COMMITTEE ON COMMUNITY IMPROVEMENT PROGRAM

June 10, 1996 **7:00 PM**

Chairman Robert called the meeting to order.

Present: Ald. Robert, Wihby, Reiniger, Clancy, Domaingue

Chairman Robert addressed item 16 of the agenda:

16. Communication from Karen Kean-Gould requesting to acquire the left side of 398-400 Hanover Street from the City for $1.00, and proposing to tear down 398-400 Hanover Street and add the additional yard and parking space to the property she currently owns, creating one unified lot, provided, the City waves tipping fees for deposit of the building materials.

Ald. Wihby moved for discussion. Ald. Clancy duly seconded the motion.

Ms. Gould addressed the committee advising that she had purchased the property two years ago; that the building was divided half owned by the city and the other half by her. Ms. Gould wished to tear down the building as it was an unsightly hazard to the area and to make parking for tenants of other properties she owned which abutted the property. She wished to purchase the property for $1.00, absorb the cost of demolition, and have the city wave the tipping fees.

A somewhat lengthy discussion ensued relative to waiving of the tipping fees. It was noted that the property was tax deeded by the city and that it would require adoption of an ordinance to sell it to other than by public sale. Additionally, the landfill was scheduled for closure on July 1, prior to any action being taken by the Board in adopting an ordinance if it were so decided, and so there was a question as to whether the demolition materials could be placed in the landfill.

Mr. Tierney was to advise the Chairman regarding the landfill question the next day following speaking with the Highway Director.

Ms. Gould left with the committee information she had obtained on quotes from two companies for demolition.

On motion of Ald. Wihby, duly seconded by Ald. Clancy, it was voted to refer the matter to the staff committee for review and recommendation at the next meeting. The staff was requested to include Highway and other departments which may have an interest in the matter.

Ald. Domaingue commented that she thought the committee needed to hear on what Armand intends to do with these properties, because if we tear it down we will have demolition material and questioned where we would put it. Mr. Girard noted that cost of tipping fees would normally be included in the demolition bids.

Ms. Gould in leaving the bids she had received noted the condition of the building noting that demolition of the building would have a positive influence on the neighborhood, there would not be adequate parking in the area if the building was renovated, and felt it was not appropriate to renovate the building.

Chairman Robert addressed item 22 of the agenda:

22. Communication from Michael Swierz, informing the City of his decision to default on the Purchase and Sales Agreement dated October 28, 1995 for 13 Bathchelder Avenue, Unit 3, and requesting a full refund of $2,500 which was the deposit amount on this property.

Ald. Domaingue moved for discussion. Ald. Wihby duly seconded the motion.

Mr. Swierz stated he purchased the property in October through a tax auction from the city and when you purchase a piece of property I understand that there is some clouds on the title when you purchase this property, and I understood that going into this. Then the next process would be to purchase the property and clean the title, and in order to clean the title I would need notices from the Tax Collector that was sent to the mortgagees. These notices would aid in my cleaning of the title, and the city did not retain copies of these notices to the mortgagees, therefore I cannot clean this title.

Attorney Arnold stated the property was auctioned back on October 28th. Mr. Swierz was the high bidder, what we are talking about is the deposit he put down of $2,500.00, as he states he knew at that time that what he would be getting was a deed without warranty or covenants, as the city usually gives on these pieces of property. He did request copies of the notices, my understanding is what the city maintains is they don't maintain copies of the actual notice, and I don't think that that is required by statute, what we do retain is a copy of the form of notice that was sent, the information that was contained on that form as well as the manifest from the post office showing that it

was sent out certified mail. Attorney Arnold stated he did not know what else the committee would ask him to speak to, but he would answer questions.

Ald. Domaingue asked if the manifest would be proof enough for this gentleman that in fact the notices were sent out.

Attorney Arnold responded he would think with along with the other information they had, yes.

Ald. Domaingue asked if that had been provided to Mr. Swierz. Attorney Arnold responded yes.

Chairman Robert noted that he was distracted and missed what Attorney Arnold's opinion was on this matter. Attorney Arnold advised he had not given an opinion, but tried to explain the process and where they were, it was a committee decision but quite frankly he was leery of the precedent they would be setting.

Ald. Wihby asked the Tax Collector if they had done anything different with this one, that they normally would have done for something else, had they forgotten to do something or was this handled the same way that they always do their properties.

Ms. Gardner responded that it was handled exactly the same.

Ald. Wihby stated and they are well aware up front when they bid on this and get this that they are going to get what they ended up getting. Mr. Gardner responded, right.

Ald. Wihby stated that it seemed in the letter he read that Ms. Gardner had messed up and things didn't get followed right, or did he read that into it.

Ms. Gardner stated in the beginning one of the search companies they dealt with said that the city hadn't properly notified someone on the list, but we showed the manifest, showed them the certifieds on file.

Ald. Wihby stated this is what we had on all the property we have, so there was nothing different. Ms. Gardner responded affirmatively.

Ald. Clancy asked why Mr. Swierz felt he should get his money back. Mr. Swierz responded because he did not think it was fair to people that purchase these properties, he could understand purchasing it under the terms that there are clouds on this title, and that the city should have notified these people that they were going tot take this property and they should retain these copies so that it can aid him in cleaning this title. Mr. Swierz stated if he goes in with what they have, all they have is a list of where it was sent, not who it was sent to, and not what is said, and if it was the right person that was notified, and

there were three mortgagees and they only have proof for one, two they have a list of certified mail of where it was sent.

Ald. Clancy asked why the city should do all the leg work.

Mr. Swierz stated he had done all the leg work he had waited 5 months for the tax collector to come forward with these notices, this is time delay it costs me money, costs the city money.

Atty. Arnold requested to speak to that statement stating that was not correct. Atty. Arnold stated the city auctioned this property on October 28th. Mr. Swierz sent him a fax on November 13, prior to him asking for the notice of information. He spoke to Atty. Arnold and said that Landmark Title wanted some information and provided him with a name of Sherri Neilee (sic). Atty. Arnold stated he called Sherri Neilee, she did not return his call. Atty. Arnold stated he called her again about a month later and she did not return his call. Atty. Arnold stated that she did not return his call until Mr. Swierz intervened and asked her to return the call to Atty. Arnold. Atty. Arnold stated on speaking to her she said what she wanted was notices; that he notified Joan Gardner within the week to please provide a copy of those notices, and shortly thereafter, he could not provide an exact time frame Joan did provide the notices, she said that she had sent out the notices on March 5, so it wasn't a five month delay on the city's part, there wasn't even a request outstanding for five months, it was somewhat less than that and the majority of that delay was due to Landmark Title and not the city.

Ald. Wihby stated his concern was the same as Tom had, if they start putting these out and then giving people back their money after they bid they would start a wrong process, and his concern was that as long as we held up our end of the bargain, and we did not delay anything, and we are not saying when we go out to bid that we are going to do something other than what we did, he did not see how they could give back the deposit.

Ald. Clancy concurred stated he would give nothing back.

Ald. Domaingue asked Mr. Swierz if he was telling the committee that he had no opportunity to secure proper title to this property.

Mr. Swierz responded no, he did have an opportunity to, but the chance of that happening is very slim because there is only one copy of notices sent to the three mortgagees, only one was notified. Mr. Swierz stated he had further proof of this he had attorneys go through this.

Ald. Wihby stated in the letter from Mr. Muller, it indicated a $3,500. from our last conversation it was my understanding that you thought that this investment was worthwhile given the value of the property asking if Mr. Swierz had changed his mind on that since then.

Mr. Swierz stated yes he had changed his mind because he got notices sent from Tom, he got the actual notices in his hands at that time and looked through them and changed his decision because they weren't all there.

Ald. Clancy moved to deny the request. Ald. Wihby duly seconded the motion. There being none opposed the motion carried.

Chairman Robert addressed item 18 of the agenda:

18. Communication from Joseph Lamont, President, 1138 Elm Street, Inc., inquiring as to whether or not the City has any interest in allowing them to acquire property located at the southwest corner of Bridge and Elm Street.

Mr. Taylor addressed the committee advising that he had researched the property in 1993 and found that this was a remnant from the taking of the property for the Notre Dame Bridge construction project. Initially it was supposed to have been deeded back to the city by the state but for some reason it never was accomplished and the state still owns it, they have no particular use for it but the rules now require that if that property is sold the money from it has to go back to the sources based on the original funding formula for the bridge construction which he believed was 80 percent federal and 20 percent city, so if it were to be sold the Federal Highway Administration would get 80 percent and the city 20 percent. Mr. Taylor noted that these gentlemen as he understood it were asking to buy it with the idea that they were going to fix the facade, the north facing side which is in sad shape, and his own opinion was it would probably be better off in their hands than having it in the states hands which gets us nothing out of it, not taxes, no nothing and his guess was that private ownership would take care of it better than public ownership.

Discussion ensued regarding the site and possible uses where it was noted that it was possible that they may be able to add to the building or to utilize for parking which would require an easement across the property in the back. Members noted that they city could in comment process if there was one under the state process so they could comment no parking or other comments as appropriate.

Mr. Taylor stated that he could contact someone at the state level and find out what the process was and advise the committee.

Ald. Domaingue questioned the size of the property. It was concurred to be approximately 10,000 square feet.

Ald. Reiniger questioned the plaque donated by the church next to the trees. It was concurred that this was on city property.

On motion of Ald. Domaingue, duly seconded by Ald. Wihby it was voted to table the request pending further information from Mr. Taylor.

Chairman Robert addressed item 19 of the agenda:

19. Communication from Al Lindquist, A & A Resource, Mgt., Inc., requesting the City's assistance to expedite a closing on property at 241 Crosbie Street which the City held at public auction last year.

On motion of Ald. Wihby, duly seconded by Ald. Domaingue, it was voted to table this item pending further discussion by the involved party with the city solicitor.

Chairman Robert addressed item 20 of the agenda:

20. Communication from Peter Madden, Fleet Bank, on behalf of Sherman Holland who had proposed to purchase property located at 88 Lowell Street.

Mr. Taylor advised that this was one of two respondents to the request for proposals on this property authorized by the committee, which the staff is presently reviewing.

On motion of Ald. Wihby, duly seconded by Ald. Clancy, it was voted to receive and file the communication.

Chairman Robert addressed item 21 of the agenda:

21. Copy of a communication from Bernard Nardi, Danais Realty Group, on behalf of Thornton & Thornton PA relative to Map 655, Lots 16-16D requesting that no further action regarding this property be taken until such time as value has been determined and negotiations concluded for the purchase of these lots at market value.

It was concurred that the only interest in the property would be through the Parks Department and they had not requested the city to purchase the parcel. Atty. Arnold advised that the city did not acquire the property, the taxes were paid, and the city therefore had no action to take on the property.

On motion of Ald. Clancy, duly seconded by Ald. Wihby, it was voted to refer the communication to the Parks and Recreation Department.

Chairman Robert addressed item 15 of the agenda:

15. Request for sewer abatement 88 Chauncey Avenue.

On motion of Ald. Wihby, duly seconded by Ald. Clancy, it was voted to recommend approval of an abatement of $1,012.15 as recommended by EPD.

Chairman Robert addressed item 14 of the agenda:

14. Petition for Discontinuance of Passageway Running off Pennacook Street.
(Note: Communication from Public Works Director enclosed.)

Ald. Clancy noted that he did not think the city should be closing off streets.

The clerk advised that according to state statute this area had been released and discharged and that should be the committee's finding; that statute called for this being released from public servitude, it was not an accepted street in the first instance, it was considered a public way only because it was part of a plan which expired more than 20 years prior to the last change of the state statute which would require a finding by the city that it was already released and discharged.

The clerk noted that they instruct people that if they want a statement from the city in finding they should petition.

Chairman Robert stated that this had lapsed but questioned if the city wanted to take it back.

The clerk noted that it could not be taken back unless it was petitioned to be accepted.

Mr. MacKenzie advised that it had lost all public status, it may have private rights of passage, it was never built, just laid out on a plan, so if they didn't build it within 20 years before 1969 it looses any public status so the city has no control over it at this point.

Ald. Wihby moved to receive and file the petition. Ald. Clancy duly seconded the motion. The motion carried.

Chairman Robert addressed item 13 of the agenda:

13. Communication from the City Clerk, requesting temporary use of two units of metal shelving abandoned by District Court.

Chairman Robert stated as he remembered Dick Houle was compiling some sort of list as to what is there and the idea was that someone was going to dish it out according to need.

Ald. Wihby moved to approve the request.

In response to a question from Ald. Clancy the clerk advised that she was not sure but thought that Mr. Bergeron was requesting use of metal shelving that was screwed in left in the district court space, and he was going to take it and use it for the archives.

Ald. Clancy duly seconded the motion.

Chairman Robert stated that other people had come to us asking for things, asking if they had been given what they asked for, he thought they had referred it to Dick Houle up to this point.

The clerk advised that was fine with her.

Chairman Robert interjected stating were they going to refer these requests to Dick Houle.

Ald. Clancy stated he had no problem with this request.

The clerk advised that they could go out and buy it out of their budget, if that is what the committee rathered they do, because they needed to have the shelving.

Ald. Domaingue commented that with all due respect to the process that the chairman was concerned about, if Mr. Houle does not get back in time they were wasting an opportunity for the city clerk's office to put something to use and necessitating the need to go out and buy material they should not have to buy.

Chairman Robert noted that they had requests for other furniture.

Ald. Clancy noted this was the first he had seen, was the shelving.

Ald. Domaingue noted the alternative was that the city clerk would have to go out and purchase it, which was more cost effective.

Ald. Reiniger asked if this was a policy decision of this committee.

Chairman Robert noted that Lands and Buildings would have normally handled this and this committee had taken over that responsibility.

Ald. Domaingue moved to allow the city clerk to use the shelving temporarily until disposition can be determined by Mr. Houle. Ald. Clancy duly seconded the motion.

Chairman Robert requested the clerk forward a communication to Mr. Houle asking what the status was. The clerk inquired as to whether Mr. Houle was suppose to be looking at everything in that building. Chairman Robert responded yes, that was his understanding.

Chairman Robert called for a vote. The motion carried.

Chairman Robert addressed item 12 of the agenda:

12. Communication from the City Clerk, requesting authorization to seek grant funding between June 1-December 1, 1996 to assist in efforts to improve the storage, security and preservation of municipal records.

On motion of Ald. Clancy, duly seconded by Ald. Domaingue, it was voted to approve the request.

Chairman Robert addressed item 11 of the agenda:

11. Copy of a communication from Lloyd Basinow regarding construction of an environmentally safe refuse incinerator, power generator, and materials recycling processing plan, the cost of which would be spread over a 20-year municipal bonding period referred to Committee by the Committee on Administration/Information Systems.

Ald Wihby moved to receive and file the communication. Ald. Clancy duly seconded the motion.

Mr. Sheppard, Deputy Public Works Director, stated that they had looked at incineration in the 80's and they had gotten a permit from the state to do so on Dunbarton Road and then had difficulties with abutters and chose not to go forward with that plan. Currently the city had entered into long term agreement for solid waste services.

Chairman Robert asked if what Mr. Basinow wanted to do made sense economically to do. Mr. Sheppard responded that he could not answer that question because there were a lot of factors that go into it, it was something that was economically feasible in the mid-80's, but today's market he could not answer that.

Chairman Robert asked if Highway could review it and report back as to whether it was feasible or not.

Ald. Domaingue commented that she did not feel that the author should not be the concern here; that the City of Manchester have a tendency to stick its head in the sand when it comes to the solid waste issue, and she would like to see the city explore options. Ald. Domaingue stated granted the city had long term contracts but that didn't mean that those would always be favorable to the city of Manchester and if there was an opportunity here to construct something that would pay back or pay off the facility she thought it was in the best interest of the taxpayers to at least explore the option.

Ald. Clancy withdrew his second to the receive and file motion.

Ald. Clancy moved to refer the communication to the Public Works Director. Ald. Domaingue duly seconded the motion.

Mr. Girard noted that he had represented the Mayor on the City's solid waste task force that ultimately recommended the course of action that the city had chosen, to landfill, among the options presented were two incinerator options. The reason one of the primary reasons the committee did not choose to go with an incinerator option frankly were environmental reasons. The regulations of what you can burn, the air quality, and all of the other things fluctuate frequently with tremendous liability to the city if the contract for an incinerator was built at all. The other problem you have with an incinerator is how do you dispose of the ash, where does it go because it frequently is toxic. It was for those reasons that the committee recommended to the Board that they choose an option that had landfilling, rather than incineration. Mr. Girard further commented that one of the companies had gone bankrupt and noted the volatility of the market, as hazardous and not very stable.

Ald. Reiniger asked about the Saugus incinerator asking if it had been successful.

Mr. Girard did not know and commented on the bids that had been submitted to the city. Mr. Girard noted that in the 80's when the city was proposed to build the incinerator they were looking at a savings of $35 billion, but the environmental principle, the only difference if you build it yourself is that you are entirely responsible for incurring all of the costs needed to make the environmental changes that the federal government decides to impose on you, and you are also entirely liable by yourself, and further commented on the difficulty the city had in trying to get a transfer station located within the city.

Chairman Robert called for a vote on the motion to refer the communication to the Public Works Director for recommendation. The motion carried.

Chairman Robert addressed item 3 of the agenda:

3. 1996 Budget Authorization:
   8.30340 ADA Compliance/City Hall/Annex Renovations

On motion of Ald. Wihby, duly seconded by Ald. Reiniger, it was voted to approve the authorization.

Chairman Robert addressed item 4 of the agenda:

4. Amending resolution and budget authorization allowing for acceptance and expenditure of grant funds in the amount of $33,000 from the Manchester Housing and Redevelopment Authority for MHRA Summer Police Patrols.

On motion of Ald. Reiniger, duly seconded by Ald. Domaingue, it was voted to approve the resolution and budget authorization.

Chairman Robert addressed item 5 of the agenda:

5. Amending resolution and budget authorization allowing for acceptance and expenditure of grant funds in the amount of $1,390.32 from the NH Highway Safety Agency for a Vehicular Homicide/DWI School.

Ald. Wihby moved to approve the amending resolution and budget authorization. Ald. Clancy duly seconded the motion.

In response to questions from Ald. Domaingue, Mr. Maranto advised that the grant was for one person to attend the training in Chicago.

Chairman Robert called for a vote. The motion carried.

Chairman Robert addressed item 5 of the agenda:

6. Amending resolution allowing for acceptance and expenditure of $3,000 from the Robert Wood Johnson Foundation & Dartmouth Medical Center for Children with Chronic Medical Conditions in Schools.

On motion of Ald. Clancy, duly seconded by Ald. Wihby, it was voted to approve the amending resolution.

Chairman Robert addressed item 7 of the agenda:

7. Amending resolutions and budget authorizations providing $1,515,120.45 in funding to effect needed repairs to the Kelly Street Bridge and to reconstruct various streets throughout the City through transfer from Dunbarton Road Bridge, Notre Dame Bridge, and the Recycling Project of prior years completed CIP projects.

On motion of Ald. Wihby, duly seconded by Ald. Reiniger, it was voted to approve the amending resolutions and budget authorizations.

Chairman Robert addressed item 8 of the agenda:

8. Communication from Robert MacKenzie, Director of Planning, requesting various CIP project extensions through 12/31/96.

On motion of Ald. Wihby, duly seconded by Ald. Clancy, it was voted to approve the project extensions.

Chairman Robert addressed item 9 of the agenda:

9. Communication from Robert MacKenzie, Director of Planning, requesting to schedule one or more policy work sessions dealing with several issues as follows: Housing Programs using "HOME" and "CDBG" funds, Sidewalk Program, and Chronic Drain Program.

Mr. MacKenzie noted that some members of the committee were new and had not seen the sidewalk or chronic drain listings and he wished to briefly go over the listings at the next meeting.

Ald. Reiniger questioned the mechanism for traffic lighting lists. Mr. MacKenzie advised he would provide that information as well at the next meeting.

On motion of Ald. Wihby, duly seconded by Ald. Clancy, it was voted to receive and file the communication with the understanding that Mr. MacKenzie would return with information at the next meeting.

Chairman Robert addressed item 10 of the agenda:

10. Communication from Ald. Elise requesting that a line item be created in the CIP Program designated - Weston Tower/Area to be listed separately from the Derryfield Park Improvements.

Ald. Clancy moved for discussion. Ald. Wihby duly seconded the motion. Discussion ensued relative to this item and not separating it and setting a precedence for separating everything else. Ald. Wihby thought that the area might be better being part of Derryfield because if any monies got allocated to the park she could attempt to get some for the tower. Ald. Reiniger noted that many people consider it a separate area from the park as a historical and sight seeing type area. Ald. Domaingue questioned if special grants could be gotten for the area if it were separated. Mr. MacKenzie advised that it would not preclude it one way or another, if a grant came through then the mechanism to accept the funding could be established. Discussion ensued on receipt of private donations where it was concurred that the committee could recommend setting the Weston Tower aside as a single project to allow Ald. Elise to attempt to get private donations which could be accepted to an account for the tower.

On motion of Ald. Wihby, duly seconded by Ald. Domaingue, it was voted to recommend the Weston Tower be set up as a separate CIP account to allow for donations to be accepted.

Chairman Robert addressed item 17 of the agenda:

17. Communication from Don Laliberte, Valley West Association, seeking the status of the Auclair Avenue drainage problem in front of the Building Z parking lot.

On motion of Ald. Reiniger, duly seconded by Ald. Domaingue, it was voted to refer the request to the discussion regarding chronic drains at the next meeting. Mr. MacKenzie advised he would add it to the listing.

TABLED ITEMS

23. Communication from Richard Houle, PBS, recommending the Committee consider reserving the one parking space available for the City Coordinator position.
(Tabled 4/23/96)

This item remained on the table.

24. Report from SPOT Team regarding:

397 Spruce Street, requesting of Beverly Fosher
Note: Recommendation of staff is to table this item. The subject property, while taken through tax deed, is not clearly the City's parcel due to FDIC, Banc One and a new mortgagee involvement. At present, if the mortgagee elects to pay the taxes, the property will not be available for sale by City; if the mortgagee elects not to pay the taxes the property can then be sold as surplus through public sale.
(Note: tabled 3/26/96 per staff recommendation.)

This item remained on the table.

25. Request of the Building Commissioner to demolish the Pine Island 4-H Center.
(Tabled 12/5/95 in Committee on Lands & Buildings)

This item remained on the table.

26. Communication from Kathleen Giacoponello, Business Manager, Hillsborough County, advising of payment in the amount of $107,000 which represents the settlement on the Pine Island facility as a result of the fire that occurred on October 21,1 995; and further expressing concern relative to liability issues directly attributable to the burnt-out structure and discussions relative to the money being isolated for future use at the Pine Island site.
(Note: copy of a communication from Mayor Wieczorek to Ms. Giacoponello dated May 23, 1996 enclosed.)
(Tabled 3/12/96)

This item remained on the table.

27. Discussion regarding 9.9 percent EPD billings.
(Tabled 2/6/96)

This item remained on the table.

There being no further business to come before the committee, on motion of Ald. Wihby, duly seconded by Ald. Domaingue, it was voted to adjourn.

A True Record. Attest.

Lea R. Berner
Clerk of Committee