

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN**

February 22, 2000

7:30 PM

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance.

A moment of silent prayer was observed.

The Clerk calls the roll.

Present: Aldermen Wihby, Levasseur, Sysyn, Clancy, Pinard, O'Neil, Lopez, Shea, Vaillancourt, Pariseau, Cashin, Thibault, and Hirschmann

Absent: Alderman Gatsas

Mayor Baines advised that the first purpose of the meeting is to address issues relating to riverfront activities; that a motion shall be requested to remove an item from the table, and following presentations, reports of the Committee on Riverfront Activities will be considered.

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

- (a) Update on the Riverwalk Master Plan by LDR/CLD.

Mayor Baines recognized Peter Ramsey to lead off the presentation.

Mr. Ramsey stated I am sitting with Mr. MacKenzie as you all know and Todd Connors from the firm of CLD, which has its offices in the Millyard. I have been the volunteer Co-Chairman of the Riverfront Committee since Mayor Wieczorek appointed me almost two years ago. We have a very talented team and it is made up of City staff. I am the only volunteer citizen on the Committee. Mr. MacKenzie is a Co-Chairman with me. Mr. Clougherty is also a member of the Committee as it Mr. Rich Davis, Mr. Frank Thomas and Kevin Sheppard, along with Tom Clark, City Solicitor, Ron Johnson from Parks & Recreation, Jay Taylor from the Economic Development Office and David Fang from the Planning Office. We have met many, many times over the past two years. As the veteran members of this Board know, the Mayor and Board of Aldermen have voted twice on this and appropriated quite a bit of money. We have spent some of that money on Phase IA and we are almost done with that phase, as Todd will go over. I think from my perspective, after two years now there is very little negative to report. From the beginning, the emphasis on the Riverfront project, as Alderman Wihby has said again and again, is that it should be a project that helps economic development in the City of Manchester. We have tried to maintain that focus. There is a handout and you all can see the investments in the Riverfront area and the positive outlook from this Board in voting for a project that is going to

improve our City for Manchester residents, and that is the key, for Manchester residents as it is the City's neighborhood. We all thought from the beginning that by compiling a first class plan which we now have which states that there is a potential of over \$200 million of economic development in the Millyard. Most Manchester residents do not realize that the Mall of New Hampshire has about 800,000 square feet. Manchester's Millyard has 4 million square feet. About half of that is being underutilized the experts tell us. It is an incredible potential economic development project. Proof of that in one area is down by Seal Tanning. The owners of that property have started to invest around \$8 million. That is private money. I challenge anybody here to tell me another project in the city of Manchester that is that large. That is a lot of money for a private individual. They are doing that partly because the city of Manchester has shown its interest in improving the river. Those buildings now, after much work on the private business part, are starting to look good. About 30,000 cars a day drive through the middle of Manchester on I-293 and the Millyard is looking better. That is the good news. I will be happy to answer any questions. Todd is ready to proceed with some basic details.

Alderman Vaillancourt stated you mentioned quite a bit of money. I wonder if you could quantify that phrase you used. "Quite a bit of money has been spent." Could you give us the numbers, the exact dollars?

Mayor Baines stated we could later on...I think Alderman O'Neil has that information this evening. Is that what you were going to refer to, Mr. Ramsey?

Alderman O'Neil stated there are some recommendations, your Honor, tonight to move forward and I think possibly Bob MacKenzie can review what commitments have been made to date financially.

Mr. MacKenzie stated to this point the City has allocated \$2.8 million towards this project. Of that, \$800,000 has been specifically committed for specific phases. Of that \$800,000, roughly \$580,000 has been expended. The majority of that has been for the construction of what is called Phase IA.

Alderman Vaillancourt stated the second question is in regard to the claim of \$200 million in potential economic development. What would you say is the potential in economic development if we did not spend this money on the Riverwalk? Would you say it is zero or someplace in between?

Mr. Ramsey answered there is a report that was presented by LDR and in the report it does state that if the City of Manchester spent no money on the Riverfront development that there would be economic development but it is a much lower rate. It is in the vicinity of around \$50 to \$60 million.

Mayor Baines asked have all of the new members of the Board received that.

Mr. Ramsey answered I think they have.

Mr. MacKenzie stated yes. It was only tonight that I got copies to them except for Alderman Gatsas so I don't believe they have had time to review it, but the new members have received it.

Alderman Vaillancourt stated we got the colored section, but I was told that we were going to get Section III which has the details, at a future time.

Mayor Baines stated I have always found that any information we request we receive and anything that any new members or veteran members of the Board would like to see as follow-up to this evening's presentation, I am sure the staff would be more than pleased to deliver to them or meet with them individually about it. I know that Mr. Ramsey and others have been very accessible in terms of conversations about this project and would avail themselves to any member of the Board to pursue discussions about that. What I would like to ask is for Todd to proceed with the presentation and then we can get into some of the discussions when we deal with the Committee's recommendations.

Mr. Connors stated I am with CLD Consulting Engineers. Tom Sommers, whom you all might know, was not able to be with us tonight. He is back in the city of Manchester and very excited about the project and is looking forward to reacquainting himself with you. For tonight, I will be your host. What I have here in front of you is a long plan, which has been used through the whole Master Planning process to kind of keep us in perspective as to what this project entails, where we are and where we are going. I am going to use that as my format for tonight to kind of bring you all up to speed and those of you who are just now getting a look at this. The project is broken down into several phases. The first phase is known as Phase IA and that is the phase that is currently about 85% to 90% complete and will be finished this spring. That phase runs from the South Commercial Street parking lot, across Singer Family Park to the old railroad trestle that crosses the Merrimack River. To reference the plan, I am talking about an area from here to here. The next phase is in a southerly direction. It is Phase IB. That goes from where we just completed at the railroad trestle south to the Queen City Bridge. At that point, it either connects to what is known as Biron Street, which is a private way, or Sundial Avenue which is a public street in that vicinity. The next phase of this project is known as Phase IC and that is the railroad trestle, which is going to be used as a show piece to connect the east side of Manchester to the west side of Manchester and that is noted on this plan right here. To give you a little bit of bearing, this is the Queen City Bridge down in the far right corner. This is the Granite Street Bridge right about here in the middle and this is the Bridge Street Bridge to the left hand side and just off to the very left side of this plan is the Amoskeag Bridge. That is Phase IA, IB and IC. From that point, from where we just started, if we were to proceed in a northerly direction we would begin Phase II, which goes across the South Commercial Street parking lot, across the large mill known as the Langer Mill or the Woman's Gym Mill to Granite Street. That is Phase II. Phase III would begin at Granite Street or the Lowe Plaza, which is an area just adjacent to Granite Street and it would extend across the three Gateway buildings. Gateway 1, 2 and 3, which you will notice are all being renovated as we speak. That stops just short of the

