

**SPECIAL MEETING
COMMITTEE ON LANDS AND BUILDINGS**

February 19, 2013

6:00 p.m.

Chairman Osborne called the meeting to order.

The Clerk called the roll.

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

Messrs: L. LaFreniere, T. Arnold, R. McGuigan

Chairman Osborne stated I'd like to address item 4 before item 3 to give Mr. Gagne a break. From what I understand, he has another commitment.

4. Communication from Leon LaFreniere, Planning and Community Development Director, requesting that the committee deem properties at 167, 187 and 189 Lake Avenue and 120 Spruce Street surplus and consider selling the properties to Families in Transition.

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

Alderman Levasseur stated I'm okay with it.

Alderman Craig stated the only question I have is number eight on page 4.4, the closing. The date for the closing it states that it should occur on or before April 30, 2014, and it would be my hope that we would close on this in this year.

Chairman O'Neil stated from what I understand it's going to \$430,000, and it's going to be interest for the first year and the principle will come due in one year.

Alderman Craig stated and that's why I want to close on it sooner rather than later instead of pushing it out.

Mr. Leon LaFreniere, Planning and Community Development Director, stated what you have before you this evening is a letter of intent that was drafted by Families in Transition with regard to their interest in purchasing the property. The action that is requested of you this evening is to both declare the property surplus to the City's needs as well as to authorize us to move forward based on this letter of intent to negotiate a purchase and sale, which would come back to the board for approval. If the committee feels it appropriate to change the terms of any specific provision of the letter of intent and have that incorporated into the purchase and sale, I'm sure that we can move that forward.

Alderman Craig moved that the committee deem the property surplus and move forward with the letter of intent with the objective of closing in 2013 versus 2014.

Alderman Levasseur asked before the end of 2013?

Alderman Craig replied yes.

Chairman Osborne asked you're talking a couple of months here or three months, whatever it is? Is that why you're saying you want to close it in 2013 rather than 2014?

Alderman Craig replied correct.

Chairman Osborne stated so it gives them still time to do what they have to do. Is that what you're saying?

Alderman Craig responded yes.

Alderman Shaw duly seconded the motion that the committee deem the property surplus and move forward with the letter of intent with the objective of closing in 2013 versus 2014.

Alderman Levasseur stated I have a question before you go forward on the motion. The only reason why I ask is I guess we can make the request, but I'm wondering if that money comes from some sort of federal grant and that money must take a year to get here. Do you have information that says it will come before then?

Alderman Craig asked what money are you talking about?

Alderman Levasseur replied to buy the buildings.

Alderman Craig replied they are going to borrow the money from us. In a conversation with Leon is that they'll pay it back in one year, and then that money has to be used in a certain way and our conversation was that, I don't want to put words in your mouth, but to pay for the debt on the Odd Fellows building.

Mr. LaFreniere responded the intent is that any proceeds that we would receive from this sale would not go towards additional cost of the Odd Fellows building but only to go to pay down the debt on what the board has previously agreed to bond in a previous meeting.

Alderman Levasseur asked will they be paying property taxes on this after it is purchased?

Mr. LaFreniere replied my understanding is that Families in Transition, as a matter of practice, pays property taxes on their properties.

Alderman Levasseur stated okay. We don't collect property taxes from what's in there right now or do we?

Mr. LaFreniere replied that is correct. It is a City-owned building, there are no property taxes collected.

Alderman Levasseur stated okay. Does that need to be put into the agreement that they will be paying property taxes?

Alderman Craig stated I would accept that friendly amendment if you make that.

Mr. LaFreniere stated we can certainly bring any of these amendments to Families in Transition for their consideration, absolutely.

Chairman Osborne stated so basically Leon, what this is all about is these pieces of land are useful for parking. Is that right? They are non-buildable. Is that right?

Mr. LaFreniere replied there are two parcels that are adjacent to and practically underneath the existing building that are used for parking on Lake Avenue, and the 120 Spruce Street is also used for parking and then the main building is on the 167 Lake Avenue parcel.

Chairman Osborne stated so mainly this should have been done a long time ago in some sort of sense. Why did this lag on so long in the situation that it's in?

Mr. LaFreniere replied I'm not sure that it lagged on so long; it has been a City-owned property that has been utilized by the Manchester Community Resource Center. Manchester Community Resource Center will be moving, of course, up to the Odd Fellows building at 434 Lake Avenue, so this building will actually be surplus to the City's needs once that move is complete within the next couple of months. We're hoping to not let the building lay vacant and put it to use.

Mr. Thomas Arnold, Deputy City Solicitor, stated Mr. Chairman, if I may. Declaring this property surplus is premature at this time pursuant to your ordinance. It needs to be referred to the assessors for an appraisal of what the fair market value is. In addition to that, one of these pieces of property is tax deeded, which means that any sale other than by public sale or public auction will have to be done by ordinance. That is in addition to making the required findings for it being in the best interest of the City or for just cause and dispose of it by other than public sale under our surplus property ordinance.

Alderman Craig asked why are we just hearing about this this evening? Why wouldn't we have taken care of this process stuff prior to our meeting? I just don't know why it is sitting in front of us if there were other things that had to be done prior to us taking a vote on this.

Mr. LaFreniere replied what's happening is that to start the process, if you will, through this letter of intent from Families in Transition they are indicating that they wish to purchase the property and they have outlined the terms under which they wish to purchase the property. They certainly recognize that there are additional measures that need to be taken. In fact, some of these measures are

referenced within the letter of intent such as the ordinance necessary for the tax deeded portion of the parcel. What they're really looking for at this point is the authorization to negotiate the purchase and sale and define all the rest of the steps that need to take place before that can be executed.

