

## COMMITTEE ON COMMUNITY IMPROVEMENT

**October 19, 1999**

**6:00 PM**

In the absence of the Chairman, the Clerk called the meeting to order at the appropriate time.

The Clerk called the roll.

**Present:** Aldermen Wihby, Clancy, Pariseau, Girard

**Absent:** Alderman Reiniger

**Messrs:** R. MacKenzie, R. Davis, R. Ludwig, F. Thomas, M. McCarthy,  
Solicitor Clark, M. Hobson,

The Clerk noted that in the absence of Chairman Reiniger, a motion is in order to elect a Chairman Pro-Tem.

On motion of Alderman Pariseau, duly seconded by Alderman Clancy, it was voted to elect Alderman Wihby as Chairman Pro-Tem.

Chairman Wihby addressed Item 3 of the agenda:

**Resolutions:**

"Amending the 1994 & 2000 Community Improvement Programs, authorizing and appropriating funds in the amount of Five Hundred Fifty Thousand Dollars (\$550,000) for the 2000 CIP 650200, 1037 Elm Street Rehabilitation Project."

"Authorizing the Finance Officer to effect a transfer amount of Five Hundred Fifty Thousand Dollars (\$550,000) from the 1994 CIP 7.40370 Sanitary Landfill Project to the 2000 CIP 650200 1037 Elm Street Project."

Chairman Wihby stated we received a letter from Jay Taylor stating that everyone was in agreement with this. There is also a letter from Alderman Reiniger.

On motion of Alderman Clancy, duly seconded by Alderman Girard, it was voted to approve the resolutions.

Chairman Wihby addressed Item 4 of the agenda:

Resolutions:

"Amending the 2000 Community Improvement Program, authorizing and appropriating funds in the amount of Fifteen Thousand Four Hundred and Two Dollars (\$15,402) for the 2000 CIP Project 410300 Troops to COPS."

"Amending the 1999 & 2000 Community Improvement Programs, authorizing and appropriating funds in the amount of Eight Thousand Nine Hundred Ninety Dollars and twenty-seven cents (\$8990.27) for the 2000 CIP Project 710900 Notre Dame Rehabilitation Project."

"Authorizing the Finance Officer to effect a transfer amount of Eight Thousand Nine Hundred Ninety Dollars and twenty-seven cents (\$8990.27) from the 1999 CIP 710199 Bridge Rehabilitation Project to the 2000 CIP 710900 Notre Dame Bridge Rehabilitation Project."

On motion of Alderman Pariseau, duly seconded by Alderman Clancy, it was voted to approve the resolutions.

Chairman Wihby addressed Item 5 of the agenda:

CIP Budget Authorizations:

1994	7.40370	Sanitary Landfill Management Closure - Revision #2
1999	710199	Bridge Rehabilitation Project - Revision #2
2000	410300	Troops to COPS
2000	650200	1037 Elm St. Rehab. - Revision #1
2000	710900	Notre Dame Bridge Rehabilitation

On motion of Alderman Clancy, duly seconded by Alderman Girard it was voted to approve the CIP budget authorizations.

Chairman Wihby addressed Item 6 of the agenda:

Communication from the Director of Planning advising that Mrs. Cecile Pelletier has submitted an offer of \$7,000 for a parcel of City-owned land located on James Pollock Drive.

On motion of Alderman Pariseau, duly seconded by Alderman Clancy, it was voted to approve this request.

Chairman Wihby addressed Item 7 of the agenda:

Communication from the Economic Development Director requesting approval that the Finance Officer be authorized to transfer \$6,000 into the UNH account from available balance of proceeds from the sale of land at Manchester AirPark in order to complete the Master Plan Contract for the Hackett Hill property.

On motion of Alderman Clancy, duly seconded by Alderman Pariseau, it was voted to approve this request.

Alderman Pariseau stated while we are on the subject, I read the article in the newspaper today relative to the Sierra Club. Are they privy to the fact that the City went over the proposal and returned land for preservation?

Chairman Wihby replied I think they know that. I just don't think they are happy with some of the things that are being done.

Mr. MacKenzie stated they are aware of the fact that about 380 acres are being set aside in natural preserve.

Alderman Pariseau stated if we had these people back in the days of Noah's Ark, you would never be able to build the ark. It is foolish.

Chairman Wihby addressed Item 8 of the agenda:

Communication from the Executive Director of Intown Manchester on behalf of the Intown Board of Trustees advising that they have completed all of the terms of its original contract with the City relative to the operation of the Intown Skating Rink and are now in a position to transfer the ice rink to the City at no additional cost to the City.

Alderman Clancy asked, Mr. Davis, seeing that you are going to give it back to the City, what is the purpose of giving it to the City. In other words, we are going to have to take over the maintenance and anything that has to be done there.

