

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMAN
(PUBLIC HEARING)**

April 5, 1999

**5:15 PM
Aldermanic Chamber
City Hall (3rd Floor)**

Mayor Wieczorek called the meeting to order.

Mayor Wieczorek called for the Pledge of Allegiance; this function led by Alderman Pinard.

A moment of silent prayer was observed.

The Clerk called the roll. There were nine Aldermen present. Four Aldermen arrived late.

Present: Aldermen Wihby, Reiniger, Sysyn, Clancy, Pinard, O'Neil, Girard, Shea, Rivard, Pariseau, Cashin, Thibault, Hirschmann.

Absent: Alderman Klock

Messrs: R. MacKenzie, J. Taylor, K. Clougherty, Atty. Craig

Mayor Wieczorek advised that the purpose of the public hearing is to hear those wishing to speak in favor of or in opposition to the adoption of RSA 162-G Acquisition, Development and Disposal of Industrial Land and Facilities; that those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record; that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.

Mayor Wieczorek requested that City staff make a presentation.

Mr. Clougherty stated as the Board knows we have completed the transaction of acquiring the Hackett Hill land. This is a copy of the legal document that went into that deal. We are now in a position to take that land that we have acquired and to take a look at how it should be developed going forward. As you know there is a piece of it that's environmentally sensitive land and there are some things that have to be dealt with in terms of our agreements in that vain, but there is still the need to develop the industrial piece of that land and Jay Taylor will talk to what that acreage is. In order to do that you may recall that way back we had some discussions with bond council and Mr. Craig's law office to try and find out the best way and how do we keep our options open so that we can develop that land in the best possible way. The recommendation was to take look at perhaps using the provisions of statute referred to as Chapter 162-G. You all have a copy of that statute as part of you hand out tonight. Basically, what the statute does allows the city to designate an industrial development authority, which in our case we would assume would be the Housing Authority, to go ahead and use the provisions of this statute to develop the land on

Hackett Hill. What we are asking tonight is for the Board to consider giving the City the authority and adopt the provisions of RSA 162-G so that we can move forward in the construct of an ordinance or resolution to make sure the City's options are kept open, and we can move forward with a master plan to develop the best way to move forward on this land. What I would like to do is walk quickly through the statute. You can see that there is a procedure for adopting a statute. You have to declare that there is a need and purpose. You may recall we had a hearing on that land earlier this year. Some of the definitions are the standard definitions that we have applied in the documents and would expect to move forward and would be included in the resolution and ordinance proposals. On 162-G4, it gives you the powers of the unit that would be put in place and allows use to acquire lease and own dispose of land and would give the so named authority the authority to do that. It talks about sales and leases. Trust indentures, if there is something that needs to be done in that regard there is a provision for that it. It allows for bonds to be authorized and issued. If there is a need to develop a building or do something for an economic development purpose, that authority is preserved in adopting this section of the statute so that we could use that section if we needed to. It talks about the approval by the legislative body or the industrial development authority, and the process you have to go through to accept projects as part of a master plan pursuant to this section and chapter of the statute. It talks about the obligations of the governmental unit and whether you want to have it something that would be a general obligation bond issued by the City or the authority. You have some, again flexibility in that area to do some things based on the individual projects that would be brought to you under this master plan agreement. It goes on to explain some of the details about trust funds and voluntary corporations and our ability to do things for water facilities and utilities along that line. We feel that it is important for the City to adopt the provisions of this chapter to keep flexibility in the planning process. Needless to say, adoption of the provisions of this chapter does not commit this Board to anything other than the provisions and any specific projects or specific authorizations would have to come before back before this board for approval on item by item basis. Jay, maybe you could walk through briefly the land we are talking about here.