Waumbec Mill. From the Waumbec Mill north are other phases. Phase IV, V, and VI, which would basically take the Riverwalk across the Waumbec and the Technology Center. It would connect and enhance the existing walkway that runs across Arms Park and that walkway itself actually extends in a northerly direction to the Jefferson Mill, which we would have a section of walkway attached to the outside face. Jefferson Mill is right here and this is the PSNH power station that we all know. That brings us to the most northerly point of the Riverwalk, which would end just about where the PSNH overlook is. That is what we have. What we have done to date is, as I mentioned, 85% to 90% of the construction for Phase IA which is right in front of Singer Family Park. What we are expecting to do as we go from this point forward is the design and construction of Phase IB, which is from the railroad trestle south. That we expect to do this year. The design phase would occur this spring and construction would get underway this summer. At the same time, we expect to begin the design on Phase III, which we are going to jump from the southerly sections up to Granite Street and go across the Gateway buildings. There are design issues with respect to each phase that are helping us determine where we want to go from here. To just cover them briefly, Phase IB is a very easy project to design. It doesn't have a lot of permitting issues. It doesn't have a lot of property rights and ownership issues. It is something that we feel we could do this summer and keep the momentum of this project alive. Some of you might ask why we wouldn't chose to do Phase IC or Phase II, which are the bridge connection and the next northerly phase. Each of those phases has some issues with respect to a bankrupt property in the Woman's Gym Mill, which doesn't give us a shareholder to work with on the design of this project or the bridge itself which is subject to some Federal and State grants that the Planning Department has submitted. Phase III offers us a difficult permitting challenge. We expect the permitting of Phase III to take somewhere between six and eighteen months. We are going to need to coordinate with just about every regulatory group out there. The State of NH, Department of Environmental Services, EPA, Core of Engineers, etc., but we expect that that permitting effort will make the permitting of the rest of the walk much more acceptable. In the Master Planning phase of this project, which was completed and submitted to you last fall, we have done a pre-permitting phase to that where we have met with a lot of these regulatory agencies to get their first blush at our project. What we have heard from them is they are all positive. They think it is an excellent opportunity for Manchester and they don't see any issues that they couldn't work out with us. It will be a little bit of a stretch to get all of that work done, but we feel confident that we can get it done in this next budget year in preparation for construction of Phase III next year. That pretty much brings you up-to-date with where we are and where we have been. I would be happy to take any questions.

Alderman Wihby asked on Phase IA, how much did we allocate and how much did we spend.

Mr. MacKenzie answered we allocated \$500,000 for Phase IA. Of that, I believe just over \$400,000 has been expended.

Alderman Wihby asked and the other 10% that we need to do is going to be using that other \$100,000. That is necessary?

Mr. MacKenzie answered yes.

Alderman Wihby asked how much is Phase IB.

Mr. MacKenzie answered it is an estimate at this point. I think the current estimate is \$850,000 for construction. The design of Phase IB is \$70,000.

Alderman Wihby asked are we asking for the \$850,000 in this budget coming up.

Mr. MacKenzie answered we have funds available that were already authorized by the Board to complete that.

Alderman Wihby asked so we have the money to complete Phase IB and we are starting on that and that is where we are heading.

Mr. MacKenzie answered yes.

Alderman Wihby now Phase II I understand is in bankruptcy, but when I bought into this whole project, the whole thing was economics and trying to build downtown and Phases III and IV, at least in my mind and I think in everybody else's at the time, was the key to doing that. I am just wondering why we can't move this along and what I am hearing is that we are going to do Phase IB and then sometime after that is done we are going to start a project that is going to take six to eighteen months to design or to get the regulations. Why can't we start that now?

Mr. MacKenzie stated Phase III we will, in a sense, be starting. That is part of the recommendation of the Committee, to start Phase III. We will undertake that immediately. We will get into design and permitting. The problem is that is the most difficult portion of the project to permit and it is likely that it will take eighteen months just to go through the permitting process, so by the time we have design complete and permitting, we will be ready to request the funds for that phase not in the coming fiscal year, but the subsequent fiscal year.

Alderman Wihby asked if we just took Phase IB and said spend that money on Phase III or IV you wouldn't spend it anyway because you are not that far.

Mr. MacKenzie answered that is correct.

Alderman Wihby asked with the railroad, Phase IC, we were told at that point that we were going to get some private funds and that wasn't ours to do. Is that still true?

Mr. MacKenzie answered it is still true that we believe that is the most likely location to get major contributions. The total cost of Phase IC, the bridge, to be done correctly is about \$2 million. It is our feeling that this is also our best shot to get Federal funds under the ISTEA program for it and private contributions. We are hoping then to split that bridge in three ways.

One-third from Federal grants, one-third from private contributions and one-third from City commitment.

Alderman Wihby asked are we going to fund Phase IC before we do Phases III and IV.

Mr. MacKenzie answered it depends on how quickly we can permit Phase III. Right now, given the commitments that the Committee has made, there is still available roughly \$900,000 that could be committed either to the bridge, Phase IC or to Phase III, but depending on which one gets permitted that is the one we will use the funds for.