Mr. Davis answered exactly. Alderman Clancy the original idea of putting this in the contract under which we undertook the development and the management of the ice rink over the first three seasons was simply to make sure that the ice rink could be retained or could be returned to the City at such time that it might not

have an operator and that is exactly the case and the position we are in now. We don't have an operator or really a space to operate it in this winter so the contract fortunately specified that after the three year period, and we were very fortunate to be able to run it for three years, that it could be transferred back to the City at no cost to the City which is what we are proposing to do. You should know that we have been working since January of this year to find a qualified management entity or operator. The Intown Board to which I am responsible, didn't feel that we were really the appropriate long-term manager and operator for the rink. We have been working since January of this year to try to find someone. We have talked to the Parks & Recreation Department, the YMCA and finally and most recently with the Boys and Girls Club. We showed all three of them our financials and went over the condition of the rink and everything with them to try and come up with a solution and find someone who would be willing to operate it and take it on as a long-term project. I think of those three that we talked to, the YMCA might have been the most enthusiastic, although I cannot speak for the them. They did turn us down. I think if the City were to go back to them with a counter proposal and let them know what the City might be prepared to do to help them take it on as a project that they might well do it.

Alderman Clancy asked how much did it actually cost to maintain this rink each year.

Mr. Davis answered I brought those numbers and I will be happy to share those with you. I had our bookkeeper run the accounts for the last two operating seasons. The first one was a little unusual because that is when the whole thing had to be constructed. It is difficult to separate out the actual construction costs, but if you take out depreciation, the average cost of running all the electricity and the labor to construct and take down the rink, to store it and to run it was about \$50,000 each season. Of that amount, about the best we can do in terms of admissions was about 10,000 kids and at \$1 a piece that offsets only 20% of the cost of doing it. So, it is a pretty expensive proposition to try to maintain over a 14 or 16 week period. We certainly thank the City for their help on the capital side and helping us to get the thing fully paid off, which it is now.

Alderman Clancy stated I am not against the skating rink myself but there is a lot of money involved to run it. You said that you talked to Parks & Recreation and they are understaffed now with all the work they have. They are spreading their force thin. So, you say \$50,000 to run it but that was the first year for set-up and stuff right?

Mr. Davis replied probably the first year was more than that. I would say the average cost is about \$50,000.

Alderman Clancy asked did we get any money from the businesses downtown.

Mr. Davis answered yes. As a matter of fact, the sponsorships from the private side and also from the Cogswell Foundation amounted to about \$25,000 for each one of those three seasons.

Alderman Clancy asked so if you didn't get that, it would have cost \$75,000.

Mr. Davis answered no. Of the \$50,000, \$25,000 of it was offset by private sponsorships and so forth.

Alderman Pariseau asked and you still lost money.

Mr. Davis answered yes.

Chairman Wihby stated so out of \$50,000 that it costs, we expect \$10,000 from people using it so that brings it down to \$40,000. Can we expect the \$25,000 again?

Mr. Davis replied if there were someone out there raising that amount and we have offered, of course, to turn over our sponsorship list to any entity that is interested. I think they could raise \$20,000 to \$25,000 a year to support it. I think that is quite possible.

Alderman Clancy asked so you don't have any monies coming in for this year.

Mr. Davis answered no, Sir.

Alderman Clancy asked so that is why you want to give it to us, huh.

Mr. Davis answered as I said foreseeing this, we really started back in January of this year to try to find a qualified operator and I have been working through the year to try to find one. I hate to report lack of success, but to date, I haven't had any.

Alderman Clancy stated like I said I am not against the skating rink because the kids in my ward do use it.

Mr. Davis replied we noticed that and it has been wonderful for the inner City kids.

Alderman Girard asked, Mr. Davis, the language here indicates that the obligation to the skating rink has come to an end because your contract with the City as Intown Manchester has come to an end. Is that right?

Mr. Davis answered not necessarily. I think it was the addendum to our three-year contract simply gave us the responsibility of running and operating the ice rink for three years. They didn't extend that because that was the term of our original contract with the City so it is basically contemporary with the original contract that we had with the City for management.

Alderman Girard asked that contract has been extended, hasn't it.

Mr. Davis answered yes; it has been extended for six-months. It will expire on December 30. We are in the process of negotiating a new contract with the Planning Department.

Alderman Girard stated and you say this material, the rink and the material are to be transferred to the City at no additional cost to the City, but in fact the City already paid for it. If I am not mistaken, loans were made into grants. Is that an accurate statement at some point?

Mr. Davis replied no. The original grant from the City was \$450,000. That was a grant for sure. We did take out a loan from the NH Community Loan Fund, which is fully repaid so there is no outstanding debt on the rink at this time.

