled at the last meeting with a number of questions. Subsequent to that, I know in your package you have a most recent letter of correspondence that outlines why I am here. Ultimately what I need is an indication of support from the Lands and Buildings Committee of the concept that we are trying to pursue, which is to privately run the skate park, to make improvements with privately raised money, to operate it privately and with all the details that would need to be worked out in that arrangement to be determined. I'm hoping to get the conceptual support from this committee today.

Chairman Osborne stated so what you are looking for is a lease.

Mr. DeStefano replied correct.

Chairman Osborne asked for how many years?

Mr. DeStefano replied that's to be determined. I would think that we would need a 20 to 30-year commitment with extensions.

Chairman Osborne stated so in other words, you are talking about a 20-year lease with a ten-year option? Is that what you are saying?

Mr. DeStefano replied correct.

Chairman Osborne asked how about a ten and a ten. It has to be at least 20 to begin with?

Mr. DeStefano replied I think it ultimately depends on...

Chairman Osborne interjected it depends on what you have invested. You have to go by what you have as an investment because what you are saying, the City is not going to be investing any of their money into this. Is that true? Are you going to be putting \$1 million? From the last meeting, there is nothing there regarding the monies. You are talking about a lease, but I don't know what you have in mind or what you have invested or what you are going to invest in it.

Mr. DeStefano stated if the concept that moves forward is a fully enclosed skate park facility that incorporates the Regis Lemire Community Center at a cost of \$3 million, I don't believe it would be prudent to take out a land lease for ten years under that scenario; I think it would need to be longer.

Chairman Osborne stated that's why I am saying that; that is what I mean. It should be at least 20 with ten-year options, right?

Mr. DeStefano replied I agree.

Chairman Osborne stated or a 20-year with two ten year options.

Mr. DeStefano stated that would be great.

Chairman Osborne stated that's fine. As it still stands, we are still not talking about money from the City. Any support from the City?

Mr. DeStefano responded planning support, brain power support, aldermanic support, but no resources in our plan would be requested from the City government.

Chairman Osborne stated all you are looking for is the net-net on the park itself and also the building, the Clem Lemire Center? Is that right?

Mr. DeStefano replied correct.

Chairman Osborne stated I guess we have that pretty well wrapped up.

Alderman Craig stated we heard back from Planning and Community Development and from Parks. There was information within the Parks memo from Mr. Capano that said that it is very important that there be an area within this new facility that allows children to go in for tutoring and other services where it is free. Is that something that you are agreeing to?

Mr. DeStefano replied it is definitely a goal of ours that it would have to be inclusive of the kids who are using the community center right now, using it for free for dart clubs and computer clubs and things like that, to take care of Brenda and her program activities over there within the scope of the current community center building.

Alderman Craig asked so there is no question that the children who need the services for free will be allowed to continue using the services for free?

Mr. DeStefano replied that is clearly our intent, as it relates to the community center itself.

Alderman Craig stated I want a commitment, not an intent.

Mr. DeStefano stated I'll make that commitment.

Alderman Craig stated it is a must. That was a must from Parks and I absolutely agree with it. We don't have a document or a position from the City Solicitor's Office. I'm wondering if, Mr. Clark, you have any thoughts or concerns on this?

Mr. Clark replied since you are talking a potential long term lease of City property, it has to go through the surplus property ordinance process. You would have to find it surplus to City needs to be able to lease it out. Secondly, I would have to see a lease document with the terms and conditions on it so we could analyze it and give this committee a recommendation. At this point it is all to be determined.

Chairman Osborne asked if he was to drop off a document with a 20-year lease with two-ten year options and hand it over to you, what he feels, you could take it from there. Is that what you are saying?

Mr. Clark replied I would think that he would work with Mr. Capano at Parks.

Chairman Osborne stated that is all put together on that side.

Mr. Clark stated they have to develop a lease and bring it to us so the committee can refer it to my office for review or the Parks Department can refer it to my office for review.

Chairman Osborne stated but 20 years is not out of the question.

Mr. Clark stated it is not out of the question, but you are going to have to have the assessors take a look at it to make sure you are getting value back for your lease.

Alderman Levasseur asked as far as the rent, are you looking for \$1.00 per year?

Mr. DeStefano replied that sounds like a great starting point. Part of what we are looking at as well as sharing the upside with the Parks Department or general parks maintenance and that is all going to depend on debt service, operation costs and all the things that will come into play.

Alderman Levasseur asked are you prepared to draft the lease with your attorneys? Have you been a real estate developer for a while?

Mr. DeStefano replied I am a real estate broker. My expectation is to be able to draft a letter of intent to lease that outlines all the business terms and then from there, if acceptable, we will go to lease.