Alderman Wihby stated so even if we kept the \$900,000 and didn't do Phase IC we still might not be able to spend it on Phase III and IV for awhile anyway because of getting all the permits. We are still in the same boat?

Mr. MacKenzie replied that is correct.

Alderman Wihby asked so in other words we are proceeding as fast as we can for Phases III and IV. There is nothing that we can do to make that faster because we are working on this other stuff and in the meantime we are proceeding with going north.

Mr. MacKenzie answered just to be clear, your Honor, we are proceeding with Phase III and that is the most difficult. Phase IV we haven't started yet, but Phase IV will be technically much easier than Phase III so we are attacking that combination of Phase III and IV as quickly as possible.

Alderman Wihby asked but it is not because of the wasting time and I shouldn't say wasting time, but I wanted to go north of Granite Street so going south it is not like we are doing something there and by doing something there we are hurting our chances of moving forward and going north.

Mr. MacKenzie answered no.

Alderman O'Neil stated it is my understanding, Mr. MacKenzie that once Phase III is permitted that information can be used for Phase IV. It will make the permitting of Phase IV that much easier.

Mr. MacKenzie replied that is correct.

Alderman O'Neil stated so that is a step in the right direction. It is also my understanding that there are some citizens out there trying to get moving on the bridge, the Phase IC portion, so I personally believe that we are heading in the right direction and committing the monies where we can spend them right now.

Mayor Baines stated just to follow-up, we had a lot of discussions about the essence of capturing that first phase as it becomes the entryway. Does anybody want to talk a little bit about that?

Alderman O'Neil stated you had mentioned that, your Honor, when you sat in on one of the meetings and that is the portion that is open to the highway. You can see it clearly and as important as the bridge is, the trestle, so too is Phase IB along with Phase IA. The public will see that and see some momentum has been used and it will hopefully generate some more interest from the private sector with regards to this project.

Mayor Baines stated it really becomes, as we talked about in the Committee, the image of Manchester. As you drive and most people drive north, that is the first thing you see. That was the essence of our discussion internally.

Alderman Vaillancourt stated when I buy something I do like to know the total overall cost of it when I am done. I am having a little trouble adding up all of these numbers. You are telling us that Phase IA was \$500,000 or will be and Phase IB is \$850,000 and to me that adds up to \$1.35 million, yet I read that we have already committed \$2.8 million. Can you tell us the difference between the \$2.8 million and the \$1.35 million and then finally...

Mayor Baines interjected can he answer that first.

Mr. MacKenzie stated I do want to clarify that the \$2.8 million is not committed. The \$2.8 million is currently authorized and there is a difference. Of the \$2.8 million, \$800,000 is currently committed to various projects leaving a balance of \$2 million. The proposed project by the Committee tonight totals about \$1.2 million so even after the commitments of Phase IB and the design of Phase III, there will be roughly \$800,000 uncommitted for future projects as they are designed and become ready for construction.

Mayor Baines stated the Chair would also offer an additional clarification before we proceed. This is a unique project in that we are not financing the entire project at once. Each phase of it will be considered on its own merits and may be adjusted upward or downward based on the plan and what this Board feels is prudent for the long-term investment in this project for the community. I know there are some long-term investments that went upward during the last presentation that went to the full Board prior to the new administration, but I think that is a very important aspect of this project. I don't know if you want to follow-up on that at all Mr. MacKenzie. That is the essence of it.

Mr. MacKenzie stated the Board, if it so chooses, may not fund a future project. We are going to be looking for other funding sources. We do hope, again, to have a major share more than the bridge portion, a major share of Federal funds so I don't believe the total cost would be born by the City property taxpayer. The Aldermen will have an opportunity to fund each phase.

Alderman Shea asked, Mr. Ramsey, is there some way that more publicity or a better form of marketing could be done so that people in Manchester would begin to utilize...in other words when you talk to people and I know that some people have utilized that, if we took a survey here I am not sure how many of us would admit to having gone down and walked either Phase 1A or other aspects so what is your group doing or what is someone doing to publicize or to market this particular aspect. Obviously, except for Singer Park, there is no economic development here. It is recreational for the most part. Are there any plans afoot to do this so that more people would take advantage of this once it is completed.

Mr. Ramsey answered that is a very good point, Alderman, and in the LDR report they recommend that the City, just like Peoria and Baltimore and other cities around the country that have developed their millyards and their riverfronts, that Manchester consider creating an independent organization that would market the project, that would help develop the project. I personally have been approached at home by probably 10 different developers who want to come to the City of Manchester and spend private money and I think it is something that the Aldermanic sub-Committee is ready to address and it is something that at the team level we have talked about now for a year and a half. There needs to be somebody in the city of Manchester who wakes up every day thinking about the riverfront and a volunteer Co-Chairman of a City Committee cannot do it on a full-time basis.

Mayor Baines stated for your information, Mr. Ramsey and Aldermen, we are discussing that internally and we hope to come to the Board in a very short term with a proposal to deal with at least part of the aspect of your question.

Alderman O'Neil stated as you may recall, Alderman Shea, the consultant had recommended this private entity thing based on their experience around the country. I think one of the concerns that came up in the fall was that we need to craft what is best for Manchester and some portions of it be private. There is a recommendation from the Committee tonight for the design and construction phase responsibilities to be turned over to the Highway Department. They have the expertise with the engineering and it can be done without any additional staff. That is something that is unique to Manchester. The consultant didn't recommend that. I think that as this project continues to develop we are going to find that we maybe need some public staff to help out and there are maybe some other areas that the private sector may be able to help out on.

Alderman Levasseur asked does the Riverwalk maintain the same width all the way through or does it narrow substantially in some spots.