Alderman Girard asked the YMCA was the entity managing the rink's operations for Intown, right.

Mr. Davis answered during the first year, yes.

Alderman Girard asked what happened after the first year.

Mr. Davis answered the first year we felt as an organization that we could operate it more cheaply. We felt that with a management contract with a business that was then located in the Hampshire Plaza, which was Bagel Town, who agreed to operate the skating shop and so forth out of their location. One of the reasons we are not doing it this year is clearly because Bagel Town has sold their business and it is no longer available for our use there. During those two seasons, it worked out quite well to have the operator of that business actually serve as the rink manager.

Alderman Girard asked Bagel Town's successor is not interested in continuing that activity.

Mr. Davis answered no.

Alderman Girard asked, Mr. Davis, even with the sponsorship am I to understand that this rink loses money.

Mr. Davis answered yes. Sponsorship is about \$25,000. Admissions are \$10,000 at best. That is about \$35,000 and leaves an uncovered portion of about \$15,000 or so for the season.

Alderman Girard asked do you have any explanation for that deficit. Is it what we are charging to use the rink? Is it the unpredictability of having an outdoor rink? Do you have a basis for why this thing doesn't carry itself?

Mr. Davis answered I don't think any outdoor rink really carries itself. I think Ron would probably agree that this thing is not intended to be a moneymaker. Some rinks in other cities have tried to charge full cost. In other words, they have tried to charge the entire user cost per ticket and they wound up charging \$7 or \$8 to skate and that is just not a realistic figure, especially because we wanted to make it accessible. It was never our intention to charge top dollar for skating. We really wanted to make it accessible to the kids in the Center City. That is one of the reasons why we did it.

Alderman Pariseau asked what if the City says no, we don't want it.

Mr. Davis answered I guess we would say then what would you like us to do with it. The City probably has the largest existing interest in it, having put the most into the project we are coming to you first to see if you would like it and if not, then we can discuss amongst ourselves how to deal with the asset that we have.

Alderman Girard asked, Mr. Ludwig, according to Mr. Davis Parks & Recreation wasn't terribly interested in taking over the operation of this rink. Would you mind explaining why?

Mr. Ludwig answered I wasn't interested from the beginning. Not that I don't think that the rink was a nice idea and I came down many times on Saturdays to see how it was doing and it was certainly pleasant to see kids skating on it at different times so it is not from that standpoint that I don't think it was a nice idea that somebody had, but knowing what we know about the skating business I knew from the outset that this was going to be a taxpayer or privately funded entity. It was going to be nothing different than that. We offer public skating to the general public at JFK and on the West Side as a matter of courtesy really and even to the extent that we do that now, last year our numbers for public skating were down

significantly given the fact that we are surrounded by six sheets of ice within 20 minutes of here now, being Hooksett, Exeter and the new Salem rink. I can tell you that the Southern Tier will definitely draw people away from us. We will continue to offer public skating and there are some other unfortunate circumstances that we knew three years ago that also existed as it relates to trying to operate an outdoor rink and that is the weather elements today. Even though you are operating an artificial ice surface you are dealing with the sun at certain times of the year reflecting off the dasher board going around the rink that has an adverse affect on your refrigeration system. It is an expensive proposition and we don't make money at our ice arenas.

Alderman Girard stated so basically you are saying that Parks is not interested because it is a bad business proposition and if it were in the Enterprise it would be a drag. Is that what I am understanding? Financially it doesn't work for you is what it sounds like you are saying.

Mr. Ludwig answered I asked Rich before what the size of the unit here was. I didn't know how many tons of refrigeration they even had here. Given the overall size of the thing, first of all, you can do very little with it. It would be nice in my backyard, but quite frankly it doesn't lend itself to many other activities. From what we know about public skating, we even tried to generate some activities for the kids or the adults to do during those sessions that makes it a little less boring like four corner game, give out a free ticket or something like that and you can't charge a lot for whatever reason.

Alderman Girard asked have you taken a look at what it would cost the department. Mr. Davis said it cost Intown about \$75,000 a year to operate the rink. Now, I am sorry about \$50,000 to operate the rink and they get half of it in sponsorship. Have you taken a look at what it would cost the department to operate the rink. I don't know what the breakdown of his costs are so I need to ask if you have taken a look at it from an operational standpoint.

Mr. Ludwig answered no.

Alderman Girard asked would it be difficult for you to take a look at it from an operational standpoint.

Mr. Ludwig answered I could look at it, but I think I could probably give you an answer.

Alderman Girard asked I want to know what you think it would cost you as a department. My question is pretty specific. It is not whether you think we should do it. I know exactly where you are coming from. My question is what would it

cost the department to operate it. Here is the question that I ultimately have to follow-up on what Alderman Pariseau said. The City has made an investment and if we don't open the rink it seems to me that we have frozen \$150,000 for no good reason. Is any of the equipment there anything that you can use anywhere in the City for any of your operations?