Alderman Levasseur asked as far as indemnification clauses, what is the bank going to be looking for when they look at this deal? They are obviously going to want to look for a long term lease and whatever capital you put up front and then they are going to try to give you the final amount of money that you are going to need to finish the project off. Is that what we are looking at?

Mr. DeStefano replied if fundraising dictates that we need to finance part of the improvement, yes, we will have to deal with a bank and the security of that loan itself. It is a large task.

Alderman Levasseur asked what is the bank going to be looking for as far as insurance? You are going to be on the hook for all insurance or is it one of those deals that when they go there they sign a release form that says you know the risk and you assume the risk?

Mr. DeStefano replied there will be property and casualty insurance and if it is a fully enclosed facility that is membership driven, then there is another layer of insurance which would be the waiver forms and taking responsibility for the users who are actually participating in the venue itself. If it is still an open air facility it could very well be that we come back to the Committee on Lands and Buildings based on our fundraising success or lack of success and if in the worst case scenario, all we can do it is raise \$500,000 that will at least allow us to upgrade the current facility, but keep it pretty much status quo and less of an insurance need is going to be required.

Alderman Levasseur asked are you going to be the project manager for the whole project? In other words, who the architect is going to be, who the final construction company is going to be, who is going to furnish the fixture, the lighting, etc., you are going to handle that whole process yourself?

Mr. DeStefano replied I will be very involved, Alderman. We have a board of directors; we have incorporated XMV Skate, Inc. There are five members of the board: Cheryl Mitchell is on the board who is behind me. We would be doing this hand in hand with Peter and Jessica and the folks at the Parks Department.

Alderman Levasseur asked would you like for this board, tonight, to say that we would make a motion to start the process of drafting a lease or would you like something else from us? I think if we started with the lease we could approve the lease, go from the lease and then we would have to go for what? Is there anything else that we should be looking to help you with at this point that we could get moving a little bit quicker?

Mr. DeStefano replied my thought is, and I'm open for ideas, that if we can hammer out the business terms in a letter of intent to lease, that gives us enough ammunition to go out and raise money. In other words, we have the City behind us, they approve of the concept and now we need to raise the money. Depending on how much money we raise, that is going to dictate what the end facility is going to look like.

Alderman Levasseur stated I would make the motion that we allow the City and Mr. DeStefano to start the process of a lease.

Chairman Osborne stated so what you are trying to say, Jim, is that you are going to be the general contractor and you will be subbing out all this work.

Mr. DeStefano replied that's correct. We have our team in place: we have an architect, we have a contractor, and we have our engineers. The team is ready to go.

Chairman Osborne stated all the bank is going to go by is what you can produce. They are only going to go by how much money you have and the good will of the person going through with it. They can't come back to the City for anything, that's for sure. In other words, you can't put the land up and the building with this project.

Mr. DeStefano stated as it relates to financing, I might add that it may very well be that the construction of this venue will be done in phases. The phases will be dictated by the fundraising success that we have. It makes the most sense to begin with the improvements to the skate bowl area. That way, if we don't raise enough money to incorporate either the community center building into the venue or enclose the entire skate bowl area, which is roughly 30,000 square feet, then at the

very least, we have improved the skate park down there with the skate bowl area itself, which, according to our estimates, if we could raise \$300,000 to \$500,000 we could have an excellent skate bowl area.

Chairman Osborne stated the whole thing here is that the bank has to think of it this way: it is \$3 million; you are putting up \$1 million. Let's say you get \$1 million so they are on the hook for \$2 million. They are only going by good will in this situation. There is nothing else that they can attack unless you are going to put up your house and everything else along with it. I'm just saying that this is all they can go by.

Mr. DeStefano stated I'm sure that they will be looking for a guarantor. We will have to cross that as we go.

Chairman Osborne stated they are going to look for everything they can. I don't blame them, but that's the way it is. It is tough; it is not an easy situation. I wish you all the luck in the world, that's for sure. I think it is a great idea. It is going to do a lot of that neighborhood.

Alderman Craig stated your motion is agreeing to move forward with the process and that is pretty much it. I just wanted to clarify with you that when you start the process of the letter of intent and the lease, prior to going out for financing, you will get our approval again. You need to come back to the board for approval on all that before you move forward. Correct?

Mr. DeStefano replied my expectation is absolutely correct. I will be back here more than a few more times in the future.

Chairman Osborne stated what this lease does is gives you ammunition. If you can get 20 years and the City has all the trust in you that they are going to hand over a 20 year least with two ten year options that is a little ammunition. It is not money, but it sure means a lot of the bank.

Mr. DeStefano stated having control over that property allows us to bring it to the next steps. Without control all we have is a good idea.

Alderman Roy stated I am in favor of this as well.

On motion of Alderman Levasseur, duly seconded by Alderman Shaw, it was voted that the City and James DeStefano, XMV Project Coordinator, be authorized to start the process of a lease agreement.

On motion of Alderman Levasseur, duly seconded by Alderman Shaw, it was voted to retable this item.

6. Communication from Mayor Gatsas regarding watershed land.
(Note: Retabled 11/19/2012; Originally tabled 10/15/2012; Referred from the Board of Mayor and Aldermen on 10/5/2012)

On motion of Alderman Levasseur, duly seconded by Alderman Craig, it was voted to remove this item from the table.

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

Chairman Osborne stated I spoke to you on the phone, Tom, and you told me quite a bit already so I'm not going to repeat everything here.

Mr. Tom Bowen, Water Works Director, stated I'll just capsule the information that we provided when we were here a month or so ago. Over the course of the last several years, we have been looking at our watershed land and ways to provide permanent protection of the property, that is, to keep it so that it is available for the protection of the water quality in Lake Massabesic which is our primary charge, the primary reason why we own the nearly 8,000 acres. We have tried a couple of different things over the course of the years including placing a small portion of the property into conservation easements. That was not as successful as we had hoped it would be. The property is protected. However, do to a State law that acts against water supplies, we receive no advantage for the property taxes that we paid on the property. We have tried to go to the legislature on two occasions to modify the definition of the conversation easement land and the conservation current use definition and we were unsuccessful both times. We have continued to look for possible ways to relieve us of the burden of having to pay very high property taxes, particularly on the lands that we own around Lake Massabesic. One of the discussion points that has come up recently with regard to our board was whether or not it would be appropriate to exchange the land, the deeds for the property, with Manchester Water Works holding the conservation easement and a conservation group such as the Forest Society or the Society for the Protection of New Hampshire Forests or Audubon or any number of other groups actually owning the property. Manchester Water Works would be able to control the uses on the property by defining and granting the deed and retaining the rights on the property to protect the watershed. That has been talked about over the course of a couple of meetings with the board. In October there was discussion about moving ahead. We were a little reluctant at the time. We had not

gone through and looked at all the issues that may come up with a plan like that. We looked at issues that we were concerned about, and whether or not divesting ourselves of the land holdings, would impact on our rights to withdraw water from Lake Massabesic. Those are some of the issues that we are still working our way through. In conjunction with discussions that we have had with the City Solicitor's Office, we have also been working with an attorney who specializes in conservation easements at the McLane Law Firm. What we are doing now is we are progressing towards having a document that would be available to put out on the streets in the form of a RFP that would allow us to open it up to conservation groups to make an offer for the property with certain restrictions on it that would allow us to maintain the protection. We believe that that is a reasonable course. It allows us the long term protection and it also relieves us of the liability for the high property taxes. At this time, we believe that we are ready to proceed with moving on the next step, which would be actually producing the RFP. That should be ready within the next couple of months. What we are looking for is confirmation from the Lands and Buildings Committee to proceed with that. The Water board has endorsed the concept. We are looking for a confirmation from this committee as well as the full board to allow us to proceed. Eight or so years ago, the taxes that we were paying, particularly in the Town of Auburn, were considerably less. Auburn has become very aggressive in their valuation of the property so this is what has spurred us to move forward a little more aggressively. Since about 2006, we have been very aggressive in our attempts to try to find a good solution to this. We thought that some of the solutions were going to work out fine, but unfortunately, they did not. This is kind of the last and final step, to divest ourselves of the ownership of the property and hold the conservation easements.

Alderman Craig moved to give Water Works approval to proceed with a Request for Proposals regarding watershed land. The motion was duly seconded by Alderman Ludwig.

Alderman Ludwig asked Tom, not that we would care, but do you or does the attorney who you have asked to take a look at this, anticipate any kind of push back from Auburn?

Mr. Bowen replied I'm sure there will be.

Alderman Ludwig asked is the Water Works getting into any kind of anticipated legal battle down the road?

Mr. Bowen replied it is possible. The legal pushback is something that we are also looking at. We are looking at a whole range of issues. The other issues that we are looking at, there are a number of structures that are out there on the watershed, including a number of dams and we still want to maintain ownership and control of those dam structures because they are what impact the flow of water into and out of the lake. In addition to having the right to withdraw water, we also want to maintain the flowage rights of the water down through the watershed. The legal issues or issues of pushback from the town are also issues which are being reviewed. We think that by the time we have a final RFP document we will be comfortable enough to go out on the streets. By doing it in a RFP we will have the right to negotiate the terms of this agreement with the perspective bidders and be able to negotiate terms that are the most favorable to the Water Works and the City.

Chairman Osborne stated if there is some sort of feedback on this, which there probably will be like you say, how much will this hurt the rate payers? How deep do you think this could go if there was some kind of disagreement?

Mr. Bowen replied the worst case is that we would...

Chairman Osborne interjected the Water board didn't think of any of this, to put the bad with the good?

Mr. Bowen replied all of this has been discussed at a number of meetings and I think the Water Commission is fully aware that there may be, but it is hard to quantify. In a worst case scenario, we end up having to continue to pay the property taxes that we are paying now. Long term, on the good side, right now our property taxes throughout the watershed are in excess of \$750,000 a year. Dave Paris is also with me. You may recognize him as the new director of the Water Works.

Mr. David Paris, Water Works Director, stated just a couple of things for the committee. Unintended consequences are really the key element to what we are up to now. We are asking the committee to declare this property surplus so that we can go forward with a RFP, but the RFP needs to be structured very carefully. We really have two goals. One is to protect this property in perpetuity. That is the primary goal. The second is to get out from property tax burden to the greatest possible degree. However, it doesn't relieve us from a far amount of expense that we anticipate still as being property managers or from being involved with the property's use. It is very important that that property be managed as a watershed, not as a forestry production facility or in other different ways. There is no question that unintended consequences are the consideration that we are making now and we have asked our attorneys at McLane to focus in on; if he were sitting on the

other side of this, what would be argue about. It is that. In order to go forward with this, this committee needs to declare the property surplus. This is all the properties outside of Manchester, which we didn't talk about, Auburn, Candia, Chester and Hooksett. We own over 7,000 acres on those properties that have been accumulated by the Water Works since the 1880s. We have nearly 300 deeds. Just compiling all those deeds, putting them all together with their encumbrances and easements and property uses and historical information is quite a task that we are undertaking as well. There is quite a bit going on that is associated with this right now.

Alderman Shaw asked is there any historical data where this has been done in any other area that you know of, not necessary in New Hampshire, but in some other state? I have a hard time believing that some entity is going to purchase a piece of land and then we are going to do whatever we want on it.

Mr. Bowen responded there are a lot of examples, and unfortunately I can't give you one, but there are lots of examples of properties that are owned by conservation groups in which activities such as the owner retained forestry operations on it or in which the owner retains farming rights to meadows and fields. It is comparable to something like that. We have had preliminary conversations with a couple of the conservation groups and have asked that very questions, are we treading on a very unique situation and they told us no, there are numerous cases in which they actually allow a property owner to continue to do limited activities on the property.

Alderman Levasseur stated it happens all the time; it is called an easement. We own the land. It is our land. Just like how you can own a house in Florida, you own the house, you have to pay taxes on it. We own the land and we can sell it if someone wants to buy it. We pay them, I believe, \$800,000 a year in taxes. Correct?

Mr. Bowen replied correct.

Alderman Levasseur stated my understating is that you have offered them every single possible option; you even said we will go on a sliding scale where we can work something out where you can put it into a conservatory of your own choice. We will let you dictate some of the terms and they refused to do so. Is that correct? You guys have done everything you can to try to negotiate a fair and equitable deal. They just don't want to do so. Right?

Mr. Bowen replied that's correct.

Alderman Levasseur stated this issue of what we want to do with our land, if we have an opportunity to sell it to someone who wants to put it into a conservatory, they would be responsible for any payment in lieu of taxes or if there was a tax issue themselves. Would be we paying to manage that ourselves? We would still control the management of the actual water flow, correct?

Mr. Bowen replied yes.

Alderman Levasseur asked is there any possible retribution for lands that out lie our property that they could do to us? If they own a couple acres north of where the water flows could they block that water from you? Could they do that?

Mr. Bowen replied no.

Alderman Levasseur asked that is based on very well precedent?

Mr. Bowen responded State law precludes that.

Alderman Levasseur stated there are a lot of water rights for the guys who are down at the bottom of the hill, correct?

Mr. Bowen replied right.

Alderman Levasseur stated I see that you guys have done your homework on this. Can I ask you what the law firm is that you retained in this matter?

Mr. Bowen replied the McLane Law Firm.

Alderman Levasseur stated they have done a very good job for us. I don't know if the motion is on the floor, but I would like to get this out to a RFP.

Chairman Osborne called for a vote on the motion to give Water Works approval to proceed with a Request for Proposals regarding watershed land. There being none opposed the motion carried.

*There being no further business, on motion of **Alderman Levasseur**, duly seconded by **Alderman Craig**, 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 long, sweeping underline.

Clerk of Committee