Mr. Taylor stated I'm not sure you will all be able to see this because of the angle but we will try to do our best here. The University property, if you recall, we acquired 830 acres which was owned by the University of NH. The green area is the land that is going to be dedicated to the wetlands preserve. There is approximately 376 acres of that University property is going to be dedicated to the wetland preserves and will be conveyed to the New Hampshire Nature Conservancy. If you recall that's all part of the CSO agreement, consent agreement, which the City and the EPA, and the State DES signed recently. That area will be dedicated to preserving the wetlands and will be used for educational and maybe to some degree educational purposes or recreational purposes by the Nature Conservancy. In addition to the land that's on the University property which is going to be dedicated to that purpose, there were two additional parcels, p in this area were my pointer is, owned by the Pichette Brothers and by Optima Health, which as part of the CSO agreement we have agreed to try to work with the owners to help acquire those properties as well. Now the City has no financial responsibility and no final responsibility. We have no authority to require them to sell, but we have agreed to use our best

efforts to help the Nature Conservancy acquire those properties to add to the nature preserve simply because they are part of the same water shed and without those properties the protection of the water shed in these sensitive areas would be some what questionable. The remainder of the land which is represented by the various shades of pink here, amounts to about 470 acres and that's the area that City will be able to develop for business purposes. Keep in mind that pink area, the 470 acres, also includes a substantial amount of land which is, although it is included in developable land, the terrain is poor in much of it. Remember we told you in the beginning that we were hoping to get about 150 acres of "developable land" to really do something with up here and as a result of all this we ended up about 140 acres that is really developable. The remainder of it will be conveyed to various developers as the project is developed so that the City will not, or the Housing Authority will not end up owning anything here at the termination of this project. The dark pink areas are so-called sensitive development areas and the reason that those have been delineated separately is because there so close to the nature wetlands preserve that we have agreed, if we are going develop in those areas, that we would use what ever technologically feasible extraordinary methods for protecting those areas that we can to make sure that the drainage, storm drainage measures are taken that don't degrade the wetlands areas. Those areas are a little more sensitive than the remainder, but we still believe that we will be able to do some development in those areas as well.

Mr. Clougherty stated, Mayor, I would just like to have Attorney Bill Craig comment a little bit on the role the Housing Authority has played so far.

Atty. Craig stated I'm the attorney for the Manchester Housing & Redevelopment Authority. I would just like to say in anticipation of this, the Redevelopment Authority formed such a corporation. It is a non-profit voluntary corporation formed under RSA 292 and the members of the corporation are the members of the Manchester Housing & Redevelopment Authority. The five persons that all of you are familiar with and so you would be actually dealing with a body that the City has historical had a lot of experience with it. In addition to that as part of those two volumes that Kevin Clougherty has pointed out here, the Manchester Housing & Redevelopment Authority corporation has sign an agreement with the City that this land would developed in the manner in which the City approves so that your not letting go any control and I don't think you should and I don't think you should be asked to and you are not being asked to. If you approve this, the land will be developed by the Redevelopment Authority Corporation in the manner requested and mandated by the City. I would be glad to answer any questions.

Mayor Wieczorek asked does anyone have any questions.

Alderman Girard stated thank you, your Honor. Mr. Clougherty in designating the Housing & Redevelopment Authority as that agency on this project, are we committing ourselves to any kind of federal requirements on the types of jobs or the types of uses, or the types of jobs that have to be created in this area or is entirely wide open.

Mr. Clougherty stated no to my understanding it would be entirely wide open, but I will let Attorney Craig correct me if I am wrong on that.

Atty. Craig stated he is right.

Alderman Rivard asked 830 acres is the size of the parcel, and we are going to dedicate 690. We are only going to develop 140 out of the 830. Is that what you are telling us. How much are we paying for this.

Mr. Taylor stated \$5.2 million.

Alderman Rivard stated \$5.2 million to develop 140 acres. Is that correct.

Mr. Taylor stated that is correct.

Alderman Rivard asked if we are going to adopt this statute this evening, 162-G: 15 the action through industrial development authority, the Manchester Housing Authority is the authority that will satisfy that part of the statute.

Mr. Clougherty stated the purpose the hearing tonight is to hopefully get a favorable recommendation so that we can go to Bills on Second Reading with a recommended resolution and ordinance to do that.