Mr. Ludwig answered I don't really think so.

Alderman Girard stated so we either find a way to keep it operating or we have spent \$150,000 for nothing.

Mr. Ludwig replied you are also looking at where it operates because the idea, I think, was to generate some activity in the downtown. I am going to sit here and tell you that in the future I would like to see an artificial...the reason we did the Master Plan at Livingston is I wanted to see an artificial ice surface up at Livingston to the extent that it would be covered with a roof, proper size and manpower wise it fits into our scheme of the way we do business. This doesn't contain any of those things. It was purchased I suppose and I wasn't involved, but to fit into the area that it does and accommodate the market that it did. That never will make money, not to say that it should.

Alderman Girard asked, Mr. Davis, what if the City wanted you to continue operations there as you have been for the last three years.

Mr. Davis answered first we would ask if you want to put up the money that was necessary to do that. Secondly, I guess we would try to get the Hampshire Plaza to try and guarantee us a site. Right now, we don't have a space out of which to operate and the Hampshire Plaza is going through...

Alderman Girard interjected if the City is going to operate this, where would we put it. I wasn't aware that we couldn't use the Hampshire Plaza space.

Mr. Davis replied it is a moveable facility. It certainly has some infrastructure at the Hampshire Plaza but it could be reconfigured to operate in Veteran's Park or any other venue that you would want it to operate in. There are certainly some infrastructure costs. Some electric and plumbing and so forth that would have to go in. I think if we had to do it again, we would try to place it in a location where it would not take so much to construct it and take it down every year. In other words, a platform for it has to be built every year. We would probably do better if we had it in a more semi-permanent location.

Alderman Clancy asked what is the cost for the set-up.

Mr. Davis answered construction and transport, looking at my numbers here, cost us about \$20,000 during the second year and about \$16,300 last year.

Alderman Clancy asked do you have a lease with Spaulding & Slye.

Mr. Davis answered yes and they were very generous in really allowing us to do it for a nominal figure.

Alderman Clancy stated the rumor is that they are for sale. Is that true?

Mr. Davis answered yes to the best of my knowledge. We think the property is for sale also.

Chairman Wihby asked what do you want to do.

Alderman Girard asked, Mr. Chairman, does the Mayor's Office have a recommendation on this.

Mr. Sean Thomas answered no.

Alderman Pariseau moved to table this item. Alderman Girard duly seconded the motion. Chairman Wihby called for a vote on the motion. There being none opposed, the motion carried.

Alderman Pariseau asked, Mr. Davis, was the commitment just strictly for downtown.

Mr. Davis answered our commitment was for downtown, but I think the facility could really operate anywhere in the City.

Alderman Pariseau stated I was thinking that maybe we could use it a Pine Island Park facility in the wintertime.

Mr. Davis replied it could go anywhere.

Alderman Girard stated perhaps the Planning Director has some recommendations for us to consider. I have to admit to being caught completely off guard by this.

Mr. MacKenzie replied I don't have any recommendation on this particular one.

Chairman Wihby addressed Item 9 of the agenda:

Communication from Kevin Provencher on behalf of The Riverfront Park Foundation seeking the City's assistance in moving the visitor-side football grandstands from Gill Stadium to Singer Family Park for the USA vs. Ireland Men's Professional World-Cup level Rugby match to be held on Saturday, June 10, 2000.

Chairman Wihby asked Mr. Ludwig to tell the Committee how much that will cost.

Alderman Pariseau stated I have a question about committing future Boards to items such as this and why don't they just have the Rugby tournament at Gill Stadium.

Mr. Ludwig stated to answer the seating question and I fully understand that many of us that go to Gill Stadium don't understand what is involved in setting up the North bleachers or the visitor bleachers at Gill, I am only here to say that we, as the department that is called on many times to assist. We break down those bleachers the day after Thanksgiving or the first nice day that we can do it so that we don't have to shovel them off and the field can be made ready for baseball in the spring. However, it is a very labor intensive job and it involves moving about 500 pieces of steel, about 400 bleacher boards and it takes us approximately five days, six men, eight hours a day to put those up so we are talking 240 hours to put those bleachers up. Now you could say why does it take so long, but to nail every one of those bleachers with a ¾" roofing nail eight times underneath each one top to bottom it is labor intensive. I would also caution you as it relates to volunteers. While it doesn't take rocket science, we could guide them through the process. You are erecting steel. You are going up high and you are building yourself different temporary platforms to erect that steel. I would caution you on the side of volunteers. Not that we don't have good ones, that is how we operate by the way.

Chairman Wihby asked what is your estimate.