Alderman Levasseur stated I say we should probably table this, Mr. Chairman, until they get the assessor's report.

Chairman Osborne asked what is your recommendation, Mr. Solicitor?

Mr. Arnold replied as I said, you do need a report from the assessors, so referring it to the assessors for their report.

On motion of Alderman Levasseur, duly seconded by Alderman Craig, it was moved to refer this item to the assessors for appraisal of the fair market value of the property.

Chairman Osborne stated it will come back to this committee after that.

Chairman Osborne addressed item 3 of the agenda:

3. Communication from Robert McGuigan on behalf of Rolling Thunder requesting that the City dedicate a POW/MIA chair in a public venue.

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

Chairman Osborne stated I'd like to bring up Robert McGuigan.

Mr. Robert McGuigan stated I represent Rolling Thunder. I'm here tonight to make a request to the City to donate a chair and a plaque at a venue such as Gill Stadium in remembrance of POW/MIAs to help educate the American public about those issues. I am showing a sample chair of what I had. It would just require the City to either have a chair in black, painted or purchased, and have a plaque made to go on it. The cost will be minimal. I'm guessing the total cost would be less than \$500. We request to have it placed in a place of honor at Gill Stadium, and that's kind of negotiable. If it is right in the middle of the stadium where nobody is going to see it, it is probably not the best place for it, but maybe in a higher visibility area where people would walk past it and see it, like maybe at the top right or top left as you come into the stadium, to make the public aware of it. That is my request.

Chairman Osborne stated I spoke to Mr. McGuigan earlier today or yesterday evening. I told him I had no problem with it, and I also spoke to Peter Capano of parks and rec. It is something we'd have to put together where and when. Are there any questions from the committee?

Alderman Ludwig moved to approve this item. The motion was duly seconded by Alderman Levasseur.

Chairman Osborne stated what I'd like to do is Peter can put something together as far as parks and rec and look at Gill Stadium where this would be a good place to place it, which I discussed with you over the phone where I thought and you thought and we thought together. I think it is a very nice momentum for everybody to see at Gill Stadium or anywhere. It is a good start. We can send it to you for study of where. As far as monies is concerned, what did you have in mind, sir, as far as what you people would like to do? Somebody said something about painting it.

Mr. McGuigan replied whatever works the best. The seats are there, they are green in color, I don't know if they are paintable, and if they are, that would be an inexpensive way to get a black seat as opposed to having to purchase a black seat specifically for this. The same with the plaque. Anything that would be durable, and I would suggest a bronze plaque with wording on it and the cost would depend on how much quality was going to be put into it. We have had plaques done. The Massachusetts chapter has done it in a few places and have gotten plaques approximately this size for about \$175 to \$200, and then the decal, which is negotiable on the seat either on the front or the back of the seat depending on the construction of the seat. The decals run about \$20 each, and then, however it is going to be mounted, either by bracket or a couple of pieces of angle iron across the seat to keep the seat closed from people sitting in it. I'm guessing the City of Manchester probably has better contacts of doing this stuff than I do. So I don't know what the exact price is of things.

Chairman Osborne stated so all in all, I'm sure we have a seat there. I'm sure they won't miss one seat. I don't think it would cost any more than \$200 to \$300 and probably something we could take out of contingency if we had to. I think it is a good cause.

Alderman Shaw stated I think the best thing to do would be to recommend that Mr. McGuigan sit down with Peter Camano to work out the details and then bring it back to the committee and let us know the details of what would be best and how much approximately it would cost and we'll do what we can do from there. I think it is a great idea, but I'd like to hear it in a more organized fashion.

Chairman Osborne stated I understand, and that's why I want to work with Peter and he can work with him and we'll come up with something. Like I said, it won't cost any more than \$200 or \$300.

Chairman Osborne called for a vote on the motion to approve this item subject to the review and approval of the Parks, Recreation and Cemetery Division. There being none opposed, the motion carried.

TABLED ITEMS

5. Status report on the Adam Curtis Skate Park presented by James DeStefano.
(Note: Retabled 1/15/2013; Originally tabled 11/19/2012)

Chairman Osborne stated I tried to get ahold of Mr. DeStefano today to no avail, so we will leave this on the table. Has the city solicitor heard anything?

Mr. Arnold stated our office hasn't heard anything.

This item remained on the table.

6. 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.

Chairman Osborne stated we have the same situation here. There is no movement.

Mr. Arnold stated my understanding is that this is still being actively worked on. There is no end result yet in terms of a lease or an agreement. So I would suggest you leave it on the table.

Alderman Craig stated I just wanted to get a response from Attorney Arnold regarding my question of process on item four because in reading the agenda, it's pretty clear that this committee was asked to deem this land surplus and to consider selling it to Families in Transition. From a process perspective, Mr. Arnold, do you review these agendas beforehand and if so, can you let us know when there is an item that we won't be able to vote on and what will need to happen prior to us getting into the meeting?

Mr. Arnold replied we generally receive these agendas the Friday prior to your meeting. So, yes, we do attempt to review them. In the past these particular items with declaring properties surplus, referring it to the committee is really the start of the process. If my memory serves me correctly, the committee usually then refers it to the city clerk who refers it to Planning and Community Development and also sends it over to the assessors for their input. So as Mr. LaFreniere said, this communication is really the start of the process and not intended to be the end.

But, yes, certainly in the future if you'd like me to tell you what items you can't vote on, or I shouldn't say can't vote on, what items need further processing, for a lack of a better term, yes, I could do that.

Alderman Craig stated that would be helpful prior to the discussion so we can end it. Thank you.

Mr. Arnold responded certainly.

There being no further business, on motion of Alderman Shaw, duly seconded by Alderman Levasseur, 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, flowing style.

Clerk of Committee