Alderman Rivard stated the question, part of the ordinance is developing or approving an industrial development authority. Is that correct.

Mr. Clougherty replied yes.

Alderman Rivard stated it's been suggested that the Manchester Housing Authority play that roll. Is that correct.

Mr. Clougherty replied that's right.

Alderman Rivard asked and did they satisfy all the requirements here. Fifteen members, all living locally in Manchester, and all those other requirements.

Mr. Clougherty answered they do.

Alderman Clancy asked, Kevin, you talked about getting some properties from the Pichette Brothers and Optima Health. How big a parcel are these.

Mr. Clougherty stated Mr. Taylor can answer that.

Mr. Taylor stated the two properties together total 246 acres.

Alderman Clancy asked are we going to have any monies involved there. How much money.

Mr. Taylor answered that money will come out of the supplemental projects as part of CSO agreement and the City sewer use. Funds will be used to acquire that, but we have no liability there. The City has not agreed to do anything other than use our best efforts to help them acquire that property. We are not financially responsible nor are we responsible in any way to guarantee the delivery of those properties. We just agreed to use our best efforts to help.

Alderman Clancy asked you must be talking about Hillcrest Terrace.

Mr. Taylor answered I'm talking about property that is abutting Alliance Way. It's out towards Hackett Hill Road. It's not the property abutting, well I guess in one sense it does abut Hillcrest Terrace, but yes because it's all one ownership through there. So it's that general area.

Alderman Clancy asked in other words, are they going to tie into our sewer.

Mr. Taylor answered no because there won't be anything built there. This is all going to be part of this wetlands preserve so there will be no construction in this particular area if we are successful in acquiring it. No development.

Alderman O'Neil asked just for a point of reference, where is the landfill, where is Hackett Hill, and where would Hillcrest Terrace be.

Mr. Taylor answered okay let me see if I can do that. Hillcrest Terrace is here.

Alderman O'Neil asked where is Hackett Hill Road.

Mr. Taylor stated Hackett Road is out here. It runs down through here under the highway right here. The landfill is down here. I don't know if everyone can see that.

Alderman O'Neil asked does the landfill come up and around the backsides at all.

Mr. Taylor answered no. It runs down in this area, this general area.

Alderman O'Neil asked if you go straight across to the left, who owns up in there.

Mr. Taylor answered I'm not sure. I think the City may own something across Dunbarton Road from the land fill, down in here. I don't think we own anything over in here. The Pichette property is up in here. This piece and this piece and the Alliance Enterprises property is this piece up in here and it's all wetlands.

Alderman Pariseau asked why would the City want to by wetlands.

Mr. Taylor stated the City isn't. We have agreed to help the Nature Conservancy acquire that to add to the preserve.

Alderman Thibault asked, Jay, would you happen to know how much sewer capacity is left in the land that is developable up there. Do we have enough sewer capacity right now in the line that's there to accommodate any industrial development that would happen in that area.

Mr. Taylor stated I can't answer that specifically other than to tell you that at one point the university acquired enough capacity in that line to build a 10,000 student commuter campus up there. I know the Highway Department has taken a look at the capacity in that general area recently, but I'm not aware of exactly how much capacity there is. I assume there is some. Whether it is adequate for the next twenty years, I'm not sure I can answer that.

Alderman Thibault stated well maybe that's something that should be addressed at Bills on Second Reading to make sure there is enough capacity for whatever we may want to develop up there.

Mr. Taylor stated I think you can be fairly confident that whatever is developed on the hill is not going to be heavy in terms of water use because that is not the kind of thing we are going to be going after, but I still can't give you a direct answer as to how much capacity. I'm sure the Highway Department can give you that answer, I just don't have it.

Alderman Thibault asked could we make a note of it, your Honor, for Bills on Second Reading to, in fact, make sure that there would be enough capacity through Highway for whatever may be developed up there. Thank you.

Alderman Rivard asked the agreement with the EPA, does it require us to buy the Pichette land. Is it going to require use to buy that property.