Alderman Pariseau asked your recommendation is that we don't do it.

Mr. Ludwig answered I am only here to say to you that we are not using it in June and certainly if we could help in any way, if they would like to borrow it, I don't want to lose the pieces, but you are looking at a hefty bill for me to bill overtime to do it.

Chairman Wihby asked why couldn't they do it at Gill Stadium on that date.

Mr. Ludwig answered we are a baseball park. We wouldn't have north stands, but we would have the regular 2,800-seat grandstand available.

Alderman Pariseau asked couldn't you leave the bleachers up.

Mr. Ludwig answered on the ends yes but you couldn't go out to center field.

Chairman Wihby asked how many could you seat if they had it at Gill Stadium.

Mr. Ludwig answered we might be able to get around 3,800.

Chairman Wihby asked what do they get now.

Mr. Ludwig answered I can put 1,300 in the north stands.

Alderman Clancy asked how many does Singer Park hold right now. Does anybody now?

Alderman Pariseau answered they said 3,000 seated spectators and they want 5,500.

Chairman Wihby asked so we are talking about \$10,000.

Mr. Ludwig answered calculating the five days to put it up and two or three days to take it down, you are looking at about \$9,000 to \$10,000 to do it.

Alderman Pariseau asked are they willing to pay for that.

Chairman Wihby answered it doesn't say that.

Alderman Girard asked how would you or whomever get the bleachers from Gill Stadium to Riverfront Park.

Mr. Ludwig answered I have never moved the entire grandstand, which is 500 pieces of steel. I would probably have to ask Frank Thomas for a flatbed. We would load it on and tie it down.

Alderman Girard asked so in addition to the costs to set it up and break it down, there is going to be additional time, money and equipment necessary to transport.

Mr. Ludwig answered yes.

Alderman Girard asked is that figured into the \$9,000 figure.

Mr. Ludwig answered no.

Alderman Girard stated the letter here is somewhat vague as to what exactly the Riverfront Park is asking for. I don't know what it means to assist. I guess I don't have a problem with the City doing this as long as any costs that are incurred by the City are reimbursed by the Foundation. This is obviously going to generate a lot of spectator interest. There are going to be tickets sold. There is going to be advertising and it seems to be a fairly substantial event so if we have to lay out any money for this, I think we ought to recover it.

Chairman Wihby stated if you read their letter, it says they are willing to provide volunteer labor.

Alderman Girard replied they can provide volunteer labor and Mr. Ludwig has outlined his concerns with that, but even if they provide volunteer labor, the City is going to have to provide some people to make sure that it is being done appropriately and the City is obviously going to be responsible for the transport of the materials to and from the site so whether they get volunteer labor or not, there are going to be costs to the City, which I believe should be recovered.

Chairman Wihby stated well we need some kind of motion so they know where we are coming from. The City can recover all of the costs associated with it and let them use the volunteer labor that we are hearing Ron say we shouldn't be or what?

Alderman Girard stated there doesn't seem to be anybody here from the Foundation and this is sometime off so I wonder if we could table it and have them come in.

Alderman Pariseau replied rather than do that, Alderman Girard, why don't we refer it to the next Board.

Chairman Wihby stated it can be this Board because June is in this fiscal year.

Alderman Girard stated I am concerned if we do this with Riverfront Park then if we get the American Legion World Series again you know people come to the City time and time again and it is great for the City but...

Alderman Girard moved to table this item and have a representative from the Riverfront Foundation come to the next meeting to explain exactly what they are looking for. Maybe we could ask Mr. Ludwig to contact them and try to figure out exactly what they are looking for so we could have something concrete to discuss.

Alderman Pariseau stated I feel that we are making a commitment for the future Board and we shouldn't be doing this regardless of the fiscal year.

Alderman Pariseau moved to refer this item to the Board taking office in 2000.

Alderman Clancy duly seconded the motion to table. Chairman Wihby called for a vote on the motion. The motion carried with Alderman Pariseau duly recorded in opposition.

Alderman Pariseau stated while we are talking about Singer Park, I have been told that they sell beer during high school soccer games. Is that true?

Chairman Wihby asked if anyone knew if that was true.

Alderman Pariseau asked could someone check that out. I don't think it is proper to have this facility sell alcoholic beverages.

Chairman Wihby addressed Item 10 of the agenda:

Petition to discontinue Thompson Street submitted by Attorney Peter Wenger on behalf of Aspi & Jayesh Partnership.

On motion of Alderman Pariseau, duly seconded by Alderman Clancy, it was voted to refer this item to a Road Hearing.

Chairman Wihby addressed Item 11 of the agenda:

Discussion of previous action relative to Energy Efficiency Measures.