Mr. Connors answered the current width of the walk that has been built for Phase IA will be the same width extended down through Phase IB because that is kind of a continuous stretch a little bit off the beaten path. As we get back up to the mills, we are going to have some sections that are built right against the outside of those mill buildings. We will have some sections that duck into the Mills, an internal arcade area. There will be parts that go underneath the Granite Street Bridge. It is a little bit more fluid and I think we should expect that the width will vary

depending on the areas that we are in. In the example of poking into one of the existing Millyards or Mill buildings and creating an arcade, it is safe to assume that it will be wider than say 12' there because we will want to encourage the owners of those buildings to have little cafes with rooms for chairs and tables and things like that.

Alderman Levasseur stated the reason I am asking is because we are going to spend a lot of money and I look forward to running along that Riverwalk and having somebody with me rollerblading unless these things are not going to be allowed by the City. I would like to make sure that this is done with a future of big crowds involved and a lot of people. Have we set a goal that this is going to be a place where people are going to be able to roller blade and stuff?

Mr. Connors replied our expectation and our plan at this point is to make this Riverwalk available and open to everyone. We haven't had a single discussion about excluding a particular activity or group that I am aware of.

Alderman Levasseur stated but the width could do that.

Mr. Connors replied the width, as it specifically relates to your question, is currently 12' wide and I think the proposed width as we go through different stretches is going to be about 12' and some sections may be a little smaller or a little wider, but we certainly recognize the need of this area to support people socializing, congregating, walking their dog, talking to their neighbor and you can't just do that on a 4' walk.

Alderman Levasseur stated I have heard that there is a possibility that somebody wants naming rights to that thing. Have we discussed the possibility of selling that walkway for naming rights for a contribution to this project? I think the Union Leader has some deep pockets over there.

Mr. Ramsey stated the Riverfront Team really hasn't discussed the overall naming rights. We have talked about certain portions. For example, the bridge is a classic example.

Alderman Wihby asked do we have to get permission from all of the landowners of those buildings before we do something in the back and have we talked to at least all of them so that we know we are not going to run into a problem.

Mr. MacKenzie answered we will require easements along all of the private properties. We have set-up a process to do that. I know that the engineering firm has been out to speak with most of them. I am not sure if they contacted all of the property owners.

Alderman Wihby asked of the ones we have contacted, are there any problems.

Mr. Connors answered we haven't had any resistance or any negative vibes from anyone at this point. Everybody is very positive and very excited. What we have done to date is we have Kathy Sullivan, an attorney here in Manchester, and she has prepared some draft easement

documents, which we have shared with each of the landowners. The intention being an opportunity for them to look and see what kind of rights will be required to complete this project. We are moving ahead. We have spoken with everybody along the current stretch.

Alderman Wihby asked are they actually going to cut holes out so that you can get into their building from the walkway. Is that envisioned and who would do that? That would be their responsibility?

Mr. Connors answered I think what we envision at this point in time is that it would be the project's responsibility to create the walkway so if we are going to go into someone's building, the limits of the work would be the actual walkway. Poking a hole in the building, cutting out the view ports or the window areas, but that would be as far as we would go. Anyone that would like to develop along or inside would have to do that at their own expense.

Alderman O'Neil stated in Committee tonight there was a question posed by Alderman Lopez or Alderman Thibault maybe with regards to cantilevering off of the building as opposed to the Riverwalk having piers and I think that Todd gave a very good explanation to that.

Mr. Connors stated as we have investigated the project and gone through the Master Planning phase of things, we have also completed what you might know as Section III of the Master Plan, which is a summary of costs. In order to prepare such a document, we had to take a look at the most economical and practical ways to construct the walkway. There are stretches where we will be either directly over the river or directly over the flood plain and flood wave of the river. Our current plan is to construct this walk up on piers. An alternative to that would be to cantilever the walk or attach it to the side of the existing buildings and the existing river wall. The problem with that kind of construction is that the foundation of the river wall and the structure of those buildings being basically just brick and mortar, won't support what we want to build. What we want to build is a very heavy walkway. It is going to be 12' to 20' wide and we can't just attach it to the wall of the building. What we would have to do is we would have to go into the building and we would have to dig through the floors and pour a new foundation back behind the building wall and attach our walkway to that. It was our analysis that that would be more expensive and it won't offer us much of an advantage with respect to permitting the project. We expect to go through the same hoops.

Alderman Hirschmann asked about signage. Is there a budget in one of these phases to start signage for the Riverwalk?

Mr. MacKenzie answered yes. It is recognized that a comprehensive signage package is very important for people to be able to get to where they want to go and find out what part of the Riverwalk different amenities or different destinations are. Yes, signage is part of the package.

Alderman Hirschmann asked is that in this phase.

Mr. MacKenzie answered no; it is not in this phase. It is anticipated to be a little bit later on when you get more of the Riverwalk actually put together.

Alderman Hirschmann stated so you already have one phase done, but you are not going to do any signage yet.

Mr. MacKenzie replied we hadn't anticipated doing that until we got a little bit more of the Riverwalk completed.

Alderman Hirschmann asked where are you encouraging, once the signage is in place, where will you encourage people to park. In the Singer field parking lot?

Mr. MacKenzie answered there are several different opportunities for parking and certainly one of the big new opportunities is the Rubenstein property, which the City Solicitor has been working on and we should acquire relatively soon. There are opportunities there to put some temporary surface parking on the Rubenstein property and in the longer term, Southern NH Planning Commission and the State are looking at building a fairly major garage there. That would serve a good portion of the lower Riverwalk. The Highway Department is also looking at ways to increase parking. As we increase demand and economic development, we know that some additional parking will be required. They have a consultant looking at all of the parking lots in the Millyard to look at how those can be expanded.

Alderman Hirschmann stated I am familiar with that Rubenstein property. What I was thinking of is this summer we already have one phase complete and we don't have any signage directing anybody there, if people park in the Singer parking lot are they going to be discouraged from parking there?

Mr. MacKenzie replied the Singer Park parking lot is leased to the Riverfront Park Foundation and I suspect we would have to talk to them about parking issues before encouraging people to park there.

Alderman Hirschmann stated I think people are going to want to use that parking lot this summer.