Mr. Taylor answered no. It requires us to use our best efforts to help acquire it.

Alderman Rivard asked what does that mean.

Mr. Taylor answered it means we will act as a go between to try to help negotiate the purchase, but we have no financial responsibility there.

Mr. Clougherty replied and no penalty if it doesn't happen.

Alderman Rivard stated there was something negotiated. There was a deal made between the City of Manchester and EPA to reduce the CSO project by \$50 million and because of that we had to, they call them fringe, frills or niceties as Frank Thomas calls them, and we have to do

something over here. What is the EPA requiring us to do over here in order to reduce our CSO obligation. What are they requiring us to do.

Mr. Taylor stated the first thing they are requiring us to do is to sell this 376 acres, part of the university property, to the Nature Conservancy, which we have agreed to do. That property will be appraised and it will be sold at whatever the fair market value is and those funds, as I understand it, will come out of the sewer use fees as part of the CSO agreement.

Alderman Rivard stated I guess that's the question. What does the sewer user fees have to do with this.

Mr. Taylor answered that's where this money comes from.

Alderman Rivard asked that is where what money comes from.

Mr. Taylor stated the money that is going to be used to purchase this property from the City to the Nature Conservancy. They are going to take it out of one pocket over here and put it in this pocket over here.

Alderman Rivard asked so the sewer users in the City of Manchester are going to be paying for the purchase of this property. Is that what your telling us.

Mr. Taylor answered there is a couple of million dollars as these supplemental projects and I'm not an expert on this CSO, so I may be getting in deeper than I should.

Alderman Rivard replied I'm not an expert either but I happen to understand what it's all about. We all pay that every month in our bill and it is for sewer improvements and CSO construction of interceptors. Now you are saying that the bill that everybody pays in the City of Manchester, a small portion of that is going to go towards purchasing this property that was already purchased. I don't understand this, I thought we already bought it.

Mr. Taylor responded no.

Alderman Rivard asked what are we paying.

Mr. Taylor stated yes we bought this property here, yes, but part of the supplemental project portion of the CSO says that that land has to be sold o the Nature Conservancy.

Alderman Rivard asked and they don't have any money.

Mr. Taylor answered that is right so that money is coming out of EPD.

Alderman Rivard asked where is the money going to go to.

Mr. Taylor answered back to the City.

Alderman Rivard asked where.

Mr. Taylor answered the general fund, I guess.

Alderman Rivard asked it coming out the EPD and its going into the general fund.

Mr. Clougherty answered right. It will reimburse for the \$5.2 million that we have already talked about that was used up front to buy the land. By doing that, Alderman, you will be able to reduce the rates that people pay because the deal here is try and mitigate the CSO requirement that could have been much bigger.

Alderman Rivard stated its not going to reduce it; it is going to stabilize it.

Mr. Clougherty replied right.

Alderman Rivard stated their bill is not going to be reduced, right.

Mr. Clougherty replied right.

Alderman Rivard stated so the object is not to have to build the \$150 million CSO. We are going to get away with \$50 million but this is the first phase and you know there is a second phase that we are going to have to fund.

Mr. Clougherty replied that's right. The reason we are able to stretch that out and gain some benefit for ratepayers is because we are going to use some of that money to pay it back.

Alderman Rivard asked so how much are we paying again, tell me how much were paying for 140 acres. \$5 million.

Mr. Taylor answered there are two portions to this. Let me go back to the beginning. There are two parts to this deal. What we have acquired now is roughly 823 acres of land for \$5.3 million. Two years from now we have, as part of the agreement we will acquire the building, French Hall, which is the University building and another roughly 9 acres of land for \$1.8 million. That's the deal.

Alderman Rivard stated that's \$7 million.

Mr. Taylor replied \$7.2 million, I think, is the total cost.

Alderman Rivard responded well \$5.2 and \$1.8 is \$7 million. That is pretty simple math. I can handle that. But I'm just saying it is not done so now the sewer users are going to be contributing money to preserve some more property up there and that is going to be put into another fund that is going to pay this down by \$2 million. Is that what you are saying.