Mr. Thomas stated this item was considered at the last CIP Committee meeting. If you remember correctly, there was \$3 million allocated to the NORESCO Energy Savings Contract. It was later determined that there was \$321,000+ that was allocated for O&M costs which couldn't be bonded so we found out there was an extra \$321,000. Tina Parsons, who works for the Aggregation Program, suggested to the CIP Committee that these extra bonding capacity funds be allocated to that program to institute energy savings measures in other facilities such as the Library. I believe the Library was under discussion at that time. I had written a letter referring this back to the Committee because I thought, after thinking about

it, that those funds may be better off spent in expanding security in the schools. Right now, there is approximately \$262,000 in this NORESKO contract that is allocated for security in schools. I felt that maybe this money should be sent in that direction. However, in reviewing the issue with the Finance Department, there are some concerns that have been raised regarding the original procurement as far as the security issues are going so our recommendation is to leave the action that you took the last time in place and let us proceed so that this money will go towards other energy saving measures.

Chairman Wihby asked do you need an action.

Mr. Thomas answered no.

Chairman Wihby addressed Item 12 of the agenda:

Brief update on Millyard parking provided by the Director of Planning.

Mr. MacKenzie stated I just provided a brief memo to keep the Committee up to date. We are moving ahead, with the assistance of the Highway Department. Desmond Associates is going to be working on the preliminary design for five lots in the Millyard. We are hoping to expedite one of those lots to coincide with the current multi-million renovations of the two Gateway buildings so that the parking will be in place when those buildings open sometime in the middle of next year. Again, the group that is doing it is Desmond Associates, which specializes in parking lot/parking garage design. They are also the ones who helped the City through some difficult times on both the Canal Street garage and the Center of NH garage. So things are moving ahead. We will keep the Committee advised as it progresses.

Chairman Wihby asked are we going to have anything coming forward for the next budget process.

Mr. MacKenzie answered we will have the preliminary designs and cost estimates done in time for consideration at the next CIP process.

Deputy Clerk Johnson asked could I clarify one thing with regard to Item 11, which were the energy efficiency measures. There was action by the Committee to transfer monies from one line item to another within the current budget authorization, as I understand it the way the Planning Director had proposed it to the Committee last time. That is what was approved. That would be submitted to the Board at the next meeting unless there is some other action directing otherwise by the Committee.

Chairman Wihby stated that is what Frank wanted us to do.

Deputy Clerk Johnson stated there was a memo that was sent to the Committee members today outlining two additional items that we had omitted.

Chairman Wihby asked from Jay Taylor.

Deputy Clerk Johnson stated this would be a discussion relative to previous approvals relating to the request for the purchase of land in the Millyard area. At your last meeting, Mr. Chairman, you had approved it as a Committee but the specifics were not such that the Clerk could provide a report. There was no actual P&S or further outline.

Mr. Taylor stated the question was it was unclear if the Committee really specified exactly under what conditions they wanted to proceed so I think the Clerk felt that we should come back and try to clarify the conditions under which this transaction should proceed. Mr. Sidore has provided a letter outlining conditions under which he would be willing to proceed and I think it refers to a letter from Tom Lolicata, which specifies the conditions under which he feels this should be allowed to proceed. I guess what I would like to see happen would be to direct the City Solicitor's Office to work with Mr. Sidore's attorney to try and come up with a P&S that could then come back to this Committee to get approval for signatures and then let Mr. Sidore proceed with his due diligence activities.

On motion of Alderman Girard, duly seconded by Alderman Pariseau, it was voted to direct the City Solicitor's Office to work with Mr. Sidore's attorney to come up with a P&S agreement to bring back to this Committee.

Chairman Wihby stated the letter from Mr. Lolicata saying this should be in and this should be done, who is paying for that. The City?

Mr. Taylor replied the buyer is.

### **TABLED ITEMS**

13. Copy of a communication from Barbara Connor to Sean Thomas relative to vehicle standards.  
(Tabled 8/3/99: Board requested review of policy regarding air conditioning in cargo vans.)

This item remained on the table.

14. Communication from Wayne Vetter, Executive Director of the NH Fish and Game Department, requesting the City's consideration of entering into an agreement with the Department to construct a fish ladder at Pine Island Pond Dam.  
(Tabled 5/18/99)

This item remained on the table.

On motion of Alderman Pariseau, duly seconded by Alderman Clancy, it was voted to remove this item from the table:

15. Communication from the ADA and Training Coordinator recommending that the Universal Accessibility Advisory Board be amended to include representatives from the School District and the Parks, Recreation and Cemetery Department, and that representatives of the disability community comprise a minimum of 50% of the Committee membership.

Alderman Pariseau stated it was tabled at my request because a member of the Committee was going to be a resident of Goffstown. I didn't know how that would affect the City Charter provision. I suspect that the City Solicitor could answer that question.