Alderman Shea stated this project is a major project, but certain aspects of it I would assume would only apply to eight or nine months out of the year. Are there any provisions whereby this particular Riverwalk could possibly be utilized or has any thought been given to the weather conditions we have here and to the kind of climatic conditions? Is anything being thought about that would allow people to utilize at least parts of this Riverwalk for the entire year or is that something that can't be done?

Mr. Ramsey stated that is a very good question. If you go down to Singer Park now on any given day you will see people skiing and I happened to drive by the other day and there was a family out there walking. It is a public project. It is open to the public. I think it is available.

Alderman Lopez asked on making an agreement with Jillians for example, if you go 20' with the intention of putting tables and chairs out there, is this going to go before a Committee before any agreement is made as to what Jillians is going to contribute to this. I realize that this is an economic development, but you could rent out that space if Jillians or any other business doesn't want to put anything into it. That is one question that I would like to get cleared up. Would the Committee be making those decisions or would Tom Clark get involved or who?

Mr. MacKenzie answered initially we believe that the City is going to have to fund the Riverwalk. I don't believe that we are going to get any significant private development paying for the Riverwalk other than major contributions and perhaps towards the bridge. I do perceive it as the Riverwalk and when the economic development becomes successful, we may want to discuss the possibility of licensing or vendor fees that would help maintain the Riverwalk. Clearly if it is done and designed correctly, it is very important for us to maintain it because if we don't maintain it, it will lose its integrity within 5 to 10 years. I do believe there is a potential to either tap additional parking revenues or licensing doorway entrances or perhaps as you said restaurant tables on the Riverwalk and that could help fund the long-term maintenance of it, which is important.

Alderman Lopez stated I think that the Mayor and Alderman Shea touched on it, but I would like to know if there is a place in the City right now where we have large designs of Phase IA and IB where the public can actually see this. Do those exist today?

Mr. Ramsey replied if you go to the Planning office, there are documents to present to the public. Opportunities for development. Opportunities for future businesses and parking. It is a very detailed plan.

Alderman Lopez responded I am talking about an area where the public can actually see what is developing in the Riverwalk.

Mayor Baines stated I think that is a good suggestion because there are a lot of people in this building and seeing some like this as people come in is something that we should look into.

Mr. MacKenzie replied that is a good point and a great idea. I would suggest there is a location, and I am not sure if you have been there yet, but there is a Millyard orientation center that is operated by the Historic Association in the lower level of the First Place building and that would seem like a great opportunity to get this information out. I suspect the Historic Association would be willing to allow us to put a small display in there so that the public could find out about it when they go to this orientation.

Alderman Lopez stated the last comment I have is I think it was alluded to that you could walk over to Singer Park now and Alderman Shea alluded to whether this could be used during the winter time. I would like to make a comment that Alderman Thibault and myself went down to Arms Park and you can't even walk on the Riverwalk today and I think that we should all be aware of that. We have to get that area cleaned up. With 50-degree weather out there, people could go down there and enjoy the Riverwalk as it is today.

Alderman Vaillancourt stated I think the first law of economics should be, if it is not, that a dollar spent once cannot be spent again so I ask this question with that in mind. While it is all well and good for people to walk recreationally, we still have miles and miles and tens and dozens of miles in this City where people cannot walk because they don't have sidewalks. I am just wondering if you could put into perspective for us how much more this particular project costs than a typical sidewalk that would be put in. Maybe some kind of a mathematical formula. One foot of this costs blank X the average sidewalk footage.

Mayor Baines asked, Mr. MacKenzie, would you like to try and answer that.

Mr. MacKenzie answered I don't have any mathematical formula. Frank Thomas is here and I am not sure if he can answer it.

Mayor Baines asked Mr. Thomas to take the question under advisement and get back to the Board.

Alderman Hirschmann asked this new phase that you are asking to commit to is for the year 2001. What year would we be in when we get down to...Arms Park is the part I am really looking forward to. When would that happen? 2008?

Mr. MacKenzie answered we are anticipating that the full Riverwalk, if properly funded, would be a five to seven year project and part of the difference in the two years stems from the permitting issues. It is possible that we could complete it in five years. It is possible that it may be pushed off, depending on permitting, to seven years. The Arms Park area is in the middle of that project so potentially it is three years away.

Alderman Hirschmann asked we are talking about Phase IA or IB right now for 2001.

Mr. MacKenzie answered that is for this summer. The summer of 2000.

Alderman Hirschmann asked then we are going to Phase III.

Mr. MacKenzie answered for the summer of 2001, which splits our fiscal year so part of FY2002, but for the summer of 2001 it could be either, depending on the permitting process, Phase III or the Phase IC, bridge.

Alderman Thibault stated two people asked about what kind of winter activities would be there. You can bet that if there are people walking around that Riverwalk, you are going to see a skating rink go up there someplace and you are going to see snowshoers using that trail and skiers using that trail. Hopefully no snowmobiles, but that is about the only thing I wouldn't want to see on that. I believe that once this is open it is going to be a safe place for kids, as well as families to go and spend a morning or an afternoon, even in the wintertime. I bet you are going to see an awful lot of activity out there.

Alderman Wihby stated I believe that Governor Gregg had a Heritage Commission at one point and in the Heritage Commission one of the things we took up was a train in that section and I happened to be lucky enough to chair that. We had a meeting and we realized that we didn't have enough people there that knew about the subject so we had another meeting and invited everybody and we had about 70 people in that room and we still didn't have everybody there and we were trying to get across Granite Street and put piers or something in the water and trying to get this train over and across to get to the parking but it never happened. We worked on it for about a year and it was just impossible. Do you envision something like this happening in Section III and IV? This is really a plan for the whole thing. I don't know if I would have got into this if I knew we were just going to go south. It should be the whole thing. Do we envision that somewhere we are going to stop and it won't be able to be done and we are going to have problems?

Mr. MacKenzie stated I would note that it is not an impossible task. It is difficult to get through all of the permitting in a reasonable manner, however, when we say that we have fully briefed all of the agencies and several of the key agencies have actually been involved and participated in discussions since the very beginning. The Core of Engineers, for example, has been very interested in the project and came to all of the early meetings and they recognize the important to the City. We have done as much as we can to this point to actively involve those agencies in this process.

Alderman Wihby stated we said that this could be done in stages, but I would hope that this Board isn't going to just okay Phase IA, IB, IC and then say we don't have any money so we are not going to go forward. The biggest factor of doing this is probably Phase III, IV, V and VI and I would hope that we are not saying that we are just going to look at this in sections. I think there has to be a commitment from this Board.

Mayor Baines replied the other thing is you have to look at what the economic situation is in three to five years and everything could change, but it is offering a vision of where the City certainly needs to go. Are there any other questions?

Alderman Clancy asked could someone eventually come down the river with a boat and be able to tie up and go to the Riverwalk.

Mr. Ramsey answered yes. There are plans for three connections to boats. North of the Amoskeag Dam, south of the Amoskeag Dam where there is a boat ramp right now and then further south. I think everybody envisions the opportunity some day to have boats on the river.

Alderman Shea stated you mentioned easements before. How many easements or how many buildings are involved from Granite Street up to the Amoskeag Bridge?

Mr. Ramsey replied I think there are 11 business owners.

Alderman Shea stated there is a concern on my part in terms of if the Riverwalk to be constructed to go through a particular existing business, the responsibility or the legality or any kind of lawsuit would be incurred by whom. Let's assume that for whatever reason something tragic were to happen there. Whose responsibility is it? Is it the City who would be legally responsible? Would it be the owner of the building?

Solicitor Clark replied that is a tough question to answer because any kind of liability question that comes up like that will depend on exactly what facts are involved in the accident or the tragedy or whatever happens. However, there is State law providing the City and owners with a limited amount of immunity for these types of trails and we will be taking advantage of that.

Alderman Shea asked so you would be looking into the legal aspects before anything would be done.

Solicitor Clark answered yes.

Alderman Hirschmann stated you did have a Riverwalk going to those islands at the base of the dam. What happened to that?

Mr. Ramsey replied this was the original one we used two years ago.

Mr. MacKenzie stated I would note that there are some environmental concerns about accessing the islands. I still think there is a lot of interest in potentially accessing the islands, but it might have to be done in a much more sensitive way so that we don't disturb the wildlife on the island. The question about the environmental impact has been raised and it is still something we want to look at.

Mayor Baines stated I would like to offer a couple of comments since there aren't any motions on the table now that I would be arguing for or against. From my perspective as Mayor of the City, this truly is the economic potential of our great City. If we are going to realize a resurgence in this City, I think you are looking at it right there in terms of expanding the tax base and doing the things that are truly going to make Manchester not only a greater place to live, but also a destination place where people are going to spend some cash. If you study economic development at all, when they talk about how does this City maximize its investment

from people visiting, it is places like this where they come and actually spend time in the City and visiting the City, especially the historical nature of that beautiful part of our City, which I think sometimes we are so close to that we don't appreciate it. If you go into some different vantage points and have a chance to look down upon that and see the vision and the potential it represents, then I realize that we are going to have some challenges financially as we look at this. The favorable part of this project is that we are going to vote on it section by section and that is going to be a downside too as Alderman Wihby points out because as you know the economy changes and sometimes we are going to have to shift priorities, but to me this is it. If we do this right, I think that 10, 20 or 30 years from now people are going to look back upon this as an historic opportunity to take advantage of that very important part of our City.

- (b) Report of the Special Committee on Riverfront Activities recommending that the Highway Department be designated to oversee the design and construction portion of the Riverwalk.

On motion of Alderman Clancy, duly seconded by Alderman Levasseur it was voted to accept, receive and adopt report.

- (c) Report of the Special Committee on Riverfront Activities recommending that design and construction costs as follows:

Design of Phase IB	\$ 70,000
Construction of Phase IB	\$850,000
Design of Phase III	<u>\$200,000</u>
Total	\$1,120,000

be approved using existing fund balances, as recommended by staff.

Alderman Pariseau moved to accept, receive and adopt the report of the Committee. Alderman Thibault duly seconded the motion.

Alderman Vaillancourt stated I am just trying to get clear if this does not pass where the \$850,000 and the \$70,000, what happens to the money if we decide not to do this. Does it go somewhere else? Do we build more sidewalks? Does it go to lower taxes? What happens?

Mr. MacKenzie answered is the Board decided not to fund the Riverwalk project, most of the money we are talking about here is bond money. They could decrease the bond or reauthorize it for some other project.

Mayor Baines stated so it could be authorized for some other use in the City to answer your question directly.

Alderman Hirschmann asked the comment on balances, that is all of the balances are a bond of the Riverwalk are ready.

Mr. MacKenzie answered correct.

Alderman Levasseur stated, your Honor, what you talked about for the City and your vision for it 20 or 30 years from now was well spoken and I think that I agree with you 100% on that.

Alderman Vaillancourt stated I am still trying to get an idea of how much this is going to cost and I guess if you can tell me the number of feet, I can do the division myself. How many feet are we talking about for the \$850,000?

Mr. MacKenzie replied I don't know that off of the top of my head. Todd could calculate that. I am not sure if he can do it in the next couple of minutes. The total project length is roughly two miles.

Alderman Vaillancourt responded I understand that, but I am trying to figure out the project that we are voting on at this particular time.

Mayor Baines stated I think if they are given some time, they could give you that direct information. I am not sure of the relevance of that in terms of exact number of feet, but they weren't prepared to answer that with that specificity, but if you gave them enough time, I am sure they can.

Mayor Baines called for a vote. Alderman Levasseur requested a roll call. Aldermen Levasseur, Sysyn, Clancy, Pinard, O'Neil, Lopez, Shea, Pariseau, Cashin, Thibault, Hirschmann, and Wihby voted yea. Alderman Vaillancourt voted nay. Alderman Gatsas was absent. The motion carried.

Mayor Baines asked that the information that Alderman Vaillancourt requested be provided to him.

- (d) Any additional reports of the Special Committee on Riverfront Activities, if available.

Deputy Clerk Johnson stated there are none.

5. Resolution:

"Authorizing Bonds, Notes or Lease Purchases in the amount of six Hundred Sixty Thousand One Hundred Sixty-eight Dollars (\$660,168) for the FY2000 School District Lease Programs (portable classrooms at Hillside and Southside Middle Schools.)"

On motion of Alderman Wihby, duly seconded by Alderman O'Neil, it was voted to read the Resolution by title only, and it was so done.

Alderman Clancy moved that the Resolution pass and be Enrolled. Alderman O'Neil duly seconded the motion.

Alderman Hirschmann stated did we get a report back, your Honor.

Mayor Baines asked in regards to what.

Alderman Hirschmann asked that item.

Mayor Baines stated I am not sure what additional information you were looking for.

Alderman Levasseur asked wasn't the Board supposed to have a motion for reconsideration.

Mayor Baines answered the School Board has reviewed it and decided to move forward with it.

Alderman Hirschmann stated I thought they were going to give us a report.

Mayor Baines stated that wasn't my understanding. My understanding was that we asked them to go back and reconsider it. They have reconsidered it and decided to follow the direction of the Board. They have reconsidered it at your request and they are asking you to proceed with a second vote on this.

Alderman Hirschmann asked did they put that in writing, your Honor.

Mayor Baines answered they have notified the Chair of the Board and the Clerk and that is the official comment that I have on that.

Alderman Pariseau asked are we giving the School Department an additional \$600,000.

Mayor Baines answered no.

Alderman Pariseau asked they are going to do that within the current budget.

Mayor Baines answered that is correct.

Alderman Shea stated I called up the Superintendent and he assured me that they were going to stay within their budget and they were not going to ask for any additional money.

Alderman Levasseur stated I just want one question answered and it is not a tough one. The \$660,000 that you appropriated in the 1999 budget of FY2000...

Mayor Baines asked that this Board appropriated.

Alderman Levasseur asked we didn't appropriate it, right, because it was already in last year's budget. Where is the \$660,000? That is all I am wondering.

Mayor Baines asked Mr. Clougherty to provide clarification.

Mr. Clougherty stated included in the School Department's current budget for this year, they will use funding to retire the amount of the debt that is attributable to this year and it will spread out over several years.

Alderman Wihby stated the way it was explained to us is that you wouldn't start funding it until the following year so that there was no money taken out of this year's budget to pay for these portables. That is what they told us at the last meeting.

Mayor Baines replied that is my understanding.

Alderman Shea stated I don't know how to explain this, but some members of this Board are trying to micromanage the School Department. I think we have a Superintendent and other people working there. If they come up with a deficit at the end of the school year, then I think we have reason to question how they spent the money, why they spent it and so forth. At this time, it is February. We do not scrutinize every department's budget. We don't go after the Police Department if they have some problem. We don't go after the Fire Department. We don't go after the Health Department, but some members of this Board are intent, very intent, on going after the School Department. Now why don't we let them manage the School Department. It is a School District; not a School Department and I should correct myself on that. Let them manage it. If they have a problem, let's see what their problems might be in June when they might have to make an accountability, not in February.

Mayor Baines called for a vote on the motion. Alderman Shea requested a roll call vote. Aldermen Shea, Vaillancourt, Pariseau, Cashin, Thibault, Wihby, Levasseur, Sysyn, Clancy, Pinard, O'Neil, Lopez voted yea. Alderman Hirschmann voted nay. Alderman Gatsas was absent. The motion carried.

Mayor Baines stated we have a new item that will require unanimous consent on the Chief of Police and understand that this does require unanimous consent. A motion is in order to accept this item under new business.

Alderman Pinard moved to accept the item under new business. Alderman Cashin duly seconded the motion.

Mayor Baines stated this is just to get the issue on the table. We can't even discuss this without getting unanimous consent of the Board and then you can vote it up or down. Mayor Baines called for a vote. There being none opposed, the motion carried.

Chief Driscoll stated I do apologize for bringing in new business. I know that it is the policy of this Board and the policy of this Mayor that it is to be avoided, however, I did last Friday send this letter down and contacted the Mayor's Office today and asked permission to do this and it was granted and I appreciate your allowing me to do that. I will be very brief, but I would like

to update you. I went before, along with Deputy Robinson, the Committee on Administration last Tuesday night. They unanimously supported the revocation of the business license for The Pyramid Nightclub on the West Side. The following day, the attorney for the Pyramid went to Superior Court and asked for an injunction prohibiting us from closing that business down. A hearing was scheduled for Thursday led by the City Solicitor's Office with information prepared by Deputy Robinson and formatted by Deputy Robinson. We went to court on Thursday. The court spent probably 45 minutes listening to both sides. It was given to the court. Judge Convoy indicated that she would get back a ruling to us as soon as possible. I was very pleased that she didn't get a ruling back to us that evening because that was a good sign, I thought, because she indicated that if she was not back in touch with the Police Department and The Pyramid Nightclub that they would be required to stay closed and on Friday morning at 9:30 AM she released a decision that said that the injunction was not granted and, in fact, the business would stay closed for a period of about 30 days until a final hearing was held. That was very good news in my opinion and I am sure the City feels the same way. We know would like to go to the Liquor Commission and in order to do that there is a new statute. We have reviewed it with the City Solicitor's Office and we have to do a petition, but in order for the petition to be accepted by the Liquor Commission, it has to come from the governmental agency and that is not the Police Department, that is the Board. I am here before you and I sent a letter on Friday that has been amended and I hope you have a copy of it requesting that a motion be passed. I have drafted a very simple motion and would hope that someone would make that motion and that it would be supported unanimously. If that is, in fact done, I would ask the Clerk's Office to give us something in the form of a letter tomorrow that would accompany our petition and we will be at the Liquor Commission asking them to schedule a hearing so that we can, in fact, attempt to have their license revoked.

Alderman Cashin moved to direct the Police Department to file a petition with the NH Liquor Commission for the permanent revocation of a liquor license for Julia Entertainment Corporation d/b/a The Pyramid Entertainment Complex. Alderman Thibault duly seconded the motion.

Alderman Vaillancourt stated I am reading the letter in front of me and I would like some clarification as to what RSA 17:24(VIIF) is. It says Point #2, the persons actually managing the business do not meet the requirements of that particular RSA. Could you tell us what that means?

Chief Driscoll replied yes. We have evidence that the person running and managing the nightclub is not the person that, in fact, applied for the liquor license. In fact, the person running the nightclub has some serious convictions down in Massachusetts and we intend to bring that...they don't meet the RSA's for the Liquor Commission and we intend to bring that to the Liquor Commission's attention.

Alderman Levasseur stated it would seem to be that it would be prudent that you would have to have some sort of a trial or due process on that claim that you are making. You are asking us to

just go on your word without any kind of evidentiary hearing. This also seems to me to be a State issue and the Liquor Commissioner would be able to come in and just shut them down on their own. I am wondering if we are going to get ourselves into a serious legal...the liability that you are putting the City under if we lose this one. It kind of seems to me to be a little bit of a rush to judgement and I would hate to put ourselves under any liability for this right away without a copy of the statute to look at and also the evidence that you are presenting is kind of...

Chief Driscoll interjected I am not here to present any evidence. I am just simply telling you that these are the standards. We will have a multi-page petition. We work with the City Solicitor to prepare that and make sure that we meet the process. We met with the Liquor Commission and this is the process that they have advised us to follow. I feel that we are on very, very solid ground and would encourage you to do this.

Mayor Baines stated I would just offer a point of clarification. Our offering is our consent to file a petition. I would ask the City Solicitor to reaffirm that all of this is putting us in a situation where we are actually arguing the merits of our case. All it would be doing is putting us in a position in front of a court to argue the merits of our case.

Solicitor Clark replied this would be filing a petition asking that the Liquor Commission hold a full hearing to decide whether or not the license should be revoked.

Alderman Clancy asked the reason you want the full Board to have full consent is because I was told that the Committee on Administration, the four men, they were speaking for the whole City and that is the reason you want everybody.

Chief Driscoll answered it has to come from the full governmental agency, which is the full Board.

Alderman Clancy stated right because before there were only four guys who voted for it.

Alderman Levasseur stated I want you to know that I like what you are doing and I am glad that you are putting these guys out of business. I have young guys who work for me that won't go near that place. They say it is a trash pit. My only question is and maybe the Solicitor could answer this, but there is another hearing in 30 days. Is there a trial that we are going to in 30 days to answer these questions if these guys are guilty of whatever they have been charged with?

Solicitor Clark replied they filed a petition for an injunction. The hearing that was held last week was on a temporary order. The hearing in 30 days would be whether or not to grant them the injunction, a permanent injunction. The court, in its ruling after hearing arguments from both sides and considering all of the evidence that was presented to it, did issue a ruling that the court did not believe that they met their burden and they did not show the court that they were going to prevail in the main hearing. It will be the injunction coming back up in 30 days.

Alderman Vaillancourt stated I am still not certain that I understand the RSA that requires this vote. I was under the impression that the Liquor Commission could, on its own, undertake closing such an establishment. Could you give us the RSA that requires this vote?

Chief Driscoll replied it is under the liquor law. I don't have it in front of me at this time. It is a new statute. I can follow-up and provide you a copy if you would like. It simply requires that any petition that goes before the Liquor Commission come before the full governmental agency.

Mayor Baines asked the City Solicitor if he is comfortable with the process that is being followed here.

Solicitor Clark answered yes. This is the process that is required by the Liquor Commission at this time in their rules and regulations that were adopted last July 1999. They set-up a process to revoke a liquor license and it requires a petition by the governing body of the municipality.

Mayor Baines asked so we are following the procedures that have been established.

Solicitor Clark answered yes.

Alderman Levasseur asked what is the intent of that new statute, Mr. Clark.

Solicitor Clark asked what is the intent.

Alderman Levasseur answered yes. Why are they letting it go through our Board now? Do you know the reason?

Solicitor Clark replied I don't know. The rules and regulations were adopted by the Liquor Commission. I believe that they wanted to control how petitions came in.

Mayor Baines called for a vote on the motion to direct the Police Department to file a petition with the NH Liquor Commission for the permanent revocation of the liquor license for Julia Entertainment Corporation d/b/a Pyramid Entertainment Complex. There being none opposed, the motion carried.

Mayor Baines stated I was with Mayor Streeter today and a question arose to both of us that crime was not an issue in either of the recent campaigns and there were some very nice things said about our Police Department and the Nashua Police Department and I just wanted to convey that to you, Chief Driscoll, in terms of what the department has done for the quality of life in our community.

Alderman Wihby stated point of order. If in the future you are going to cut off debate and you are going to accept a motion to move the question then we should be voting on the motion and not just cutting off the debate.

Mayor Baines replied I will take that under advisement and I appreciate that input. I will talk to you about it further after the meeting. I think I have tried to demonstrate...

Alderman Wihby interjected well I had my hand up and I wanted to respond to a comment.

Mayor Baines replied then I apologize to you. I didn't realize that that happened and I will try not to do that. I have been trying to go out of my way to be more than fair to everyone and give everyone an opportunity. If that happened to you tonight, then I apologize.

Alderman Wihby responded apology accepted.

Alderman Shea stated many times our hands have been up and we have had the same problem.

This being a special meeting of the Board, no further business can be presented without unanimous consent, and on motion of Alderman O'Neil, duly seconded by Alderman Pariseau, it was voted to adjourn.

A True Record. Attest.

City Clerk