Mr. Taylor stated it's up to \$2 million and it is all based on...it has to be appraised and that hasn't happened yet so we can't tell you what the actual number is going to be.

Alderman Rivard stated now I know why the document is so big. It's very complicated and you've done your best to keep me confused. If that was your goal you did it.

Alderman Girard stated I don't know if this is better answered by Mr. Clougherty or Mr. Taylor but, what provisions have been made for whatever amount will be paid by EPD to the Conservation group and then back to the City for the sale of the land. That, we will call it \$2 million dollars for now. Is there a plan to set that aside off budget or to add it to the general fund or to have the City pass it back through to the EPD so that we aren't hitting the sewer rates for this.

Mr. Clougherty stated one of the problems we had doing this deal, Alderman, is that you had a lot of moving targets. We didn't know what EPD was going to, or what the EPA was going to agree to. We didn't what they were going to require us to do either. We had the appraisal that was done by the University and the appraisal by the City that talked about how much of the land was developable. If you go back in those appraisals and back into the records you will see that we talked about the 150 acres. Rather than...and you may recall that we reached a final negotiation with the EPA on this piece I think the last day of this deal. So, rather than holding up the transaction for the University and our ability to develop the 150 acres, we went forward with the proposal to use our local resources, our bonds and what have you and that's what the deal is based on. There is also this provision that as there is an appraisal done of the property for CSO purposes, we will be reimbursed that amount of money and will come in and reduce the amount of general obligation debt that we would issue and that money would be available for the City to us for any purposes that this Board decides they want to use it for. Now we would encourage you to use that money to economic develop purposes, but again all those issues, once we get the final appraisal and we know what the schedule is we can bring it back before the Board and we can explain how that money will flow into the City.

Alderman Girard stated as a follow-up, your Honor, the short answer is that the money that we receive from the conservation group to buy that land which will be given by EPD to the conservation group, it's use has not been determined and this Board has the opportunity to determine the use of those funds.

Mr. Clougherty replied that is my understanding.

Alderman Girard asked when will these transactions take place and when will this Board see those funds in order to decide what to do with them.

Mr. Clougherty stated my last conversation with Frank Thomas was that they were in the process of trying to deal with the EPA and structuring out a payment schedule for this land in a manner that would not be disruptive to the rate payer. They can't do that until they get a final appraisal on the property completed by the Nature Conservancy.

Alderman Girard asked do you know when that will be completed.

Mr. Clougherty answered I believe that they are doing that now, Alderman.

Mr. Taylor stated there has been a RFP been prepared to get to higher appraisals and I believe it's going to go out this week some time. I would think within the next 60 days we will have an appraisal and we will know what numbers we will be talking about.

Alderman Girard asked so in the next 60 days we may have an appraisal, we will know what monies we are talking about, now will you come to this Board prior to the transactions taking place and get approvals for the transactions and at that time, and I don't know if this is appropriate for the Mayor to ask but will this Board then be determining a policy of what to do with the funds that we are going to get from EDP through the conservation function.

Mr. Clougherty answered right; we will be making a recommendation to you at that time, Alderman.

Alderman Girard asked so we will be acting on it at that time and 60 days, you don't expect that to be until middle June.

Mr. Clougherty answered right and to be honest with you one of the things that we may recommend is, as we have stated right along, now that we own the land the first step is to get somebody in here to do a master plan for the development up there. There is an RFP going out on that this week, I believe or an RFQ going out this week. I would think that what you should do is wait until you get that master plan back before making decisions as to how you want to allocate some of those resources. That is what is going through my mind right now as we are thinking about bringing in a recommendation.

Alderman Girard replied I can appreciate that. I just want to have a real good understanding of the process that is going to take place so that we know when we are going to be called on to make decisions and what information we are going to have.

Alderman Shea stated, Kevin, realistically once the master plan is drawn up my concern is when can we look for some kind of development of this land and people moving in. Is it like a year

away, two years, six months. Is there any kind of ballpark figure as far as getting back some kind of resources from the plan.

Mr. Clougherty replied I will let Mr. Taylor answer that.

Mr. Taylor stated my guess is that if we are able to hire a consultant to do the master plan in the next 30 to 60 day period that this process will probably take us to late summer to get the master plan completed. During that period, we will probably be doing some public meetings, some public hearings. Of course, that master plan will have to be adopted by this Board before it becomes final and once we get to the point where we know what the master plan says and it tells us what areas can be developed quickly and what areas are going to take longer, then we will be in a position to go out and start to talk with interested companies about what we have and what we can use for time. It makes no sense to go out and start to talk to companies now when I can't tell them anything but I think by this fall we should at least be in a position to talk to companies and let them know what it is we have to sell, what the prices are, where we think we can develop first and what kind of uses we think are appropriate for development in various portions of this property. There may be several pockets that we can do something with very quickly and with minimal additional investment and those will be the ones that we will tackle first.

Alderman Shea stated I just want to pick up on what Alderman Rivard mentioned about the \$5.2 million and the 140 acreage. How long is it estimated that there will be a return on the money. In other words are we hoping that within a 5 or 10 year period that the type of money we are putting into this will come back to the City. Is that something that the master plan will indicate.

Mr. Taylor replied the master plan would show us some of the areas that we think we can develop. We may find that there is more land that can be developed than we initially estimated. I think we have been on the conservative side only so we wouldn't mislead anybody. There may be some additional areas that can be developed that we weren't really counted on. If you are asking my opinion as to how long this whole development is going to take, my guess would be that we are looking at 10 years plus before we develop this whole property. It might even be out as far as 15 years, but it is reasonable to assume in my judgment that in the first couple of years we should be able to start to put some things in there and get some tax return and some employment. As to what the level of that is going to be, I would be just guessing if I were to give you a number but I think it is reasonable to assume that we can expect some early development up there because there is no other business land left in the City. This is all we have to sell.

Alderman Shea asked sell or lease.

Mr. Taylor answered sell or lease.

Alderman Hirschmann stated the last I knew the discussions we were having was that this was going to become an executive corporate and research park, not an industrial park. I was very strongly opposed to the word industrial regarding that development up there and all of the sudden we are talking about a public hearing for industrial land. Needless to say, I am a little nervous as to where your master plan is going. If I could hear on that. I want some assurance or guarantees that there is not going to be an industrial, rock crushing plant up there.

Mr. Clougherty replied we have not backed off from our position at all. We still feel that is the way to go but in order to develop anything, whether it is rock crushing or the corporate, you really have to take a look at this section and that is what we are trying to do. We still believe and I won't speak for Jay but in my discussions with him and the planners that is what we are trying to focus in on. That is the way that we want to market this project. We will wait until we get the master plan, but nothing up there is going to get developed without being approved by the Board.

Alderman Hirschmann asked before the master plan goes out for RFP we would like it stated that executive, research and corporate uses would be our master plan wish and not industrial.

Mr. Taylor answered those items have already been included. I think to some degree, and Atty. Craig can correct me if I am wrong, but I believe the statutory reference to industrial is more generic than it is specific.

Alderman Hirschmann stated that is what I was hoping you would tell me, that it wasn't a specific use. Mr. MacKenzie, are we going to create a zone up there. Is that going to be all one zone.

Mr. Clougherty replied I think, again, that we would want the master plan to take a look at that and come back with recommendations on zoning and those types of issues.

Alderman Hirschmann asked as part of the master plan.

Mr. Clougherty answered as part of the master plan and I will let Mr. MacKenzie elaborate on that.

Mr. MacKenzie stated there is a draft zoning ordinance being finalized in the next few weeks. The Planning Board has reviewed it. This is identified as a unique area that reflects a high quality corporate office park, some light manufacturing but I think the zoning ordinance is being tailored to the vision that has been expressed by Mr. Clougherty and Mr. Taylor.

Alderman Hirschmann stated my fears would be that somebody would realize how easy the access into this site would be and would try to move a concrete or asphalt or some awful plant in there and we don't want that.

Alderman Rivard asked with the master plan that is going to be developed we will have the future development abilities of the landfill, right.

Mr. Clougherty answered absolutely.

Mr. Taylor stated the landfill and a couple of adjacent residential properties that are abutting. We are going to have the consultants look at those as well because it may behoove the City in the long-term to take those out of there and eliminate some problems.

Alderman Rivard stated it is critical that the landfill be part of this master plan for a lot of different reasons.

Mr. Taylor replied absolutely.

Mr. Clougherty stated that is in the RFP, Alderman.

Alderman O'Neil asked if it wasn't this piece of land, the EPA would have leveraged something else. The opportunity was there and they leveraged that. If we weren't in this deal, they would have found something else in the City to leverage against us, correct. Is that a fair statement.

Mr. Clougherty answered yes, a very fair statement. It just so happens that this land is environmentally conducive to what they are trying to do and it helped us to get the deal done.

Alderman Cashin stated, your Honor, now that the portion from Optima Health has become part of the equation, I mean this is the first I have heard that this was part of it but where I serve on the Catholic Medical Center Board of Directors, do I have a conflict.

Mr. Taylor replied I don't know because assuming that the Boards are going to separate and go their different ways, I don't know the answer to that.

Alderman Cashin responded I don't either and that is why I am asking.

Mayor Wieczorek stated I think it would depend on whom they assign that property to. If it were CMC, then you would have a conflict.

Alderman Cashin replied right now I would feel better just abstaining.

Atty. Craig stated the last I knew it was owned by a subsidiary of Optima, not Catholic Medical Center and the control over the land, at least as far as I know, was with Optima Health Corporation as opposed to the Catholic Medical Center Corporation.

Alderman Cashin asked so I wouldn't have a conflict.

Atty. Craig answered Catholic Medical Center Corporation, unless they have changed the by-laws, wouldn't have any say over the disposal of the land.

Mr. Clougherty stated just to follow-up on that, Alderman, as part of the original vote on these we had talked to the Solicitor about that and he felt comfortable that there were not any conflicts on the Board or we would have alerted you to them.

Alderman Wihby asked how did you start that, because it is out of the question or it is in the question. What is part of the equation.

Mr. Clougherty answered part of the equation with EPA was that we, the City, would use its best efforts to help the Nature Conservancy acquire those lands but we have not commitment other than to use our best effort and help negotiate. We have no financial commitment or anything along those lines and there are no penalties if it doesn't develop. We will just try as a good neighbor.

Alderman Wihby asked are we looking to buy it.

Mr. Clougherty replied no, it would be the Conservancy that would be looking to acquire it.

Alderman Wihby asked is it all swamp.

Mr. Clougherty answered my understanding is that it is pretty much swamp, yes.

Alderman Girard asked, Mr. Clougherty, you said that the City is going to help the Conservancy acquire those lands. Right now we are helping them acquire land with money from EPD. We are not looking for any future arrangements where general fund or EPD monies are going to be going to the Conservancy to help acquire those other lands right.

Mr. Clougherty answered that is not my understanding.

Mayor Wieczorek called for those wishing to speak in favor.

Tom Schwieger, 24 Charles Chase Way, Manchester, NH stated I am here as President of the Greater Manchester Chamber of Commerce. I am not prepared or equipped to talk about all the details of the development, but here to state that we would be very supportive of the staff's recommendation to take positive action on RSA 162:G to move this development forward. You are all aware and through your leadership there is so much that is exciting going on in the community and we surely feel that this proper development of this property under careful planning would be an extreme and positive asset for many years to come.

Mayor Wieczorek called for those wishing to speak in opposition. There were none.

Mayor Wieczorek advised that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen.

There being no further business to come before the public hearing, on motion of Alderman Thibault, duly seconded by Alderman Cashin, it was voted to adjourn.

A True Record. Attest.

City Clerk