Solicitor Clark replied I understand that there is a request.

Alderman Girard stated as I recall, the question was whether or not the person who lived in Goffstown was there as a citizen or was there representing the Moore Center, which operates here in the City. Is there a designee? How does the Moore Center get a seat? I think those were some of the questions that were asked.

Chairman Wihby asked, Mr. Hobson, do you have something to do with this. Do you have any of these answers? The question is on Diane Boisvert of the Moore Center who lives in Goffstown. Is she representing the Moore Center?

Ms. McCarthy answered she is representing the Moore Center and actually I should clarify that point. She doesn't live in Goffstown. The address that you have for her in Goffstown is her business address and since the letter was written, that business has moved into Manchester so it is now on Elm Street here in town so the Goffstown issue is mute.

Chairman Wihby asked so where does she live.

Ms. McCarthy answered she lives in Manchester. She is there...when we solicited or recruited membership we were looking for people who were either people with disabilities or people who had a direct interest in disability issues and accessibility issues. We opened it up not only to individuals with disabilities but individuals who may have a family member, a parent or a child with a disability and individuals who worked for agencies that service people with disabilities.

Alderman Girard stated I asked this at the last meeting and we weren't able to get an answer but with a court decision that has come down regarding how the City and the schools interact, I was wondering how the addition of school representatives on this Committee was going to impact the Committee. If I am not mistaken, we have a separate school ADA budget allocation that we do every year so I don't mind telling you that in as much as we budget separately for schools in this matter, I have some reservations about giving the School Department representation on what I believed was to address various non-school infrastructure issues around the City.

Mr. Hobson stated the school system...when we set-up the ADA issues we did set-up two separate positions. One to do ADA and training for the City and one to do ADA and 504 compliance for the school district. The school district has participated in the Committee predominantly because most of our buildings are attached to school facilities and PBS is still involved and comes to the table at all of these meetings so we have issues around school facilities, public access to those school facilities and we still feel it is very important that they are involved in a part of the Committee. The last item is we have had a number of complaints about school playgrounds. Weston School, for example, was taken care of as recently as a few months ago.

Alderman Girard asked, Mr. Hobson, didn't you just say that there are two different pools of money. One that deals specifically with school and one that deals with the rest of the City? That is my concern here.

Mr. Hobson answered two different positions.

Alderman Girard asked so you are telling me that we are drawing off the same budget allocation for these ADA requirements.

Mr. Hobson answered no. What I said was that we have two different positions that are attacking or dealing with the issues on each group.

Alderman Girard replied you are talking about positions and I am talking about the money and where it is coming from.

Mr. Hobson stated the funding itself, obviously the school district will be a bottom line budget. Right now, we are drawing off of sources for the entire City, including school facilities.

Alderman Girard asked are we going to be able to...

Alderman Pariseau interjected we are only here to approve the members of the Committee along with representatives of the City. You are getting into technicalities.

Alderman Girard stated no I am not, Alderman. We are changing the membership of this Committee and we are giving the School Department a voice in what I thought were separate pools of money. I don't have a problem, obviously, with the School Department addressing ADA issues and having money to do that. I do have a problem with the appearance that the School Department is going to have representation on a body that oversees the use of different funds that should be going to things like parks, playgrounds, sidewalks and roads. I realize that most of the City buildings are schools, however, most of the City infrastructure is not school infrastructure, and there are handicap accessibility issues throughout the City, not exclusive to schools. I was under the impression that these were two different issues dealt with by two different sets of money and now with the court ruling, I am wondering how the money is going to work all together. I don't think it is a technicality, Alderman, I want to make sure that we can handle this.

Alderman Pariseau stated but we are not going to settle it here in this Committee.

Alderman Pariseau moved to approve the committee membership recommendations. Alderman Clancy duly seconded the motion. Chairman Wihby called for a vote. The motion carried with Alderman Girard being duly recorded in opposition.

### **NEW BUSINESS**

Solicitor Clark stated at the last full Board meeting, we had referred in the P&S agreement from the Rubenstein estate. This involves three parcels of land that the Rubensteins purchased down in the Millyard from the B&M. When they purchased the land from the B&M, the B&M retained easements across this property and being in the Millyard there have been some environmental concerns. The estate now wants to donate the land to the City free of charge with the understanding that the land donated is in an "as is" state and any future environmental concerns that come up would not be there problem and the City would take care of them. Presently, there is a mitigation program going on on the property. There was some dry cleaning fluid spilled down there a number of years

ago, which resulted in a lawsuit and the insurance company is now paying for that remediation and will continue to do so. There have been quite a few environmental surveys on this property and a lot of documentation that needs to be reviewed. It appears, from my review and I believe other City officials that this is a worthwhile property for the City to look at acquiring. There are a couple of questions.

Alderman Clancy stated we just got this tonight and I haven't had a chance to read it. Where is this land?

Solicitor Clark replied this is at the south end of Commercial Street adjacent to Singer Park.

Alderman Clancy asked isn't there hazardous waste down there and everything. Did we have it tested for that?

Solicitor Clark answered that is what I am saying. There have been a number of environmental surveys of the property done. The information is in the Rubenstein attorney's office and we are in the process of getting that reviewed.

Alderman Clancy asked you are talking about Hobo Jungle.

Solicitor Clark answered a portion of it, yes. It is the property that the City is currently considering for the park and ride parking garage.

Chairman Wihby stated at the last meeting we passed this and asked you guys to work on it, right.

Solicitor Clark replied at the last meeting you referred it to Committee. What I am asking is that you go on record as being in favor of the P&S agreement subject to a number of things.

Alderman Clancy asked have we had protests down there about this land.

Solicitor Clark answered yes, there have been protests done.

Alderman Clancy asked is it okay.

Solicitor Clark answered it is being reviewed at this point. What I am asking the Committee to do is authorize us to have the environmental work reviewed and authorize the P&S subject to us working out with B&M the relocation of the easements and subject to my final review and approval.

On motion of Alderman Pariseau, duly seconded by Alderman Girard, it was voted to approve the purchase & sales agreement for the Rubenstein property subject to review of the environmental work, relocation of easements to be worked out with B&M, and subject to final review and approval of the City Solicitor.

Chairman Wihby stated Mr. Thomas, as the last meeting we sent a communication to you about the St. Vincent De Paul and some parking that they wanted to do. Have you had a chance to look at that?

Mr. Thomas replied I turned that correspondence over to one of our staff engineers and I was under the impression that he was going to respond back directly to St. Vincent De Paul. However, from what I remember in my discussions with him, the request was to park trailer trucks out in the street area or in that general area. I think the Committee asked us to look at some alternatives and quite frankly we didn't find any alternatives. We don't recommend that those types of trailers be parked out on Manchester Street for any length of time or in any of the alleys in the area because of the narrowness of the street plus it is not suitable.

Chairman Wihby asked so you looked at alternatives and there is nothing available.

Mr. Thomas answered nothing that we are aware of. We looked at some of the lots around. As you know, there is nothing real close other than up by the Police Station and that lot is fully utilized most of the time.

Mr. Hall stated I am the general manager of the St. Vincent De Paul Thrift Stores. I am a resident of Concord. We were looking for a place to put two tractor-trailers within striking distance of our store. Not next to it. It could be within a couple of miles of the store if it needed to be so that we could store recycled clothing. We go through the clothing and everything that is good we put in our store and offer to the poor people in Manchester. What we can't use and what we reject to put on our clothing racks, we recycle.

Alderman Clancy asked how long would you want to use this land.

Mr. Hall answered we are trying to build up an operation of our own recycling so it might be for a year or two.

Alderman Clancy asked so you want to use it for a few years.

Mr. Hall answered yes and then we would probably be able to find our own piece of land.

Chairman Wihby asked do people bring stuff to the truck or are you bringing it to the truck.

Mr. Hall answered we bring it to the trailers. We have a bin behind our store, a bin at St. Marie's rectory and three other bins that are operated now by another company with our names on them. We would buy those bins and probably leave them where they are located.

Chairman Wihby asked there is nothing up by Industrial Drive or anything like that that you have checked into or is that too far.

Mr. Hall answered that wouldn't necessarily be too far.

Chairman Wihby stated well the recommendation for having it on the street...you have heard what Mr. Thomas has said.

Mr. Hall replied I wouldn't expect to have it anywhere on the street.

Chairman Wihby stated he can work with you to look at another location if that is what you would like. Mr. Taylor could probably talk to somebody up at East Industrial Drive for you to see what we can do.

Alderman Girard asked, Mr. Hall, isn't St. Augustine and St. Anne's church fairly close to where you are located. Is there any parking associated with those churches that you might be able to use? I don't know if you have approached the Diocese.

Mr. Hall answered we haven't approached the Diocese.

Mr. Thomas stated what we could do is take a second look at it and talk to the City Solicitor's Office. Depending on how many times this vehicles come in and out or what type of foot traffic we are looking at, it may be possible for us to locate them up at our drop-off area. It is basically a recycling facility now. We do have a trailer up there, which we use to store tires. If we can work out any concerns as far as liability or whatnot, that may be a possibility. So, if you allow us to get together and talk about it a little bit more and touch base with Harry Ntapalis at Risk maybe we could come back with a recommendation at the next meeting.

There being no further information to come before the Committee, on motion of Alderman Pariseau, duly seconded by Alderman Clancy, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee