

AGENDA

COMMITTEE ON COMMUNITY IMPROVEMENT

December 9, 2003
Aldermen O'Neil, Wihby,
Shea, Smith, Lopez

5:30 PM
Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman O'Neil calls the meeting to order.
2. The Clerk calls the roll.
3. Presentation by representatives of the YWCA regarding building improvements.
4. Presentation by representatives of Parks, Recreation and Cemetery Department and the project consultant (Kaestle Boos Associates) relative to the Clem Lemire Sports Complex – Memorial High School.
(Master Plan to be forwarded under separate cover to Mayor and Aldermen and available for viewing at the Office of the City Clerk.)
5. Communication from Ron Johnson, Deputy PRC Director, submitting a copy of the site plan and description of proposed improvements to Sheridan Emmett Park – Phase II.
6. Resolution and budget authorization authorizing transfer and expenditure of funds in the amount of \$25,000 (Federal) for FY2004 CIP 810804 VISTA Coordinator Project.
Gentlemen, what is your pleasure?
7. Communication from the Director of Planning submitting a request for various project extensions, as outlined.
Gentlemen, what is your pleasure?

8. Status of Mission Avenue.
(Note: referred to committee on 12/02/2003 by BMA.)
Gentlemen, what is your pleasure?

9. Copy of a communication from Mr. Jabjiniak to Drew Weber regarding the relocation of Singer Family Park Field.
Gentlemen, what is your pleasure?

10. Communication from Bruce Thomas, Engineering Manager, regarding a request to install sewer service to the Junior Deb Softball field near the West Side Arena at a cost of approximately \$15,000.
(Note: approved at 11/25/03 CIP meeting and requested staff look for funding source and report back at next meeting.)

TABLED ITEMS

A motion is in order to remove any of the following items from the table for discussion.

11. Derryfield Park Rehabilitation Phase II.
(Re-tabled 11/25/03 and requested staff to meet with developer.)

12. Communication from Kevin Sheppard submitting a draft policy/procedure for Fleet Management/Motorized Equipment.
(Re-tabled 11/25/03. Updated from Mr. Sheppard dated 12/2/03 enclosed.)
(Note: Highway has requested this item remain tabled until the next meeting.)

13. Derryfield Country Club Project.
(Tabled 11/25/03 and requested architect return to December meeting with recommendations.)

14. Communication from Robert MacKenzie, Planning Director, regarding a request that the City consider making various safety and aesthetic improvements along Dean Avenue at a cost of \$9,800.
(Tabled 11/25/03 pending review by Public Works requesting report back at December meeting.)

15. If there is no further business, a motion is in order to adjourn.



CITY OF MANCHESTER
Parks, Recreation & Cemetery Department

625 Mammoth Road
Manchester, NH 03104-5491
(603) 624-6565 Administrative Office
(603) 624-6514 Cemetery Division
(603) 624-6569 Fax

COMMISSION

George "Butch" Joseph, Chairman
Thomas Murphy, Clerk
Michael Worsley
Joseph Sullivan
Steve Johnson
Ronald Ludwig, Director

December 3, 2003

Alderman Daniel P. O'Neil, Chairman
City of Manchester Community Improvement Program
One City Hall Plaza
Manchester, NH 03101

Re: Clem Lemire Sports Complex – Memorial High School

Dear Alderman O'Neil:

As requested, we are providing (18) copies of the Athletic Facilities Master Plan for the above referenced project. This report provides an overview for the proposed project, including a summary of the existing conditions, documentation of project development with public input sessions and the Master Plan with implementation recommendations and options.

I have also included a letter dated November 19, 2003 from the project consultant Kaestle Boos Associates. This letter summarizes a meeting with School Administration held on November 14, 2003, whereby we were directed to present (3) project funding scenarios for their consideration. These include the Track and Field estimated at \$2.5 million, Football Stadium for an additional \$2.9 million and lastly the Overall Plan estimated at \$7.6 million.

Both the School Building & Sites and School Finance committees have recommended a project of approximately \$5.5 million that will include the work identified in the columns under Track & Field and Football Stadium on the Summary of Construction Costs spread sheet. This recommendation will now be voted on by the Full School Board at their meeting scheduled for Monday, December 8, 2003.

We will be available next Tuesday December 9th for the CIP Committee meeting along with the project consultant to present the plan and discuss the option currently recommended by the Manchester School District.

Sincerely yours,

Ron Johnson, Deputy Director

cc: Ron Ludwig, Director

4

KAESTLE BOOS
ASSOCIATES, INC.
ARCHITECTS

November 19, 2003

Mr. Ronald Ludwig
Manchester Parks & Recreation
625 Mammoth Road
Manchester, NH 03103



**Re: Clem Lemire Sports Complex
Memorial High School
Manchester, NH
KB # 02037.00**

Dear Mr. Ludwig:

Per our November 14 meeting with the school administration staff, we have reviewed the proposed improvements of the above referenced project and created a scope of work that contains all requested items.

We understand the current goal is to have a facility suitable to hold Friday night football games. This could be achieved by completing Phase-I and portions of Phase IA (grandstands, team room building and concession/restroom building) of the Master Plan. We have reviewed the project GMP as prepared by Gilbane and propose the following scope of improvements for the City's consideration.

The target budget of the work to be initially constructed was identified as \$5.0 million dollars at last Friday's meeting. As we understand, the full scope of improvements as proposed in the master plan are not being modified; rather the scope of initial construction needs to total the approximately \$5.0 million dollars.

Proposed Improvements:

- 400M synthetic surfaced 8-lane competition running track, including a multipurpose competition synthetic field.
- Athletic field lighting
- Grandstands and press box on east side – 1500 seat capacity. Bleachers on west side – 500 seat capacity.
- Parking area development for 120 cars, including pavement, walks, curbing, and site lighting.
- Reconstruction of existing storage building
- Construction of new restroom/concessions facility at the north end of the track.
- Construction of new team room/restroom facility at the west side of the track.
- General pedestrian circulation walks, including accessible walk and north end stair system from Memorial High School.

NEW HAMPSHIRE
Pease International Tradeport
One New Hampshire Avenue
Suite 125
Portsmouth, NH 03801
Phone: (603) 766-1965
Fax: (603) 766-1901

CONNECTICUT
416 Slater Road
P.O. Box 2590
New Britain, CT 06050-2590
Phone: (860) 229-0361
Fax: (860) 229-5303

MASSACHUSETTS
124 Grove Street
Suite 215
Franklin, MA 02038
Phone: (508) 520-9928
Fax: (508) 520-0856

370 Faunce Corner Road
Dartmouth, MA 02747
Phone: (508) 998-2910
Fax: (508) 998-2920

E-Mail: kba@kba-architects.com
Web: www.kba-architects.com

Based on the GMP costs summary prepared by Gilbane we feel this work will total approximately \$5.5 million dollars.

It should be noted this figure/scope has not been reviewed with Gilbane, and the costs do not reflect receipt of competitive bids for this work. Furthermore the GMP was not based on phased construction of this project, but rather a single accelerated schedule. Phased implementation of this work will add cost to the project.

Work specifically excluded from this initial phase of construction would include:

Construction of natural grass fields at northern and southern portions of site, including spreading of topsoil over recently installed fill at northern portion of property.

Ticket Booths

Storage buildings proposed at northwest corner of the track facility and southern baseball field area.

Pedestrian accessibility throughout site, including stairs/access from Memorial High School team rooms and southside Middle School.

We hope that this information is helpful in assisting the City in confirming the scope of the work to be initially constructed. With the identified completion date of August 2004 for the synthetic field, it is our recommendation that this scoping decision be made as soon as possible.

Please contact me if you have any questions.

Sincerely,



Richard F. Webb

Vice President/Director of Landscape Architecture

KAESTLE BOOS ASSOCIATES, INC.

RFW:gr

Clement M. Lemire Athletic Complex - Memorial High School

SUMMARY OF CONSTRUCTION COSTS

WORK TASK DESCRIPTION	TRACK FIELD FY-2004 & FY-2005	FOOTBALL STADIUM Future Funding	OVERALL PLAN Future Funding
400M Track and Synthetic Field	\$ 1,750,000.00		
Athletic Field Lighting		\$ 200,000.00	
Parking Area (Jewett Street - 120 cars)		\$ 550,000.00	
General Site Improvements - Pedestrian/Accessibility	\$ 250,000.00	\$ 225,000.00	
Grand Stands/Press Box (1,500 seat Home - 500 seat Visitor)		\$ 525,000.00	
Grand Stands Additional Seating (1000 Home / 500 Visitor)			\$ 200,000.00
Reconstruction of Existing Storage Building		\$ 100,000.00	
New Restroom/Concession (North-end of Track)		\$ 400,000.00	
New Team Room/Restroom (West-side of Track)		\$ 375,000.00	
Natural Grass Fields (North End)			\$ 570,000.00
Natural Grass Fields (South End)			\$ 390,000.00
Storage Buildings (North End)			\$ 200,000.00
Storage Buildings (South End)			\$ 90,000.00
Ticket Booths			\$ 75,000.00
Final Site Improvements - Pedestrian walks/ project signs			\$ 250,000.00
Construction Costs - Total By Phase	\$ 2,000,000.00	\$ 2,375,000.00	\$ 1,775,000.00
Estimated Soft costs - Total By Phase	\$ 500,000.00	\$ 593,750.00	\$ 443,750.00
Total by Phase	\$ 2,500,000.00	\$ 2,968,750.00	\$ 2,218,750.00

PROJECT COSTS - GRAND TOTAL

\$ 7,687,500.00

NOTE: Estimate based on the GMP costs summary prepared by Gilbane. Figures and scope have not been reviewed with Gilbane, and the costs do not reflect receipt of competitive bids for this work. Furthermore the GMP was not based on phased construction of this project, but rather a single accelerated schedule. Phased implementation of this work will add cost to the project. Soft costs have been estimated and do not reflect formally submitted Construction Management Fees, General Conditions Costs, Insurances, Bonds, Design Fees, etc.



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December 3, 2003

Alderman Daniel P. O'Neil, Chairman
City of Manchester Community Improvement Program
One City Hall Plaza
Manchester, NH 03101

Re: Sheridan Emmett Park – Phase-II

Dear Alderman O'Neil:

At the last CIP meeting held on November 25th, you requested a copy of the plan and description of the proposed improvements for the above referenced project. Attached you will find a site plan which illustrates the new layout.

This project is a continuation of the renovation work at Sheridan Emmett Park. Last spring we completed improvements on the east side of Union Street including rehabilitation of the athletic field, new sidewalks, fencing, timber guardrail and curbing. In 2001, the new playground area opposite Beech Street School was completed.

The new project includes a portion of the park on the west side of Union Street to Pine Street. Again the park improvements will include an overall site rehabilitation. The following work will be performed this winter and continue into next spring of 2004; replacement of the perimeter fence, new interior park sidewalks, playground equipment, benches, expansion of the Community Garden and landscaping.

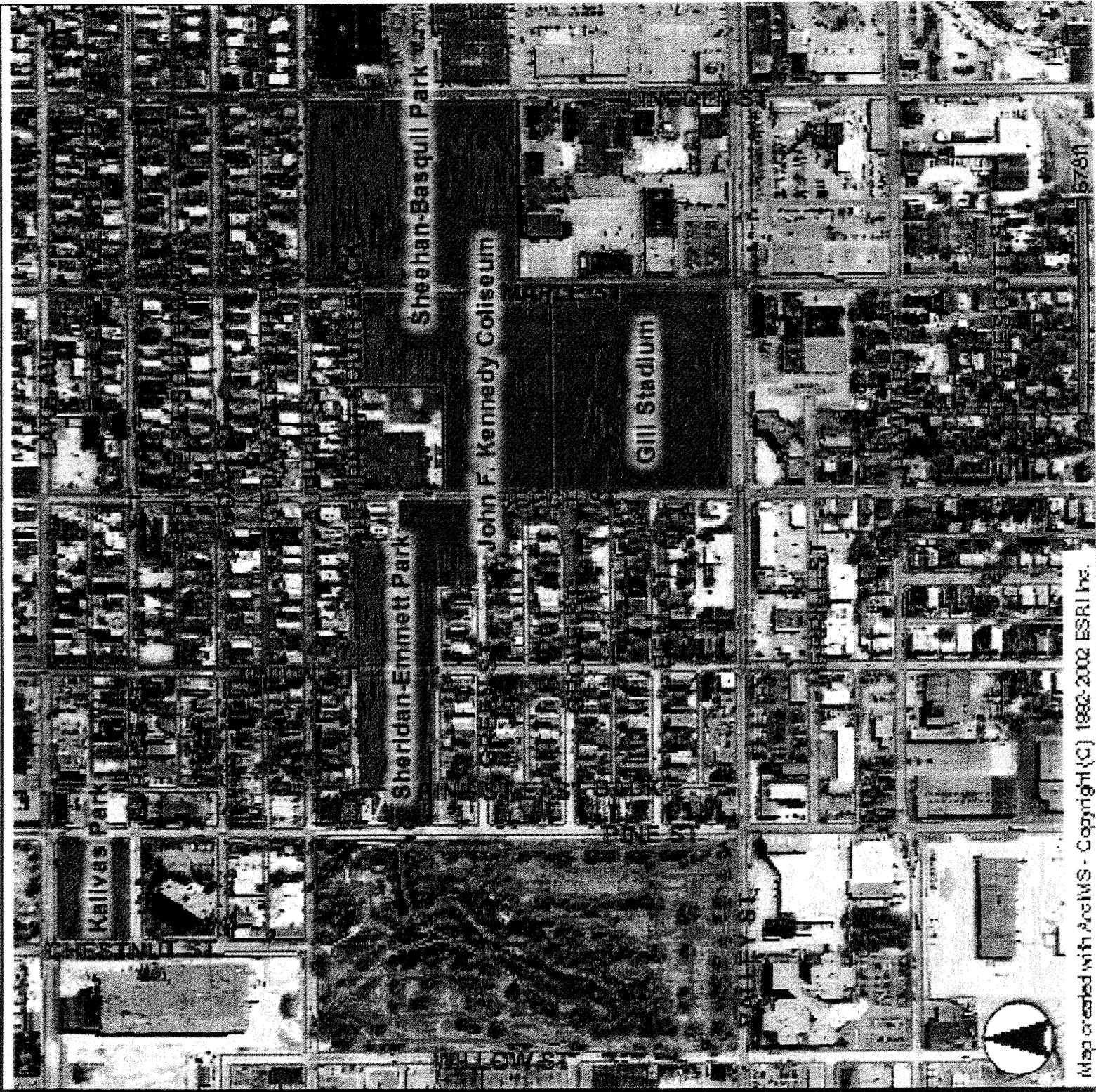
This new project will complete the rehabilitation of Sheridan Emmett Park. We appreciate the support of the CIP Committee over the past several years to provide the necessary funding for this park improvement project.

Sincerely yours,

Ron Johnson, Deputy Director

cc: Ron Ludwig, Director

5



5

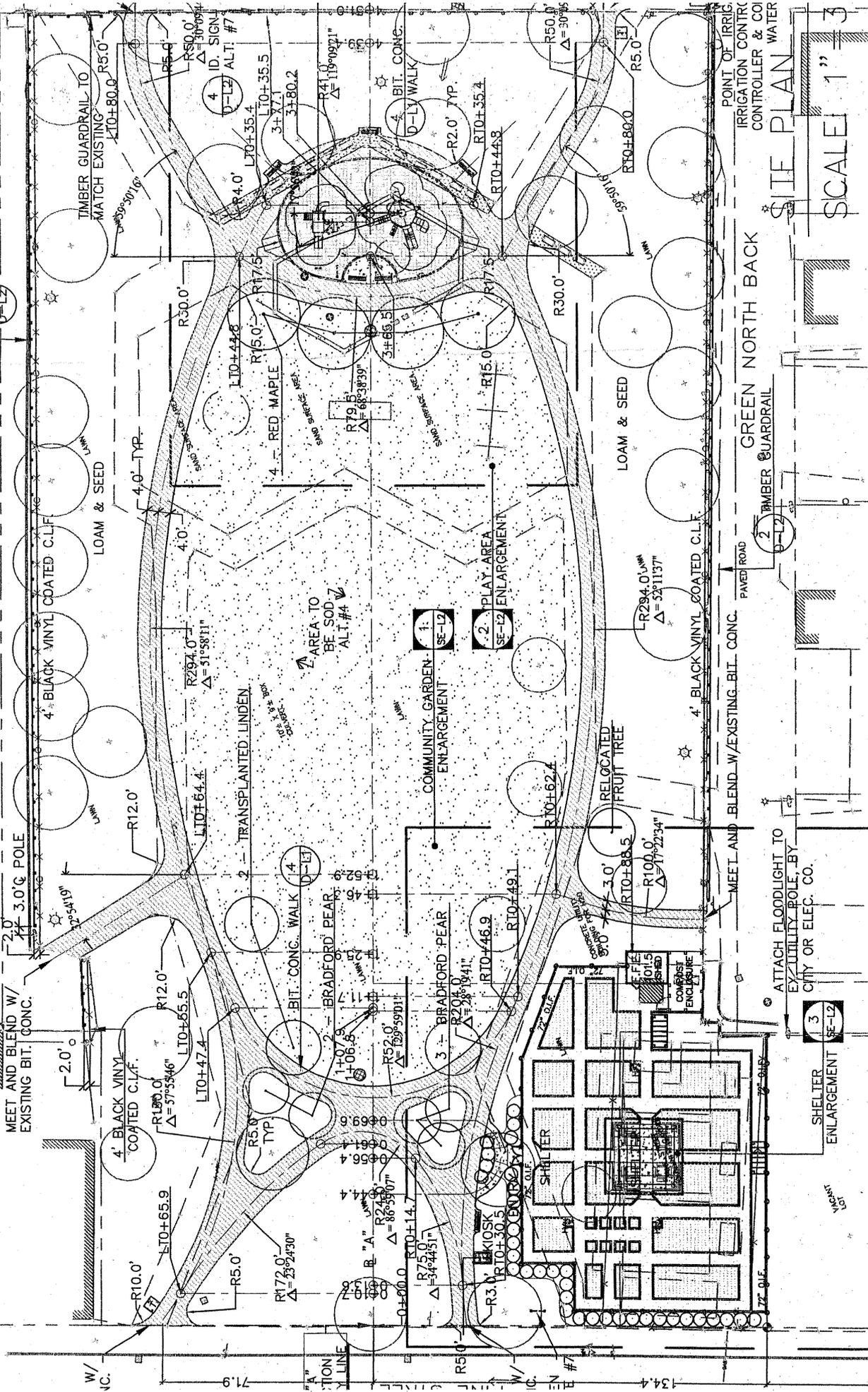
Map created with ArcIMS - Copyright (C) 1992-2002 ESRI Inc.

AUBURN SOUTH BACK

PAVED ROAD

TIMBER GUARDRAIL

2



POINT OF IRRIGATION CONTROL CONTROLLER & CONTROL VALVE

GREEN NORTH BACK

TIMBER GUARDRAIL

2

PAVED ROAD

MEET AND BLEND W/ EXISTING BIT. CONC.

ATTACH FLOODLIGHT TO EX. UTILITY POLE, BY CITY OR ELEC. CO.

3

SHELTER ENLARGEMENT SE-L2

SCALE 1" = 3'

SITE PLAN

5

City of Manchester New Hampshire

In the year Two Thousand and Three

A RESOLUTION

“Amending the FY 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Five Thousand Dollars (\$25,000.00) for the FY2004 CIP 810804 VISTA Coordinator Project.”

Resolved by the Board of Mayor and Aldermen of the City of Manchester as follows:

WHEREAS, the Board of Mayor and Aldermen has approved the 2004 CIP as contained in the 2004 CIP budget; and

WHEREAS, Table 1 contains all sources of State, Federal and Other funds to be used in the execution of projects; and

WHEREAS, the Board of Mayor and Aldermen wishes to accept a funds from the Corporation For National and Community Service in the amount of \$25,000 for the support of the VISTA Program in the City;

NOW, THEREFORE, be it resolved that the 2004 CIP be amended as follows:

By adding:

FY2004 810804 – Vista Coordinator Project - \$25,000 Federal

Resolved, that this Resolution shall take effect upon its passage.

CIP BUDGET AUTHORIZATION

CIP #: Project Year CIP Resolution:
 Title: Amending Resolution
 Administering Department: Revision:

Project Description

Federal Grants Federal Grant: **Environmental** Review Required:
 Grant Executed: Completed:

Critical Events

1	Project Initiation	12/16/03
2	Project Completion	12/31/04
3		
4		
5		

Expected Completion Date:

Line Item Budget

	FEDERAL			TOTAL
Salaries and Wages	\$17,000.00	\$0.00	\$0.00	\$17,000.00
Fringes	\$8,000.00	\$0.00	\$0.00	\$8,000.00
Design/Engineering	\$0.00	\$0.00	\$0.00	\$0.00
Planning	\$0.00	\$0.00	\$0.00	\$0.00
Consultant Fees	\$0.00	\$0.00	\$0.00	\$0.00
Construction Admin	\$0.00	\$0.00	\$0.00	\$0.00
Land Acquisition	\$0.00	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00
Overhead	\$0.00	\$0.00	\$0.00	\$0.00
Construction Contracts	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL	\$25,000.00	\$0.00	\$0.00	\$25,000.00

Revisions

COMMENTS

Funds received from the Corporation For National & Community Service.

6

MEMORANDUM

To: Committee on Community Improvement Program

From: Robert S. MacKenzie
Director of Planning

Date: December 9, 2003

Subject: Project Extensions

The following projects are requested to be extended until June 30, 2004:

<u>Year</u>	<u>Fund Type</u>	<u>Project #</u>	<u>Project Name</u>
2003	Other	210503	Homeless Health Care
2003	CDBG	212303	Center City Disease – Health
2003	CDBG	212703	Employment/Training Program – MCRC
2003	ESG	213203	Angie’s Shelter/Rehab Project
2003	Cash	215503	Boys & Girls Club
2003	Other	215803	Air Quality Related Health
2003	Other	216003	Oral Health Services
2003	CASH	310103	Employee Training & Development - HR
2003	CASH	411103	Hazardous Material – Fire Department
2003	CASH	510403	Park Improvement Program - Parks
2003	CDBG	511303	PAL Center
2003	CBDRF	610103	Building Improvement Program
2003	Other	610203	Public Information Kiosk
2003	Other/CDBG /Cash	610303	Project Greenstreets
2003	CDBG/Other	610403	Downtown Municipal Infrastructure
2003	CDBG	610503	Dilapidated Building – Building
2003	CDBG	611003	Revolving Loan Fund – MEDO
2003	CDBG	611103	Facility Repairs – MEH
2003	ESG	611203	Operational – MEH
2003	HOME	611403	Renaissance 7 – MNHS
2003	CDBG	611803	Healthy Home Pilot – The Way Home
2003	HOME	611903	Tenant Assistance – (214 Spruce Street) – The Way Home
2003	Other	612603	Bethel Court
2003	CDBG	710303	Infrastructure ADA – Highway
2003	CDBG	710403	Neighborhood Infrastructure – Highway
2003	CDBG	710503	Sidewalk Discretionary – Highway
2003	CASH	710603	Annual Bridge Maintenance – Highway
2003	CASH	710803	Chronic Drain – Highway
2003	Other	713303	So. Willow Street Area Improvements
2003	Other	713403	Wetlands Mitigation Project
2003	CDBG	810003	ADA Training – HR
2003	CDBG	810103	ADA Compliance – Planning

7

2003	CDBG/Cash	810303	Community Development Initiatives
2003	CDBG	810403	Federal/State Resource Originator
2003	CASH	810603	Building Maintenance Division Install Fire Alarm System
2002	CDBG	310102	Expansion of MCRC
2002	Other	410702	Streetsweeper
2002	Other	510102	Livingston Park Rehab. Phase V
2002	Other	510202	Piscataquog Trailway
2002	CDBG	510502	PAL Center
2002	Other	610002	Building Revitalization Assistance (CBDRF)
2002	CDBG	610402	Building Improvement Program
2002	CDBG	611302	Strategic & Neighborhood Planning
2002	CASH	611902	Dilapidated Building Demolition
2002	CASH	612102	Riverwalk Projects – Highway
2002	Other	613102	Millyard Improvement Project
2002	Other	613402	Bridge & Elm Development (Section 108)
2002	Other	710102	TIP Improvement Project (Candia Road)
2002	CDBG	710702	Infrastructure ADA Access Improvement
2002	CASH	710802	Annual Bridge Maintenance Program
2002	Other	714302	Bridge Rehabilitation
2002	Other	714402	Sidewalk Improvement Program
2002	Other	810002	Valley Cemetery Master Plan
2002	Other	810102	Valley Cemetery Facility Upkeep
2002	CDBG	810502	Community Development Initiatives
2002	Cash	810702	Community Development Initiatives
2002	Other	811102	Wetland Inventory Evaluation
2001	CDBG	340101	Manchester Community Resource Center – MCRC
2001	Other	511401	Recreational Improvement Fund
2001	CASH	710801	TIP Improvement Project Candia Road
2001	Other	7110A1	PW Infrastructure So. Main Street/Bridge Street
2001	Other	840001	MCTV-PEG Access Grant
2000	CASH	840100	Sign Language Interpreters – HR

7

INTEROFFICE MEMO

Date: 12/12/01
To: Bruce Thomas, P.E.
Engineering Manager
From: Steven N. Kosusko, L.L.S.
Chief of Survey
Subject: Status of Mission Avenue

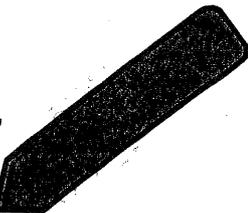
Mission Avenue is shown on a plan entitled *Plan of House Lots at Manchester Highlands*, dated June and July 1899. In accordance with RSA 231:51, before to its 1989 revision, any portion of the street dedicated on plan not opened, built or used for public travel within 20 years is released and discharged. Therefore, the dedication by that plan was discharged in July 1919.

On October 30, 1951, the City of Manchester was petitioned to layout the northerly 600' of Mission Avenue. A return of layout and damages were paid by the Board of Mayor and Aldermen on July 11, 1952, establishing the northerly 600' of Mission Avenue as a public highway.

On November 29, 1962, the City of Manchester was petitioned to layout an additional 100' of Mission Avenue. There is no return of layout for this portion, so it is not a public highway.

On March 31, 1987, the City of Manchester was petitioned to layout the remainder of Mission Avenue to Farmer Street. On March 22, 1988, the Board of Mayor and Aldermen voted to accept the petition to layout the street. However, as the Board did not file a return of layout and pay damages as required by law, this portion of the street is not a public highway.

According to a conversation I had with Tom Arnold, the Deputy City Solicitor, a petition to layout the highway would need to be made. The Board of Mayor and Aldermen would then need to file a return of layout and pay damages to any person with interest in the area of the proposed street. The tough part of this finding all the interested parties. Tom said would take a title search by his department on all the abutting properties. At this point just accepting the street does not work because the dedication expired in 1919.



8

INTEROFFICE MEMO

Date: October 27, 2003

To: Bruce Thomas, P.E.
Engineering Manager

From: Martin J. Miccio, L.L.S.
Chief of Survey

Subject: Mission Ave layout

The layout for the new section of Mission Ave would be from the end of the current accepted way southerly 680' +/- to the northerly line of Farmer Street. The 600' from Bridge Street southerly was accepted in 1952.

Notable points for the layout process under RSA 231 are outlined below. Obviously there are more legal issues regarding the layout process. Additionally, ~~I was unable to find information regarding the inclusion of new drainage easements in the layout procedure.~~

The first step is that a petition would have to be filed with the City Clerk. In this case the petition would probably ask to locate the road in the same location and width as the previously dedicated way. ~~At this point the Highway Department could provide the description for the petition without expense.~~

231:8 Petition. – Selectmen of a town, upon petition, may lay out any new class IV highway not financed in whole or in part with federal aid highway funds, and class V or VI highway or alter any such existing highway within their town for which there shall be occasion.

The City may then determine the best location for the new street. An estimate of the time required to survey the route and the right of way location is 1 week of field crew time.

231:12 Layout. – ~~They may lay out such highway over any ground they may deem most suitable, and alter any highway as they judge proper, without regard to intermediate limits or particular monuments described in the petition.~~

Once the location of the new road has been determined then landowners and other parties having interest in the land to be encumbered must be notified. ~~This task would involve a title search to identify the interested parties of 18 parcels of land.~~ Fortunately a review of the current deeds show all parcels reference the original plan "Plan of House Lots at Manchester Highlands in Manchester, NH owned by John H. Walker, Jr.". This plan would help a title abstractor track the parcels involved. An estimate of the cost for a title search is \$500 per parcel and \$10 per parcel for notices.

231:7 Applicable Provisions. – The provisions of RSA 230:9, 10, 11 and 12 are applicable to the mayor and aldermen of the city, the selectmen of the town and commissioners of a village district, in laying out class IV, V or VI highways.

231:9 Notice. – Unless the selectmen are clearly of opinion that such petition ought not to be granted they shall cause notice in writing of the time and place of hearing appointed by them to be given at least 30 days previous to hearing to the first petitioner and to each owner of land over which such highway may pass.

231:10 Owner of Property; Notice. – Owners shall include tenants for life or years, remaindermen, reversioners, or holders of undischarged mortgages of record whose mortgages are dated not earlier than 20 years prior to date of filing such petition.

I. When the owner resides or lives within the state, notice shall be given to him in person or left at his abode or may be sent to him by certified mail.

II. When the owner does not reside or live within the state, notice may be given to the person, if any, who has the care or possession of the land or may be sent by registered mail to the owner's last known address.

III. If the owner is a person under guardianship or conservatorship notice shall be given to his guardian or conservator. If the owner is under any legal disability a guardian or conservator may be appointed.

IV. When the owner, or his residence, is unknown or uncertain, a copy of such notice, when posted in 2 public places in the city or town in which the land is situate, at least 30 days previous to hearing, shall be deemed sufficient notice to such owner.

A public hearing and a view must be held to comply with the statute. Assuming the location of the proposed road does not change no further expense would be incurred.

231:11 Hearing. – At the time and place so appointed the selectmen shall make a personal examination of the several routes proposed, and of the highways for which such new highway is designed to be a substitute, shall hear all parties interested who may attend and any evidence they may offer, and may adjourn as they see cause.

Construction staking of the new road could be done by the Highway Department surveyors. It would be hard to determine the time necessary for this task but I would be prudent to estimate having a field crew available for several hours every day of the construction period.

Once the route has been determined a "Return of Layout" must be filed with the City Clerk describing the route actually used. The Highway Department can provide this description to the City Clerk. The Highway Surveyors should set permanent markers for the new right of way. This task would take about 3 days and the cost of about \$200 for materials.

It should be noted in "A Hard Road to Travel" that filing of the "Return of Layout" should be delayed until after damages are paid and possibly until the construction has been completed. Filing the return is the action that makes the road legal.

231:16 Return. – They shall make a return of the highway or any alteration by them laid out, describing the same and the width thereof, and cause the same to be recorded by the town clerk.

8

Properties involved in the proposed layout:

499-25 72 Mission Ave
HCRD 6985-111
Michael A. & Zeynep U. Jones
72 Mission Ave
Manchester, NH 03104

498-11 58 Mission Ave
HCRD 6029-327
Robert F. & Kelly L. Fuller
58 Mission Ave
Manchester, NH 03104-5631

498-5 27 Mission Ave
HCRD 5826-467
John M. & James Goudouros
27 Mission Ave
Manchester NH 03104

498-6 15 Mission Ave
HCRD 4109-33 4/30/1987
Gary N. & Sandra Howard
15 Mission Ave
Manchester NH 03104-5642

498-7 No # Mission Ave
HCRD 3211-744 9/17/1984
Manuel J. & Nancy E Soares
202 Eve Street
Manchester NH 03104-1525

498-8 111 Farmer Street
HCRD 6301-1895
Kathleen A. & Ritchie A. Pruitt
111 Farmer St
Manchester NH 03104

498-9-C 139 Farmer St
HCRD 5325-495
John W. & Debra D. Lappas
139 Farmer St
Manchester NH 03104

498-9 30 Mission Ave
HCRD 5366-277
Larry A. & Sally A. Poulin
30 Mission Ave
Manchester NH 03104

498-10 50 Mission Ave
HCRP 2000-1223
HCRD 5758-553
Brian Jones

PO Box 6032
Manchester, NH 03108-6032

498-5-B 59 Mission Ave
HCRD 6171-614
Ilias V. & Dorothea Gakis
59 Mission Ave
Manchester, NH 03104-5642

499-24 71 Mission Ave
HCRD 6743-190
Patricia L. Morse
71 Mission Ave
Manchester, NH 03104

499-21-A 111 Mission Ave
HCRD 2257-26
Donald J. & Claudette I. Martel
111 Mission Ave
Manchester, NH 03104

499-21 105 Mission Ave
HCRD 5615-377
Bernard J. Luebker
105 Mission Ave
Manchester, NH 03104-5632

499-22 83 Mission Ave
HCRD 6497-640
Village Square Builders Inc
13 South Bow Road
Hooksett, NH 03106

498-5-A 43 Mission Ave
HCRD 6711-2765
Bradley E. & Anne M. Thomassen
43 Mission Ave
Manchester, NH 03104

499-28 108 Mission Ave
HCRD ?
Robert W. & Emilia K. Devore
108 Mission Ave
Manchester, NH 03104-5631

499-27 No # Mission Ave
HCRD 2080-300
Robert W. & Emilia K. Devore
108 Mission Ave
Manchester, NH 03104-5631

499-26 86 Mission Ave

10/11/96

INTEROFFICE MEMO

HCRD 5980-97
Lori Champney & Douglas S. Wike
Mission Ave
Manchester, NH 03104

8

Subj: **MISSION AVE**
Date: 10/20/03 5:13:25 PM !!!First Boot!!!
From: STELLIER@ci.manchester.nh.us
To: ALDMJL@AOL.COM
CC: TNICHOLS@ci.manchester.nh.us, shamii8692@yahoo.com
File: **MISSIONAVE&FARMERST.xls** (27136 bytes) DL Time (49333 bps): < 1 minute
Sent from the Internet (Details)

Mike,

I hope this gives you what you need. The parcels are valued the same as all other lots in the area. However, it is our understanding that some of the deeds go to the centerline of the street. From what I've gathered at Highway, this is an ugly legal situation pitting husband against wife and neighbor against neighbor for resolution. We are valuing the main body of lot only and improvements (buildings). The street acreage is out there, not valued as its use is a public way. The tax values are estimates using last years rate. (Exemptions are not considered in this spreadsheet.)

Please note: all property owners on the street still receive the benefit of all City services.

Very truly yours,
Steve



Set	Owner's Name	Styl	Style Desc	Use Code	Land Val	Total Ass ^t	Parcel Val	AYB	Liv Area	Sale Date	Sale \$	Land Unit	Est Taxes
	ZELA, RUSSELL W JR	3	Colonial	1010	43500	49400	92900	1891	1033	10/30/01	0	15000	2385.67
	WILUSZ, MELODY M	3	Colonial	1010	39200	104500	143700	1995	1568	10/30/95		7704	3690.22
	SORENSEN, HALYNA	1	Ranch	1010	41100	83100	124200	1968	1170	7/24/96		12280	3189.46
	NGUYEN, HIEP HUU	8	Raised Ranch	1010	39300	99100	138400	1989	1078	6/20/97		8080	3554.11
	POLTAK, GARY S	4	Cape Cod	1010	39300	112600	151900	1989	1382	8/23/89		8080	3900.79
	KAZMIERSKI, JOHN	1	Ranch	1010	40900	73700	114600	1962	960		0	11729	2942.93
	SEIDLER, KATHLEEN A	6	Conventional	1010	35100	100400	135500	1989	1180	10/10/00	131000	4920	3479.64
	KELLIHER, WILLIAM D	1	Ranch	1010	46500	88900	135400	1964	1169		0	17096	3477.07
	SHAW, DAVID B	6	Conventional	1010	43500	60700	104200	1940	928	9/17/93		15055	2675.86
	LAPPAS, JOHN W	4	Cape Cod	1010	39800	111200	151000	1991	1525	3/20/92		9055	3877.68
	HINES, PATRICIA A	94	Outbuildings	1060	7000	500	7500	0	0	10/30/01	0	5000	192.60
	SORENSEN, HALYNA	99	Vacant Land	1300	31000	0	31000	0	0	6/6/91		43560	796.08
	HOWARD, GARY N	3	Colonial	1010	35100	101200	136300	1988	1620	4/30/87		5000	3500.18
	GOUDOUROS, JOHN M	1	Ranch	1010	39600	104700	144300	1998	1120	6/27/97		8500	3705.62
	POULIN, LARRY A	3	Colonial	1010	40200	118500	158700	1992	1768	8/28/92		10000	4075.42
	THOMASSEN, BRADLEY E	4	Cape Cod	1010	39600	172200	211800	2000	1685	9/11/02	239000	8500	5439.02
	JONES, BRIAN	3	Colonial	1010	40200	121300	161500	1982	1904	12/26/01	4000	10000	4147.32
	FULLER, ROBERT F	3	Colonial	1010	38300	114000	152300	1998	1696	11/25/98	135500	7000	3911.06
	GAKIS, ILIAS V	3	Colonial	1010	39600	201200	240800	2000	2436	10/19/99	20000	8500	6183.74
	MORSE, PATRICIA L	3	Colonial	1010	38300	122100	160400	1998	1768	10/24/02	220000	7000	4119.07
	JONES, MICHAEL A	4	Cape Cod	1010	35100	109700	144800	1999	1520	6/26/03	63000	5000	3718.46
	VILLAGE SQUARE BILDEI	99	Vacant Land	1010	50200	0	50200	0	0	9/28/01	45000	10000	1289.14
	CHAMPNEY, LORI J	3	Colonial	1010	52500	109300	161800	1995	1672	8/10/98	4000	24918	4155.02
	LUEBKERT, BERNARD J	1	Ranch	1010	40200	90400	130600	1972	1056	3/21/95		10000	3353.81
	DEVORE, ROBERT W	1	Ranch	1010	40200	75900	116100	1961	936			10000	2981.45
	MARTEL, DONALD J	4	Cape Cod	1010	35100	84100	119200	1972	1142			5000	3061.06
	O'BRIEN, JOHN A	4	Cape Cod	1010	35100	88300	123400	1972	1142			5000	3168.91
	ST PIERRE, RICHARD R	4	Cape Cod	1010	35100	84200	119300	1972	1142			5000	3063.62
	NEUBERT, MAUREEN	1	Ranch	1010	40200	73200	113400	1957	980	1/11/90		10000	2912.11
	GUSTAFSON, ALFRED JR	1	Ranch	1010	40200	77400	117600	1950	1048	4/28/99	4000	10000	3019.97
	KEANE, JOSEPH T	4	Cape Cod	1010	40200	88500	128700	1949	1433			10000	3305.02
	ZOGOPoulos, MARTHA J	6	Conventional	1010	40200	41100	81300	1900	900	3/26/02	0	10000	2087.78
	GALVIN, DEBRA A	5	Bungalow	1010	43500	57500	101000	1948	728	2/1/01	112000	15000	2593.68
	CARR, MICHAEL S	4	Cape Cod	1010	40200	85400	125600	1948	1411	2/16/00	0	10000	3225.41
	BAKER, ROBERT	1	Ranch	1010	40200	62500	102700	1955	988	2/12/92		10000	2637.34
	HOWARD, KEVIN W	4	Cape Cod	1010	37800	82000	119800	1948	1152	6/26/01	0	6670	3076.46
	DESROCHERS, PAUL RTEI	1	Ranch	1010	35100	59700	94800	1954	864	8/8/96		5000	2434.46
	SOARES, MANUEL J	99	Vacant Land	1320	7000	0	7000	0	0	9/17/84		5000	179.76
	DEVORE, ROBERT W	99	Vacant Land	1320	7000	0	7000	0	0			5000	179.76
	ZOGOPoulos, MARTHA J	99	Vacant Land	1320	7000	0	7000	0	0	3/26/02	0	5000	179.76

1791 v

RELATION

ations, site plan review
city, town, or county in
organized places, except
protect public health stan-
requirements, for a period
ever, that once substantial
e plat have occurred in
of said approval or unless
ights of the owner or the
sequent changes in subdivi-
ate to affect such improve-

ding has begun on the site
st in accordance with the
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he planning board may, with
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t size restrictions of recently enacted
ordinances, was inapplicable as to sub-

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LOCAL LAND USE PLANNING

628 6257
674:40

division plat which was neither approved nor
recorded. *Chasse v. Town of Candia* (1989) 132
N.H. 574, 567 A.2d 999.

Cited

Cited in *Town of Nottingham v. Bonser* (1988)

131 N.H. 120, 552 A.2d 58, cert. denied, 490
U.S. 1109, 109 S. Ct. 3163, 104 L. Ed. 2d 1025
(1989); *Chasse v. Town of Candia* (1989) 132
N.H. 574, 567 A.2d 999; *Rall v. Town of Belmont*
(1993) 138 N.H. 172, 635 A.2d 1368.

LIBRARY REFERENCES

New Hampshire Practice

15 N.H.P. Land Use Planning and Zoning
§§ 7.14, 11.05, 15.02, 29.23, 30.11, 32.16.

ALR

Construction and application of zoning laws
setting minimum lot size requirements. 2
ALR5th 553.

New Hampshire Bar Journal

For article, "Grandfathered"—The Law of
Nonconforming Uses and Vested Rights," see 31
N.H.B.J. 17 (1990).

674:39-a Voluntary Merger. Any owner of 2 or more contiguous preex-
isting approved or subdivided lots or parcels who wishes to merge them for
municipal regulation and taxation purposes may do so by applying to the
planning board or its designee. Except where such merger would create a
violation of then-current ordinances or regulations, all such requests shall be
approved, and no public hearing or notice shall be required. No new survey plat
need be recorded, but a notice of the merger, sufficient to identify the relevant
parcels and endorsed in writing by the planning board or its designee, shall be
filed for recording in the registry of deeds, and a copy mailed to the munici-
pality's assessing officials. No such merged parcel shall thereafter be sepa-
rately transferred without subdivision approval.

HISTORY

Source. 1995, 291:9, eff. Aug. 20, 1995.

674:40 Improvements in Unapproved Streets.

I. A municipality which has established and recorded an official map, as
provided in RSA 674:10, or has conferred upon a planning board plating
jurisdiction in accordance with RSA 674:35 shall not thereafter accept, lay out,
open, improve, grade, pave, or light any street or lay or authorize the laying of
water mains, sewers, connections, or other facilities or utilities in any street,
within any portion of the municipality unless such street:

(a) Has been accepted or opened as, or has otherwise received the legal
status of, a public street prior to the conferring of plating jurisdiction upon the
planning board; or

(b) Corresponds in its location and lines with a street shown on the official
map, or with a street shown on a subdivision plat approved by the planning
board, or with a street on a street plat made by and adopted by the board.

II. For the purposes of this section, the word "street" shall not mean or
include a discontinued highway.

III. The local legislative body may, however, accept, locate and construct any street not shown on or not corresponding with a street on the official map or on an approved subdivision plat or an approved street plat, provided the ordinance or other measure for the accepting, locating, and construction of such street is first submitted to the planning board for its approval and:

(a) If approved by the board, be approved by a majority vote of those present and voting at a regular or special meeting of the local legislative body; or

(b) If disapproved by the planning board, be approved by not less than $\frac{2}{3}$ of those present and voting at a regular or special meeting of the local legislative body.

IV. A street approved under paragraph III shall have the status of an approved street as though it had been originally shown on the official map or on a subdivision plat approved by the planning board or as though it had been originally platted by the planning board.

HISTORY

Source. 1983, 447:1. 1989, 266:19, eff. July 1, 1989. 1998, 344:5, eff. Aug. 25, 1998.

CROSS REFERENCES

Approval and recording of plats, see RSA 674:37.
Development on class V and VI highways, see RSA 674:41.
Effect of approval of plats generally, see RSA 674:38, 39.
Master plans generally, see RSA 674:1 et seq.
Official municipal maps generally, see RSA 674:9 et seq.

LIBRARY REFERENCES

New Hampshire Practice
15 N.H.P. Land Use Planning and Zoning
§ 29.17.

674:40-a Delegation of Authority to Accept Dedicated Streets.

I. Notwithstanding RSA 674:40, a municipality with the town meeting form of government, which has conferred upon a planning board platting jurisdiction in accordance with RSA 674:35, may, by majority vote at an annual or special meeting, under an article in the warrant inserted by the local governing body, or by petition, delegate to the local governing body the authority to accept dedicated streets. Such a delegation may be rescinded by the municipality in the same manner.

II. If such a delegation is made, the local governing body may vote to accept any dedicated street only if the street corresponds in its location and lines with a street shown on a subdivision plat or site plan approved by the planning board, or on the official map, or on a street plat made and adopted by the board. A street which has not received such prior planning board approval shall not

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decision of the administrative officer having charge of the issuance of permits to the zoning board of adjustment in any municipality which has adopted zoning regulations in accordance with RSA 674, or, in municipalities in which no board of adjustment exists, to the local legislative body, or to a board of appeals, whichever is appropriate, in accordance with RSA 674:14 and 674:15, including the requirement for a public hearing. In a municipality which does not require building permits, direct application may be made to the zoning board of adjustment, or the local legislative body, or the board of appeals for permission to erect the building. In passing on such appeal or application, the board of adjustment, local legislative body, or board of appeals may make any reasonable exception and shall have the power to authorize or issue a permit, subject to such conditions as it may impose, if the issuance of the permit or erection of the building would not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based, and if erection of the building or issuance of the permit will not cause hardship to future purchasers or undue financial impact on the municipality. Any such decision made in this connection by a board of adjustment, local legislative body, or by a board of appeals pursuant to this section and RSA 674:14 and 674:15 shall be in writing, together with the reasons for the decision, and shall be subject to review in the manner described in RSA 677.

II-a. Municipalities may except island lots for islands served exclusively by boats from the requirements of paragraphs I and II by an affirmative vote of the local legislative body, first submitted to the planning board for its approval and:

- (a) If approved by the board, approved by a majority of those present and voting at a regular or special meeting of the local legislative body; or
- (b) If disapproved by the planning board, approved by not less than $\frac{2}{3}$ of those present and voting at a regular or special meeting of the local legislative body.

III. This section shall supersede any less stringent local ordinance, code or regulation, and no existing lot or tract of land shall be exempted from the provisions of this section except in accordance with the procedures expressly set forth in this section. For purposes of paragraph I, "the street giving access to the lot" means a street or way abutting the lot and upon which the lot has frontage. It does not include a street from which the sole access to the lot is via a private easement or right-of-way, unless such easement or right-of-way also meets the criteria set forth in subparagraph I(a), (b) or (c).

IV. In addition to the requirements for the erection of buildings in paragraph I and notwithstanding the exceptions provided in paragraph II, the planning board for a county in which there are located unincorporated towns or unorganized places shall require every building which is erected on leased land located within an unincorporated town or unorganized place to have a building permit. A building permit shall be required under this paragraph regardless of the proximity of the building to any street or highway. The county shall, by resolution, authorize the planning board to issue building permits under this paragraph.



LIBRARY REFERENCES

New Hampshire Practice
15 N.H.P. Land Use Planning and Zoning
§§ 26.03, 31.03.

674:10 Establishment of Official Map. After the planning board of any municipality has adopted a master plan which includes a major street plan, or has progressed in its master planning to the stage of the making and adoption of a major street plan, and has certified a copy of a major street plan to the local legislative body, as provided in RSA 674:9, the local legislative body is hereby empowered and authorized to establish an official map of the municipality showing the location of the exterior lines of streets of the whole or of any parts of the municipality up to that time existing, laid out and established by law as public streets, and may also show the location of the exterior lines of parks. The official map is to be deemed to be final and conclusive with respect to the location and width of streets and the location of parks shown thereon. The official map established under this section shall be established to conserve and promote the public health, safety, convenience or general welfare. The ordinance establishing or adopting the official map shall provide that a certificate, signed by the city or town clerk, the village district clerk, or other duly authorized recording official, giving notice that the municipality has established an official map, including the date of its establishment, shall be filed with the register of deeds of the county or counties in which the municipality is situated. Such certificates shall be accompanied by a certified copy of the official map as adopted or established. Whenever a municipality has established an official map and has filed a certificate to that effect, together with a copy of the official map, with the register of deeds for the county or counties in which the municipality is situated, then no plat of a subdivision of land within the municipality shall thereafter be filed or recorded at the office of the register of deeds until it has been approved by the planning board and such approval entered in writing on the plat by the chairperson or secretary of the planning board.

see RSA 232.

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f any land for street

HISTORY

Source. 1983, 447:1. 1995, 43:2, eff. July 2, 1995.

CROSS REFERENCES

Allowance of buildings and structures in mapped-street locations shown on official map, see RSA 674:12-15.

Subdivision regulation generally, see RSA 674:35 et seq.

LIBRARY REFERENCES

New Hampshire Practice
15 N.H.P. Land Use Planning and Zoning
§§ 26.03, 31.03.



674:9

PLANNING AND LAND USE REGULATION

CROSS REFERENCES

Authorization of program, see RSA 674:5.
Purpose of program, see RSA 674:6.

LIBRARY REFERENCES

New Hampshire Practice
15 N.H.P. Land Use Planning and Zoning
§ 4.03.

Official Map of the Municipality

CROSS REFERENCES

City, town and village district highways, see RSA 231.
Highway regulations, see RSA 236.
Historic districts, see RSA 674:45 et seq.
Manufactured housing regulation, see RSA 674:31 et seq.
Master plan, see RSA 674:1 et seq.
Powers and duties of county commissioners as to highways generally, see RSA 232.
Site plan review, see RSA 674:43 et seq.
Subdivision regulation, see RSA 674:35 et seq.
Zoning generally, see RSA 674:16 et seq.

LIBRARY REFERENCES

CJS

Zoning and Land Planning § 21.

674:9 Mapping of Street Lines by Planning Board. At any time after a planning board has adopted a master plan of the municipality which includes a major street plan or has progressed in its master planning to the stage of the making and adoption of a major street plan, the local legislative body may authorize the planning board to make or cause to be made from time to time surveys for the exact locating of the lines of new, extended, widened, or narrowed streets in the whole or in any portion of the municipality. The local legislative body may also empower the planning board to make and certify to the local legislative body, when completed, a plat of the area thus surveyed on which are indicated the locations of the lines recommended by the planning board as the planned or mapped lines of future streets, street extensions, street widenings, or street narrowings. The making or certifying of a plat by the planning board, under the authorization of the local legislative body, shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

HISTORY

Source. 1983, 447:1, eff. Jan. 1, 1984.

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674:11 Amendments to Official Map. The local legislative body is authorized and empowered, whenever and as often as it may deem it advisable or necessary for the public interest, to change or add to the official map of the municipality. Amendments may be made in order to establish the exterior lines of the new streets or parks, or to widen, extend, relocate, narrow, vacate, abandon, or close existing streets or parks, and to indicate the acceptance of, change of use, acquisition of land for, or sale or lease of any street or other public way, ground, place, property, or structure. No change shall become effective until after a public hearing has been held on the change, at which parties in interest and citizens shall have had an opportunity to be heard. Notice of the public hearing shall be given by publishing at least 10 days before the public hearing a notice of such hearing in a newspaper of general circulation in the municipality, and by posting a notice to the same effect at the city or town hall, or in whatever place other notices required by law in connection with municipal affairs are posted or customarily displayed. Before making such addition, amendment, or change, the local legislative body shall refer the matter to the planning board for a report. If the planning board does not make its report within 30 days of such reference, it shall be deemed to have forfeited the right to further suspend action. In the event that the planning board disapproves the proposed addition, amendment, or change, the local legislative body shall not have the right to overrule the planning board's decision, unless by vote of not less than $\frac{2}{3}$ of its entire membership in case of a city, or by majority vote of the legal voters present and voting at a regular or special town or district meeting in the case of a town or village district. Such additions, amendments, and changes when adopted shall become a part of the official map of the municipality and shall be deemed to be final and conclusive with respect to the location of the streets and parks shown on the official map. The locating, widening, narrowing, or closing, or the approval of locating, widening, narrowing, or closing, of streets and parks by the municipality under provisions of law other than those contained in this subdivision shall be deemed to be a change or addition to the official map and shall be subject to all the provisions of this subdivision.

HISTORY

Source. 1983, 447:1, eff. Jan. 1, 1984.

674:12 Refusal of Permit. A municipality which has established and recorded an official map, as provided in RSA 674:10, may for the purpose of preserving the integrity of such official map provide by ordinance that, from and after the time of such recording, no permit shall be issued for any building or structure, or part thereof, in the bed of or on any land located between the mapped lines of any street as shown or laid out on such official map, except as provided in RSA 674:13.



**City of Manchester
Office of the City Solicitor**

One City Hall Plaza
Manchester, New Hampshire 03101
(603) 624-6523 Fax (603) 624-6528
TTY: 1-800-735-2964

Thomas R. Clark
City Solicitor

Thomas I. Arnold, III
Deputy City Solicitor

Daniel D. Muller, Jr.
Kenneth R. Bernard
Michele A. Battaglia
Marc van Zanten

May 20, 2002

Larry Poulin
30 Mission Avenue
Manchester, New Hampshire 03104

Re: Mission Avenue

Dear Mr. Poulin:

Pursuant to our telephone conversation of today I have enclosed a copy of my letter, dated April 10, 2001, to Alderman Pinard.

Please feel free to contact me should you have any further questions.

Very truly yours,

Thomas I. Arnold, III
Deputy City Solicitor

Encl.

8



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Marc van Zanten

April 10, 2001

Alderman Real Pinard
1784 Candia Road
Manchester, NH 03109

Re: Mission Avenue

Dear Real:

Mission Avenue was laid out on a plan entitled "Plan of House Lots at Manchester Highlands" by John C. Young, C.E. dated June and July 1899. Pursuant to R.S.A. 231:51, as it then existed, that portion of Mission Avenue that was not opened, built or used for public travel was released and discharged from all public servitude in approximately June or July, 1919.

As the portion of Mission Avenue with which you are concerned (hereinafter "Mission Ave.") was released from public servitude in 1919 it must now be laid out by the Board of Mayor and Alderman to become a City street. N.H. R.S.A. 231:1, et seq. sets forth the procedure for laying out a public street.

A Petition for laying out Mission Avenue must be prepared. (RSA 231:8). A Petition laying out Mission Avenue was prepared in 1987. That Petition listed Mission Ave. as a new highway, beginning at a point, said point being on the easterly line of Mission Avenue, said point being six hundred (600') feet south of the southerly line of Bridge Street, thence continuing in a southerly direction, a distance of six hundred eighty (680') feet more or less, to the northerly line of Farmer Street. Said above described line to be the easterly line of the highway, the highway to be forty (40') feet wide and to be known as Mission Avenue in said City.

The Board of Mayor and Aldermen must hold a public hearing on laying out Mission Avenue and must give at least thirty (30) days notice of the hearing to the first petitioner and each owner of land over which Mission Avenue will pass. (R.S.A. 231:9). An "owner" includes tenants for life or years, remaindermen, reversioners, or holders of undischarged mortgages of record whose mortgages are dated not earlier than twenty (20) years prior to the date of filing of the petition.

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In order to identify the property owner as well as any remaindermen, reversioners or mortgage holders a title search must be done on each and every property over which Mission Avenue will pass. All expenses for the title searches and for notices to abutters and landowners are to be paid by the petitioner. (R.S.A. 231:10-a). At the time of the public hearing the Board of Mayor and Aldermen must view Mission Avenue. As the Board of Mayor and Aldermen must assess the damages sustained by each owner of property taken for Mission Avenue (R.S.A 231:15) and, in the absence of a waiver, pay the damages to each landowner before the property for Mission Avenue is taken (R.S.A. 231:17) the Board of Mayor and Aldermen will most likely require a waiver of damages from all landowners, including remaindermen, reversioners and mortgage holders. Finally, the Board of Mayor and Aldermen must make a return of the lay out of Mission Avenue, describing the same and the width thereof, and cause it to be recorded with the City Clerk. (R.S.A. 231:16).

I would note that any person aggrieved by the decision of the Board of Mayor and Aldermen to lay out Mission Avenue or, in the absence of a waiver, the Board's assessment of damages, may appeal to Hillsborough County Superior Court, Northern District within sixty (60) days of the filing of the return with the City Clerk.

If I can be of any further assistance please let me know.

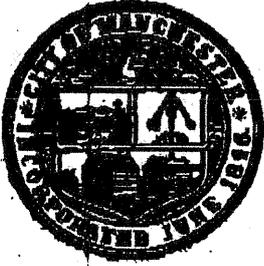
Very Truly Yours,



Thomas I. Arnold, III
Deputy City Solicitor

TIA/hms

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April 10, 2001

**Alderman Real Pinard
1784 Candia Road
Manchester, NH 03109**

Re: Mission Avenue

Dear Real:

Mission Avenue was laid out on a plan entitled "Plan of House Lots at Manchester Highlands" by John C. Young, C.E. dated June and July 1899. Pursuant to R.S.A. 231:51, as it then existed, that portion of Mission Avenue that was not opened, built or used for public travel was released and discharged from all public servitude in approximately June or July, 1919.

As the portion of Mission Avenue with which you are concerned (hereinafter "Mission Ave.") was released from public servitude in 1919 it must now be laid out by the Board of Mayor and Alderman to become a City street. N.H. R.S.A. 231:1, et seq. sets forth the procedure for laying out a public street.

A Petition for laying out Mission Avenue must be prepared. (RSA 231:8). A Petition laying out Mission Avenue was prepared in 1987. That Petition listed Mission Ave. as a new highway, beginning at a point, said point being on the easterly line of Mission Avenue, said point being six hundred (600') feet south of the southerly line of Bridge Street, thence continuing in a southerly direction, a distance of six hundred eighty (680') feet more or less, to the northerly line of Farmer Street. Said above described line to be the easterly line of the highway, the highway to be forty (40') feet wide and to be known as Mission Avenue in said City.

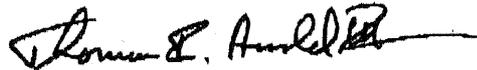
The Board of Mayor and Aldermen must hold a public hearing on laying out Mission Avenue and must give at least thirty (30) days notice of the hearing to the first petitioner and each owner of land over which Mission Avenue will pass. (R.S.A. 231:9). An "owner" includes tenants for life or years, remaindermen, reversioners, or holders of undischarged mortgages of record whose mortgages are dated not earlier than twenty (20) years prior to the date of filing of the petition.

In order to identify the property owner as well as any remaindermen, reversioners or mortgage holders a title search must be done on each and every property over which Mission Avenue will pass. All expenses for the title searches and for notices to abutters and landowners are to be paid by the petitioner. (R.S.A. 231:10-a). At the time of the public hearing the Board of Mayor and Aldermen must view Mission Avenue. As the Board of Mayor and Aldermen must assess the damages sustained by each owner of property taken for Mission Avenue (R.S.A 231:15) and, in the absence of a waiver, pay the damages to each landowner before the property for Mission Avenue is taken (R.S.A. 231:17) the Board of Mayor and Aldermen will most likely require a waiver of damages from all landowners, including remaindermen, reversioners and mortgage holders. Finally, the Board of Mayor and Aldermen must make a return of the lay out of Mission Avenue, describing the same and the width thereof, and cause it to be recorded with the City Clerk. (R.S.A. 231:16).

I would note that any person aggrieved by the decision of the Board of Mayor and Aldermen to lay out Mission Avenue or, in the absence of a waiver, the Board's assessment of damages, may appeal to Hillsborough County Superior Court, Northern District within sixty (60) days of the filing of the return with the City Clerk.

If I can be of any further assistance please let me know.

Very Truly Yours,



Thomas I. Arnold, III
Deputy City Solicitor

TIA/hms

8

Re: / Mission Avenue, Manchester, NH.
Loan No.

Dear

The City of Manchester has received a petition to layout and accept a road (petition attached). Pursuant to New Hampshire Revised Statute Annotated 231:9 requires that notice be given to each owner of land over which such highway may pass. Pursuant to "Owner" includes holders of undischarged mortgages of record dated not earlier than 20 years prior to the date of filing of the petition.

The petition calls for a street to be laid out where the road in front of the above captioned residence is now. The effect of the Board of Mayor and Aldermen's granting of the above petition will be to allow the City to pave and maintain what is currently used as a road.

As the petition merely calls for a public road to be laid out where the present road, used for access to the property, is now I would ask that you, as the mortgage holder, sign the consent and waiver of damages at the bottom of this letter and return it to me so that I may file it with the City.

Sincerely,

Thomas I. Arnold, III
Deputy City Solicitor

TIA/hms

Attach.



The _____ hereby consents to a road being laid out as specified in the petition dated _____ by _____ a copy of which is attached hereto: _____ also waives any and all damages for the layout of said road to which it may be entitled by New Hampshire Statute or otherwise.

Name
Title

8

GMAC Mortgage

May 8, 2002

LARRY AND SALLY A POULIN
30 MISSION AVE.
MANCHESTER, NH 03104

RE: GMAC ACCOUNT 520939109
30 Mission Ave.
Manchester, NH 03104

Dear Mr. And Mrs. Poulin,

In response to your letter dated May 8, please be advised that GMAC Mortgage Corporation has no objection to the City paving the road in front of the above captioned property. Should you need anything further, please contact our office at 1-800-766-4622.

Sincerely,

Land Title Adjustment Department



8

Map scale: 1 inch = 150 feet.





CITY OF MANCHESTER

OFFICE OF THE MAYOR

Robert A. Baines
Mayor

December 2, 2003

Drew Weber
6 to 4 to 3, LLC
450 Aiken Street
Lowell, MA 01854

Re: Relocation of Singer Family Park Field

Dear Drew:

The Community Improvement Program (CIP) Committee of the Board of Mayor and Aldermen (BMA) has requested I contact you regarding the relocation of Singer Family Park Field.

In the Memorandum of Understanding dated November 14, 2002, item K refers to the stadium developer which is 6 to 4 to 3, LLC making sufficient funds available for:

1. Repayment to the Bank of New Hampshire
2. Debt to the City
3. Stage contractor settlement
4. Cost to relocate Singer Park Field

To date items 1-3 have been resolved. Item 4 is still an outstanding issue and needs to be resolved in the very near future.

At a previous meeting of the CIP Committee (minutes enclosed) it was represented that an allotment of \$500,000 to \$750,000 has been set aside for this task, depending on the site location.

The City has selected Derryfield Park as a potential site for this relocation. The BMA would like to know how much this relocation would cost and when this could be accomplished. An alternative includes a cash contribution toward this work, with the actual work being completed through the normal city process of design and sealed bid.

The CIP Committee has requested a response to this letter on or before their next meeting, which is scheduled for December 9, 2003. Thanks for your attention to this matter and I look forward to hearing from you in the near future.

Sincerely,



William J. Jabjiniak
Destination Manchester Coordinator

CC: Mayor
Board of Aldermen
Thomas Clark
Kevin Clougherty
Leo Bernier ✓
Walter McCabe
Kurt Sanborn
Frank Catapano

COPY

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is dated as of November 14, 2002 by and among The City of Manchester, New Hampshire, a municipal corporation, acting by and through its Board of Mayor and Aldermen (the "City"), Manchester Downtown Visions, LLC, a New Hampshire limited liability company (the "Land Developer") and 6 to 4 to 3, LLC, a New Hampshire limited liability company (the "Stadium Developer").

RECITALS:

A. The City owns the Property (as hereinafter defined) and, subject to and in accordance with the terms and conditions hereof, is prepared to lease the Property to the Land Developer or in the alternative to lease most of the Property to the Land Developer and to directly lease the Stadium Parcel (as hereinafter defined) to the Stadium Developer.

B. The Land Developer is prepared to lease the Property or all of the Property excluding the Stadium Parcel from the City.

C. The Land Developer intends after leasing the Property from the City to sublease the same to at least five end users of the Property including the City.

D. The uses of the contemplated sublease development parcels are for a hotel, an off-peak power plant, a residential development, a retail development and a baseball stadium.

E. Unless it is excluded from the master lease of the Property to the Land Developer, it is contemplated that the Stadium Parcel is to be subleased by the Land Developer to the City.

F. If the Stadium Parcel is excluded from the master lease of the Property to the Land Developer, the City shall directly lease or enter into a management and operations agreement with the Stadium Developer for the Stadium Parcel.

G. It is contemplated that the City shall finance the costs of permitting, design and construction of the baseball stadium.

H. It is contemplated that the City shall enter into a development agreement with the Stadium Developer for the permitting, design and construction of the baseball stadium.

I. It is contemplated that the City shall enter into a management agreement or lease with the Stadium Developer to operate the baseball stadium with a Class AA professional baseball club affiliated with a Major League Baseball club through a Player Development Contract.

J. As a temporary arrangement until the baseball stadium is completed, the City shall enter into a lease or a management and operations agreement for Gill Stadium (as hereinafter defined) with the Stadium Developer.

K. As a required precondition to the various leases, subleases and agreements referred to above the Stadium Developer shall arrange for the Foundation (as hereinafter defined) to terminate its lease of the Property and shall as part of such termination make sufficient funds available or make alternative arrangements satisfactory to all necessary parties for (i) the repayment of obligations owed the Bank of New Hampshire by the Foundation with respect to advertising, etc. of the Property; (ii) repayment of debt of \$748,790 owed by the Foundation to the City; (iii) payment of amounts owed to a contractor for construction of a stage; and (iv) the cost of relocating and recreating the Singer family park facilities at another location in the City of Manchester; which alternative location will be provided by the City.

L. Each of the Land Developer and the Stadium Developer (collectively, the "Developers") needs a written agreement memorializing the understandings with the City regarding the contemplated transactions and agreements in order to proceed

COMMITTEE ON COMMUNITY IMPROVEMENT

March 11, 2003

5:30 PM

Chairman O'Neil called the meeting to order.

The Clerk called the roll.

Present: Aldermen O'Neil, Shea, Smith, Lopez

Absent: Alderman Wihby

Messrs: W. Jabjiniak, K. Sanborn, R. Ludwig, R. Sherman, R. MacKenzie,
Chief Kane, Aldermen Gatsas and DeVries

Chairman O'Neil addressed Item 3 of the agenda:

Communication from William J. Jabjiniak regarding Singer Park
Relocation.

Mr. Jabjiniak passed out a map stating that this is what was proposed in
November.

Chairman O'Neil asked is Mr. Sanborn here for support or does he wish to speak.

Mr. Jabjiniak replied I am going to ask him to come up here and join me. As you may recall, at the November presentation when the MOU was approved we talked about the developer agreeing to relocate Singer Family Park to a location that we choose. Certainly the architect took a look at Derryfield Park and said it fits. They could move the park, the field I should say, and its amenities up to Derryfield as one alternative. We have gone out and looked for some other alternatives. The Wolf Park area has been suggested. I think that has been backed away from because you are going to displace an existing field from over there as well. I think the alternative that we are looking at still is Derryfield Park. We are open to suggestions. That is why we are here tonight. As you recall and look at the map, this goes directly north of the existing Lemire field and includes the creation of the field, additional parking, the concession area is created, restrooms are provided, seating is provided, and some lighting so just about everything you see down at Singer Park now is recreated up at Derryfield Park in this example. I am looking for direction from the Committee and Mr. Sanborn can add anything to that that he would like.

Chairman O'Neil welcomed Kurt to the meeting.

Alderman Shea asked what is the purpose of this. Why are we doing this? What is its purpose?

Mr. Jabjiniak answered there was a whole lot of discussion early on with the developer about what the community would think about losing the field. I think the concern early on was Singer Park and the Riverfront Park Foundation has done a good job of providing a venue that attracts not just local people but I think regional people and State people as well and with that in mind they have offered as part of the overall development of the riverfront to recreate the venue, recreate the field if you will. That is why we are here looking for that direction. I guess we want to make one thing clear. There is a stage down there. It is not anticipated, it is not even planned to take that stage and move it anywhere near Derryfield Park and I am sure the Aldermen are happy to hear that as well. That stage is going to probably be dismantled and sold for scrap. That is where it is at now.

Alderman Shea asked if we were not to have anything to do with Singer Park or the Singer Park Foundation you mentioned at a recent meeting that the money could be transferred to some other City project, namely we will say working to improve Memorial High School or something else. We are not committed at all at this stage to Singer Park or anyone associated with the Singer Park Foundation is that correct?

Mr. Jabjiniak answered let me clarify a couple of things. The group has stepped up as part of their termination of the lease and signing the documents and have agreed to pay off the loan that the Riverfront Park Foundation had with the City. That totals \$748,000. They have agreed to settle and make a payment and clear up the whole lawsuit issue around the stage contract. They agreed to pay off the loan that the Foundation had with the Bank of New Hampshire. So those are three things separate than another option that Mr. Sanborn is going to talk about just briefly that if you don't want to create this field they would consider a cash payment in lieu of creation of the facility or the field. That is what I referred to in the past. You can move it anywhere you want. If there is money to move...certainly the \$748,000 needs to pay off the bond. Anything new and above that is up to the Board. It is really up to you.

Alderman Shea asked just so I am clear, if we were not to do anything with Derryfield Park in terms of any kind of renovation there, the City would be able to use the money that the group that is representing the development of Singer Park...they would be willing to pay the City \$748,000 or \$749,000...

Mr. Sanborn interjected no. The \$748,000 is already being paid. The \$748,000 for the City is money that was owed to the City as a result of the Singer Park and debts owed to the City because of that complex. We are paying that off already. We are also paying the contractor on the site approximately \$250,000 who is owed money for building the stage. We are also paying back debt to the Bank of New

Hampshire of approximately \$120,000. That clears the site from all debt. It is now a clean piece of property. We are taking care of all of that. As part of this project, Alderman, we offered to relocate Singer Family Park, not the stage but the soccer field basically. We have allotted, through construction estimates, between \$500,000 and \$750,000 to do that depending upon the site. We are willing...to be honest with you we don't really care. It is your decision as to what you want to do. If you want to recreate the park or put the money towards another worthwhile cause, that is totally your decision and I think that is why it was referred to this Committee.

Alderman Smith asked if this does move to Derryfield Park, the Foundation has nothing to do with it I hope.

Mr. Jabjiniak answered that is correct. It will be under the control of the City's Parks, Recreation and Cemetery Department.

Alderman Lopez asked could we have Ron Ludwig come forward also as he is the Superintendent of Parks. I think before we make a decision we should hear from him in reference to this location because there are two ball fields up there that are utilized by Trinity and I think two girl's softball teams. Ron, could you come up and explain a little bit about that area before we make the decision here? Then I will have a couple of other questions after Ron explains about Derryfield Park.

Mr. Ludwig stated what I did was prepare a summary of usage sheet for the area that I will have the Clerk hand out. I am sorry that I couldn't get this information to you sooner but this all came forward rather quickly. I just went through this exercise of trying to kind of show everybody how Derryfield Park is...what the current use is. Until you put things down on paper sometimes you don't really realize how busy a location is. I am sure that we have forgotten some of the ancillary items that may also go along with the park like pet walks for the Police Department and things like that that would not appear on this list but the point being in a nutshell that it is a passive park. It has dual usage between recreational use and such. We recently constructed a new playground up there, which will bring additional people to the area. I only bring this information forward as it relates to bringing to everyone's attention how many more people could possibly be drawn to the park under what I think is the proposed venue. I am not sure exactly what the proposed venue is. The exit on Mammoth Road from Reservoir Avenue and Bridge Street and from Reservoir Avenue onto Belmont Street in conjunction with the Hillside School area are very difficult areas and we receive numerous complaints now about congestion in the area just with the softball players. So under any proposal there is some displacement. I am not necessarily opposed. I just want to bring to everyone's attention that this is going to bring far more congestion to an already congested area. When we talk about track meets in the fall we can do a lot of things with proper scheduling, there is no question, but I just want to bring to the attention of everyone here that this is a rather difficult site



**City of Manchester
Department of Highways**

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

11/25/03 - need to approve
+ have staff look for funding
source + report back at next
mtg.

Commission

James E. Connolly, Jr.
- Chairman
Henry R. Bourgeois
William F. Kelley
Edward J. Beleski
Peter Favreau

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

October 24, 2003

C.I.P. Committee of the
Honorable Board of Mayor and Aldermen
C/O Mr. Leo Bernier
CITY CLERKS OFFICE
One City Hall Plaza
Manchester, New Hampshire 03103

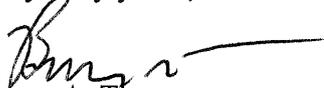
Re: Request For Funding
Sewer Service for Jr. Deb Softball Field

Gentlemen:

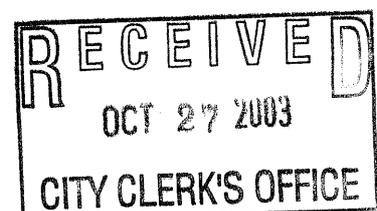
The Manchester Highway Department has received a request to install a sewer service to the Junior Deb Softball field near the West Side Ice Arena. The project would cost approximately \$15,000 (for materials) assuming Highway Department crews provided the labor.

We request that if funding were to become available, that you consider this project. If you have any questions or comments, please do not hesitate to call.

Very truly yours,


Bruce A. Thomas
Engineering Manager

c/Frank C. Thomas, P.E.
Kevin A. Sheppard, P.E.
Alderman Armand Forest
Alderman Michael Lopez
Robert McKenzie, AICP



10

HIGHWAY DEPARTMENT ESTIMATE

Junior Deb Softball Field Sewer Connection

DLW JULY 3, 2003

Revised 10/23/03

PROJECT DESCRIPTION:

Construct a sewer line for the Junior Deb Softball Field House behind the West Side Ice Arena.

QUANTITY	UNITS	ITEMS	UNIT PRICE	TOTAL ITEM COST
----------	-------	-------	------------	-----------------

PAVING MATERIALS

40	TON	3/8" Wearing Course	\$24.50	\$980.00
80	TON	3/8" Base Course	\$24.50	\$1,960.00
370	TON	12" Crushed Gravel	\$7.00	\$2,590.00

SUBTOTAL \$5,530.00

SEWER MATERIALS:

4	EA	SMH Frame and Cover	\$126.42	\$505.68
4	EA	Ecc. Cone Section (3 ft High)	\$114.00	\$456.00
16	VF	48" Dia. Riser	\$78.00	\$1,248.00
4	EA	48" Dia. Base (3 ft High)	\$154.00	\$616.00
75	TON	3/4" Stone	\$6.15	\$461.25
135	TON	Sand Fill	\$1.80	\$243.00
950	LF	8" Dia. PVC Pipe	\$1.80	\$1,710.00

SUBTOTAL: \$5,239.93

MISCELLANEOUS MATERIALS:

1	LS	Ledge	\$2,000.00	\$2,000.00
50	CY	Loam (4")	\$10.50	\$525.00

SUBTOTAL: \$2,525.00

ROADWAY MATERIALS:	\$5,530.00
DRAINAGE MATERIALS:	\$5,239.93
MISCELLANEOUS MATERIALS	\$2,525.00

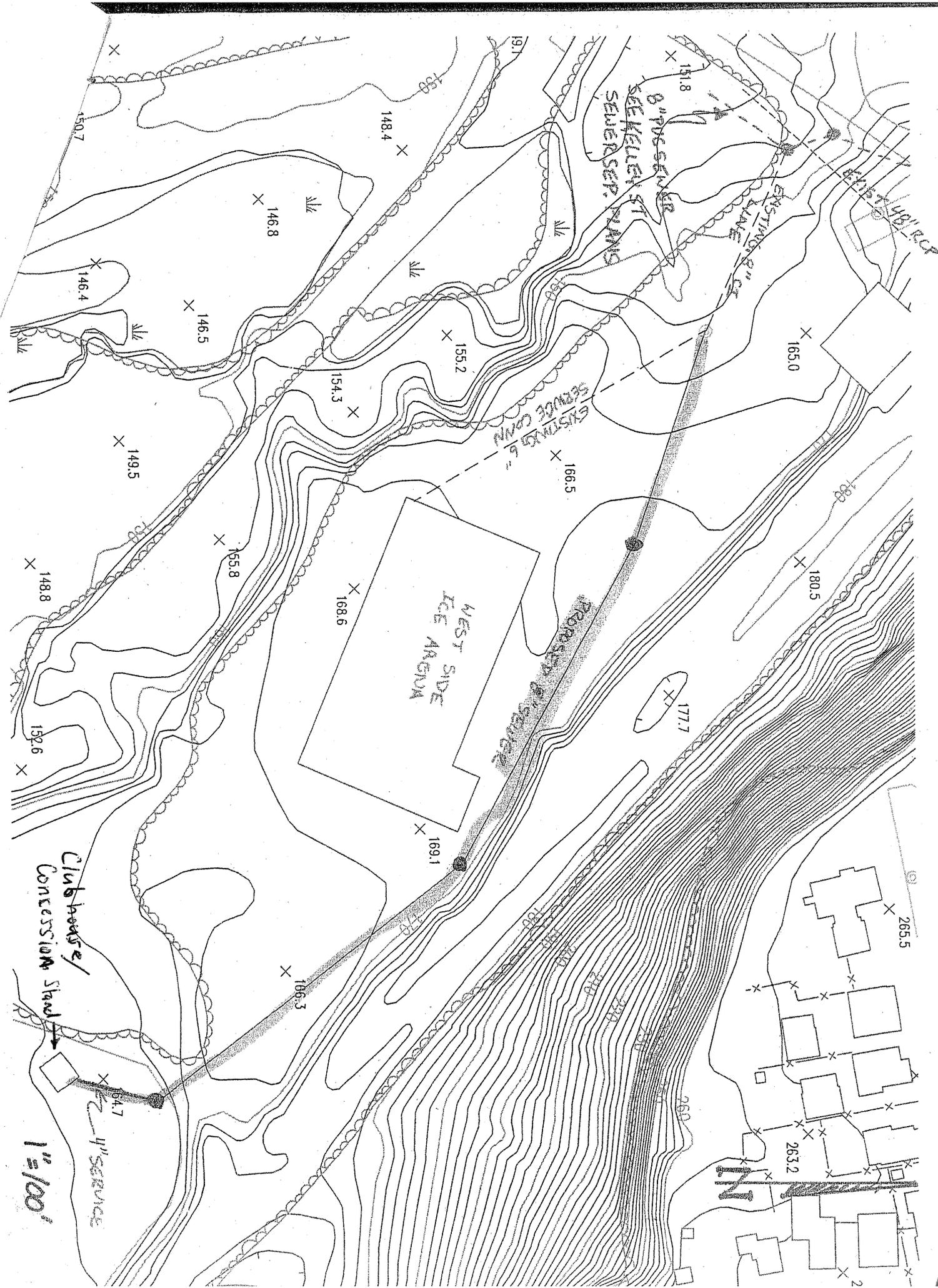
SUBTOTAL (MATERIALS): \$13,294.93

ADD 10% (OF VALUE OF MATL.): \$1,329.49

TOTAL (MATERIALS AND SUBCONTRACTS): \$14,624.42

USE: \$15,000

10



1"=100'

Clubhouse/
Concession Stand

4" SERVICE

WEST SIDE
ICE ARCADE

EXISTING 6"
SERVICE CAN

SEWERAGE PLANS
SEE KELLEY ST

8" POT SEWER

N



**City of Manchester
Parks, Recreation & Cemetery Department**

625 Mammoth Road
Manchester, NH 03104-5491

(603) 624-6565 Administrative Office
(603) 624-6514 Cemetery Division
(603) 624-6569 Fax

COMMISSION

George "Butch" Joseph, Chairman
Thomas Murphy, Clerk
Michael Worsley
Joseph Sullivan
Steve Johnson
Ronald Ludwig, Director

10/14/03 - Tabbed
11/25/03 - Voted to have
staff sit down with
developer to find out
how much
cash we could
get to relocate
field ourselves or
how much to
relocate at
Derryfield
park
back
at
Dec.
mtg.

RECEIVED
SEP 23 2003
CITY CLERK'S OFFICE

September 23, 2003

Robert S. MacKenzie, Director
City of Manchester Planning & Community Development Department
One City Hall Plaza
Manchester, NH 03101

Re: Derryfield Park Rehabilitation Phase-II (CIP# 510004)

Dear Bob:

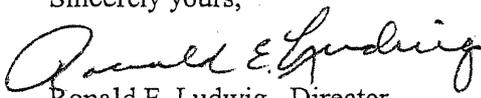
According to the FY 2004 CIP Budget, the above referenced project was identified in the Recreation and Leisure section of Table 1 (Federal, State and Other). A budget number of \$500,000 was referenced with a footnote that states the funding was to be provided by the Riverfront Park project as a cash contribution or through in-kind construction services.

This project was also discussed at the March 11, 2003 CIP Committee meeting as being a valid project for funding to be provided by the Riverfront Project developer for the relocation of Singer Park. The motion that carried called to move the bleachers from Singer Park to West Memorial Field, provide the Musco Sports Lighting to the Parks & Recreation Department and accept a cash proposal from the developer to be placed in the City's Special Revenue Reserve Account.

We would like to update you on what has transpired regarding the Riverfront Project and also inquire about the status of the "cash contribution". First, I am pleased to report the relocation of the bleachers to West Memorial Field was completed last week. Next, I should mention that we learned in July from the developer, Mr. Sanborn, the Musco Sport Lights from Singer Park would not be made available to the City.

The last item voted on by the CIP Committee was the "cash contribution". To my knowledge, the City has not received these funds. The City Finance Department contacted our office in mid-August asking about status of the funds, so they could complete the startup for the Derryfield Park Rehabilitation Project - Phase-II. Would you please confirm the status of these funds and make a request to the CIP Committee to determine if they are eligible for Derryfield Park.

Sincerely yours,

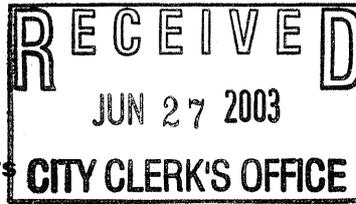

Ronald E. Ludwig, Director

p/c: CIP Committee
Alderman Ted Gatsas - Ward #2
William Jabjiniak, Destination Manchester Coordinator



City of Manchester
Department of Highways

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487



Commission
James E. Connolly, Jr.
Chairman
Henry R. Bourgeois
William F. Kelley
Edward J. Beleski
Peter Favreau

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

9/19/03 - Highway 10 send to
depts. for feedback
+ report back to
Committee
at a later
date
10/14/03 -
Tabbed

June 27, 2003

C.I.P. Committee of the
Honorable Board of Mayor and Aldermen
CITY OF MANCHESTER
One City Hall Plaza,
Manchester, New Hampshire 03101

Attn: Mr. Leo R. Bernier
City Clerk

Re: *Fleet Management/Motorized Equipment
Policy & Procedure*

Dear Committee Members:

As requested, attached is the latest Fleet Management Policy, (adopted in 1994). I have enclosed a recommended, updated policy for the Committee's review. In response to your questions, please refer to Section 5.C which references the City Seal and Authorized Passengers.

I am available to answer any questions you may have on this matter.

Sincerely,

Kevin A. Sheppard, P.E.
Deputy Public Works Director

/cd

Encl.

D R A F T

To the Board of Mayor and Aldermen of the City of Manchester

Gentlemen:

The Committee on CIP respectfully recommends, after due and careful consideration, that:

Consistent with Chapter 30, Section 32.083 of the Code of Ordinances and former policies of the City, the following up-dated policies and procedures be adopted:

CITY OF MANCHESTER POLICIES AND PROCEDURES FLEET MANAGEMENT/MOTORIZED EQUIPMENT

1. **Fleet Management** shall be conducted under the supervision of the ~~Committee on Transportation~~ *Community Improvement Committee*.
2. **Procurement**
 - A. No vehicle, motorized equipment or trailers shall be leased, donated or purchased without the approval of the ~~Committee on Transportation~~ *Community Improvement Committee*.
 - (1) *Exception* – The Manchester School of Technology may accept donated vehicles for instructional purchases provided however, that disposition of such vehicles is conducted for salvage purposes and in accordance with the Ordinances of the City of Manchester.
 - B. Scheduled Replacement/Annual Requests The ~~City Coordinator~~ *Public Works Director* shall maintain an equipment replacement schedule. Department Heads shall submit annual requests for motorized vehicular equipment to the ~~City Coordinator~~ *Public Works Director* on forms in a manner to be determined by the ~~City Coordinator~~ *Public Works Director*. *Annual requests shall coincide with the annual budget process. The Public Works Director shall provide a summary of the annual requests to the Mayor for budgetary approvals.*
 - C. Interim Requests for motorized equipment, emergency or otherwise, shall be made to the ~~Committee on Transportation~~ *Community Improvement Committee* in care of the City Clerk who shall forward a copy to the ~~City Coordinator~~ *Public Works Director* and present the request to ~~Committee~~ *the Community Improvement Committee*.

12

- D. Procurement Code Compliance: Following approval of vehicle/equipment purchase, the Department Head shall consult with the ~~office of the City Coordinator~~ *Public Works Director or his designee*, who shall advise as may be required for compliance with the procurement code. The ~~City Clerk~~ *Public Works Director* shall process encumbrances and payments as may be required in accordance with the Committee's direction. *Enterprise departments shall process their own encumbrances and payments.*

3. Operational control, disposition of vehicles/equipment, allocation of revenues.

~~Pursuant to Section 2-177 of the Code of Ordinances~~, Authority for assignment and utilization of a motor vehicle, shall be with the department for which it was originally purchased subject to meeting conditions of other policy requirements contained herein.

When a department determines for any reason that it no longer requires any motor vehicle, (*motorized equipment or trailer*), they shall immediately notify the ~~Committee on Transportation~~ *Public Works Director for disposition or reassignment as determined to be appropriate*. Whenever a department receives a replacement vehicle for any reason (inclusive of insurance/accident) they shall immediately notify the ~~Committee on Transportation~~ *Public Works Director* for disposition purposes. If for any reason the department wishes to keep the vehicle being replaced, a request to the ~~Committee on Transportation~~ *Community Improvement Committee* is required.

Disposition of vehicles/equipment shall be conducted as is consistent with other ordinances and City policy.

Revenues received, as part of disposition shall be returned to the fund ~~which the vehicle was purchased~~ *Motorized Equipment Replacement fund*.

- A. *Vehicle Registration. No vehicle shall be registered without having been authorized by the C.I.P. Committee. Enterprise departments who have purchased approved vehicles shall provide purchase documentation to the Public Works Director prior to applying for registration. The City Clerk shall provide a copy of all registrations to the Public Works Director for inventory maintenance purposes.*
- B. *Vehicle Trade-In. The department shall provide the Public Works Director trade-in documentation for any vehicle traded in toward the purchase of an approved vehicle replacement.*
- C. *Vehicle Transfers. The department shall provide the Public Works Director documentation of any approved replacement vehicle transferred to another department. The receiving department shall obtain approval from the C.I.P. Committee prior to accepting vehicle transfers.*

4. Financial and General Records.

The Office of the City Coordinator ~~Public Works Director~~ shall maintain a statement of all accounts for the C.I.P. Committee, reflecting current budgets, amounts encumbered, and actual expenditures. The City Clerk shall process all Certificates of Origin with the State of New Hampshire and shall hold all original titles and registrations, with copies to departments as needed.

5. Use and Storage of City vehicles after working hours.

The purpose of this Section is to establish rules and conditions of use for City owned vehicles stored off City Property and used after hours and overnight. This policy is designed to provide adequate control for such storage and use since, although such arrangements are to the advantage of the City, they are subject to misinterpretation of the public. The City must be assured that the storage and use of these vehicles is above reproach. This policy will assure the City a means of reviewing and answering reports of alleged abuse.

A. Responsibility

1. Department Head

It is the responsibility of each department head to arrange for adequate control and storage of City vehicles when such arrangements are to the advantage of the City, to investigate any alleged abuses brought to the attention of the department and take appropriate action to correct a situation if it exists.

2. Authorized Driver

City employees assigned a City vehicle are responsible for garaging or storing the vehicle at night in the City, monitoring its periodic maintenance requirements, keeping the vehicle in a presentable appearance, and bringing it to the office for use during the day at no additional cost to the City. To exercise discreet judgement in the use and operation of City property.

B. Travel

1. Official Travel

Travel related to the execution of duties and functions of City employees such as inspections, fieldwork and transportation to meetings and working sites.

2. Limited Local Travel

Participation in approved civic programs. Transporting of immediate family to work or school while driving to work. In cases of emergency when no other transportation is available. No City employee should depend on any City vehicle exclusively for their private vehicular needs.

12

C. Vehicle Identification and Operators

1. City Seal

All City vehicles will bear a permanent City seal on the side doors, with the exception of Welfare vehicles, Chief of Police and Detectives' vehicles. Department names for recognition purposes should appear below the City seal.

2. Authorized Drivers

City employees having a valid New Hampshire motor vehicle operator's license. A copy of the operator's license shall be kept in the employee's personnel file. ~~In most instances, the duly authorized employee.~~

3. Authorized Passengers

City employees or those who are engaged in conducting business with the City. The only exceptions to this definition are listed above under "Limited Local Travel" which is a combination of approved travel and personal. Care should be taken in carrying passengers since the City is only liable to the extent of its insurance coverage. On passenger claims exceeding the liability limits of the City policy, the negligent driver is held responsible.

D. Overnight Use

Permitted utilization

1. Department heads whose regular duties require frequent use of a vehicle overnight and whose responsibilities involve evening and weekend public appearances.
2. Employees whose responsibilities involve emergency services and who are regularly subject to call.
3. To provide safe and secure storage, *within the City of Manchester*, for the vehicles which cannot otherwise be provided as economically and conveniently.

When permission has been granted, City owned vehicles are to be used as follows:

E. Use

1. Proper Use – Execution of official business of the city. Attending local meetings and conferences related to City business. Out of town travel requires proper approval. Limited local travel which could not be construed as an abuse.
2. Improper Use – Strictly personal use such as vacations or family recreation activities in or out of town such as beach, racetrack, etc. Off duty weekend usage. By unauthorized drivers. Providing transportation to unauthorized passengers. Driving an improperly marked City vehicle. Violation of Federal, State or City laws.

To the Board of Mayor and Aldermen of the City of Manchester:

Gentlemen:

The Committee on Transportation respectfully recommends, after due and careful consideration, that:

In the absence of a budget for the Fleet Management Department, and as is consistent with Chapter 2, Article XII of the Code of Ordinances and former policies of the City, the following policies and procedures be adopted:

CITY OF MANCHESTER

POLICIES AND PROCEDURES

FLEET MANAGEMENT/MOTORIZED EQUIPMENT

1. Fleet Management shall be conducted under the supervision of the ~~Committee on Transportation~~. *Community Improvement Program Committee*
2. Procurement
 - A. No vehicle, motorized equipment or trailers shall be leased, donated or purchased without the approval of the ~~Committee on Transportation~~. *CIP Comm*

(1) Exception. The Manchester School of Technology may accept donated vehicles for instructional purchases provided however that disposition of such vehicles is conducted for salvage purposes and in accordance with the Ordinances of the City of Manchester.

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5. Use and Storage of City vehicles after working hours.

The purpose of this section is to establish rules and conditions of use for City-owned vehicles stored off City property and used after hours and overnight. This policy is designed to provide adequate control for such storage and use since, although such arrangements are to the advantage of the City, they are subject to misinterpretation of the public. The City must be assured that the storage and use of these vehicles is above reproach. This policy will assure the City a means of reviewing and answering reports of alleged abuse.

A. Responsibility

1. Department Head/*District Superintendent*

It is the responsibility of each department head to arrange for adequate control and storage of City vehicles when such arrangements are to the advantage of the City. To investigate any alleged abuses brought to the attention of the department and take appropriate action to correct a situation if it exists.

1 District Supt

2. Authorized Driver

City employees assigned a City vehicle are responsible for garaging or storing the vehicle at night in the City, monitoring its periodic maintenance requirements, keeping the vehicle in a presentable appearance, and bringing it to the office for use during the day at no additional cost to the City. To exercise discreet judgement in the use and operation of City property.

B. Definitions

1. Official Travel.

Travel related to the execution of duties and functions of City employees such as inspections, field work, and transportation to meetings and working sites.

2. Limited Local Travel.

Participation in approved civic programs. Transporting of immediate family to work or school while driving to work. In cases of emergency when no other transportation is available. No City employee should depend on any City automobile exclusively for their private vehicular needs.

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3. City Seal.

All City vehicles will bear a permanent City seal on the side doors, with the exception of Welfare vehicles, Chief of Police and Detectives' vehicles. Department names for recognition purposes should appear below the City Seal.

4. Authorized Drivers.

City employees having a valid New Hampshire motor vehicle operator's license. In most instances the duly authorized employee.

5. Authorized Passengers.

City employees or those who are engaged in conducting business with the City. The only exceptions to this definition are listed above under "Limited Local Travel" which is a combination of approved travel and personal. Care should be taken in carrying passengers since the City is only liable to the extent of its insurance coverage. On passenger claims exceeding the liability limits of the City policy the negligent driver is held responsible.

C. Policy

Permitted utilization.

1. Department heads ^{1 asmet supt.} whose regular duties require frequent use of a vehicle overnight and whose responsibilities involve evening and weekend public appearances.

2. Employees whose responsibilities involve emergency services and who are regularly subject to call.

3. To provide safe and secure storage for the vehicles which cannot otherwise be provided as economically and conveniently.

When permission has been granted, City owned vehicles are to be used as follows:

Proper Use

Execution of official business of the City.
Attending local meetings and conferences related to City business. Out of town travel requires proper approval.
Limited local travel which could not be construed as an abuse.

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Annual requests shall coincide with the budget process. The PWO shall provide a summary of the requests to the Mayor for budgetary approval.

B. Scheduled Replacement/Annual Requests The ~~City Coordinator~~ shall maintain an equipment replacement schedule. Department Heads ^{and the School District} shall submit annual requests for motorized vehicular equipment to the ~~City Coordinator~~ on form to be determined by the ~~City Coordinator~~. PWO

Public Works Director
Department of Highways

C. Interim Requests for motorized equipment, emergency or otherwise, shall be made to the ~~Committee on Transportation~~ in care of the City Clerk who shall forward copy to the ~~City Coordinator~~ and present to ^{the report} Committee. CIP Comm PWO

D. Procurement Code Compliance. Following approval of vehicle/equipment purchase, the Department Head shall consult with the office of the ~~City Coordinator~~ who shall advise as may be required for compliance with procurement code. The ~~City Clerk~~ shall process encumbrances and payments as may be required in accordance with the Committee's direction. Enterprise departments shall process their own encumbrances and payments.

3. Operational control, disposition of vehicles/equipment, allocation of revenues.

Pursuant to Section 2-177 of the Code of Ordinances, authority for assignment and utilization of a motor vehicle shall be with the department for which it was originally purchased, subject to meeting conditions of other policy requirements contained herein.

When a department ^{District} determines for any reason that it no longer requires any motor vehicle, it shall immediately notify the ~~Committee on Transportation~~. Whenever a department receives a replacement vehicle for any reason (inclusive of insurance/accident) the department shall immediately notify the ~~Committee on Transportation~~ for disposition purposes. If for any reason the department wishes to keep the vehicle being replaced, a request to the ~~Committee on Transportation~~ is required. CIP Comm

CIP Comm

CIP Comm

* 1

Disposition of vehicles/equipment shall be conducted as is consistent with other ordinances and city policy.

Revenues received as part of disposition shall be returned to the fund from which the vehicle was purchased.

4. Financial and General Records.

The ~~Office of the City Coordinator~~ shall maintain a statement of all accounts for the Committee, reflecting current budgets, amounts encumbered, and actual expenditures. The City Clerk shall maintain a listing of vehicles and equipment purchased and registered with departmental location. The City Clerk shall hold all original titles and registrations, with copies to departments as needed.

check this

NVA PWO



City of Manchester
Office of the City Clerk

City Hall
904 Elm Street
Manchester, New Hampshire 03101
(603) 624-6455

Leo R. Bernier
City Clerk

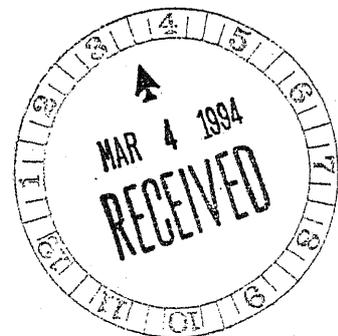
Carol A. Johnson
Deputy Clerk

Lisha M. Boucher
Deputy Clerk

MEMO TO: ALL DEPARTMENT HEADS
FROM: C. JOHNSON
DEPUTY CITY CLERK
DATE: MARCH 3, 1994
RE: POLICIES AND PROCEDURES
FLEET MANAGEMENT/MOTORIZED EQUIPMENT

Enclosed is a copy of the above referenced as adopted by the Board of Mayor and Aldermen pursuant to a report of the Committee on Transportation accepted as amended on February 1.

Enclosure



COPY

Improper Use

Strictly personal use such as vacations or family recreation activities in or out of town such as beach, race track, etc.
Off duty weekend usage.
By unauthorized drivers.
Providing transportation to unauthorized passengers.
Driving an improperly marked City vehicle.
Violation of Federal, State or City laws.

Respectfully submitted,

L. N. Bernier

Clerk of Committee

At a meeting of the Board of Mayor and Aldermen

held 2/1/94 on a motion by Ald. Goonan

duly seconded by Ald. Pariseau the report of

the Committee was accepted and its recommendations amended by adding Mayor and Fire Chief's vehicles to exception under section 5.3. and adopted as amended.

(adopted) ~~(denied)~~

[Signature]

City Clerk
[Signature]
Deputy

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**City of Manchester
Department of Highways**

227 Maple Street
Manchester, New Hampshire 03103-5596
(603) 624-6444 Fax # (603) 624-6487

Commission

James E. Connolly, Jr.
- Chairman
Henry R. Bourgeois
William F. Kelley
Edward J. Beleski
Peter Favreau

Frank C. Thomas, P.E.
Public Works Director

Kevin A. Sheppard, P.E.
Deputy Public Works Director

December 2, 2003

C.I.P. Committee of the
Honorable Board of Mayor and Aldermen
One City Hall Plaza,
Manchester, New Hampshire 03101

Attn: Leo R. Bernier, City Clerk

Re: Motorized Equipment Policy

Dear Committee Members:

As requested, I have distributed to and received comments from City Departments on the referenced policy. The intent is to update the policy adopted by the Board of Mayor and Aldermen on February 2nd 1994. The wording which has a strikethrough is being eliminated, whereas the italicized wording is being added.

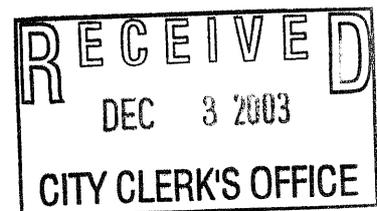
At the recommendation of the City Solicitor, this policy would not pertain to the School District. I will be available to address any questions you may have on this matter.

Sincerely,

Kevin A. Sheppard, P.E.
Deputy Public Works Director

/cd

cc: Frank C. Thomas, P.E.
Alderman Daniel P. O'Neil
Mayor's Office
Department Heads



12

D R A F T

To the Board of Mayor and Aldermen of the City of Manchester

Gentlemen:

The Committee on CIP respectfully recommends, after due and careful consideration, that:

Consistent with Chapter 30, Section 32.083 of the Code of Ordinances and former policies of the City, the following up-dated policies and procedures be adopted:

CITY OF MANCHESTER POLICIES AND PROCEDURES FLEET MANAGEMENT/MOTORIZED EQUIPMENT

1. **Fleet Management** shall be conducted under the supervision of the ~~Committee on Transportation~~ *Community Improvement Committee*.
2. **Procurement**
 - A. No vehicle (motorized equipment or trailer) shall be leased, donated or purchased without the approval of the ~~Committee on Transportation~~ *Community Improvement Committee*.
 - (1) ~~Exception~~ — ~~The Manchester School of Technology may accept donated vehicles for instructional purchases provided however, that disposition of such vehicles is conducted for salvage purposes and in accordance with the Ordinances of the City of Manchester.~~
 - B. Scheduled Replacement/Annual Requests The City ~~Coordinator~~ *Public Works Director* shall maintain an equipment replacement schedule. Department Heads shall submit annual requests for motorized vehicular equipment to the ~~City Coordinator~~ *Public Works Director* on forms in a manner to be determined by the ~~City Coordinator~~ *Public Works Director*. *Annual requests shall coincide with the annual budget process. The Public Works Director shall provide a summary of the annual requests to the Mayor for budgetary approvals.*
 - C. Interim Requests for ~~motorized equipment~~ vehicles, emergency or otherwise, shall be made to the ~~Committee on Transportation~~ *Community Improvement Committee* in care of the City Clerk who shall forward a copy to the ~~City Coordinator~~ *Public Works Director* and present the request to ~~Committee~~ *the Community Improvement Committee*.

D. Procurement Code Compliance: Following approval of vehicle/equipment purchase, the Department Head shall consult with the ~~office of the City Coordinator~~ *Public Works Director or his designee*, who shall advise as may be required for compliance with the procurement code. The ~~City Clerk~~ *Public Works Director* shall process encumbrances and payments as may be required in accordance with the Committee's direction. *Enterprise departments shall process their own encumbrances and payments.*

3. Operational control, disposition of vehicles/equipment, allocation of revenues.

~~Pursuant to Section 2-177 of the Code of Ordinances~~, Authority for assignment and utilization of a motor vehicle, shall be with the department for which it was originally purchased subject to meeting conditions of other policy requirements contained herein.

When a department determines for any reason that it no longer requires any motor vehicle, (*motorized equipment or trailer*), they shall immediately notify the ~~Committee on Transportation~~ *Public Works Director for disposition or reassignment as determined to be appropriate*. Whenever a department receives a replacement vehicle for any reason (inclusive of insurance/accident) they shall immediately notify the ~~Committee on Transportation~~ *Public Works Director* for disposition purposes of the replaced vehicle. If for any reason the department wishes to keep the vehicle being replaced, a request to the ~~Committee on Transportation~~ *Community Improvement Committee* is required. *Enterprise Departments will be responsible for enterprise vehicle disposition.*

Disposition of vehicles/equipment shall be conducted as is consistent with other ordinances and City policy.

Revenues received, as part of disposition shall be returned to the fund from which the vehicle was purchased.

- A. *Vehicle Registration. No vehicle shall be registered without having been authorized by the C.I.P. Committee. Enterprise departments who have purchased approved vehicles shall provide purchase documentation to the Public Works Director prior to applying for registration. The City Clerk shall provide a copy of all registrations to the Public Works Director for inventory maintenance purposes.*
- B. *Vehicle Trade-In. The department shall provide the Public Works Director trade-in documentation for any vehicle traded in toward the purchase of an approved vehicle replacement.*

4. Financial and General Records.

The ~~Office of the City Coordinator~~ *Public Works Director* shall maintain a statement of all accounts for the C.I.P. Committee, reflecting current budgets, amounts encumbered, and actual expenditures. The City Clerk *shall process all Certificates of Origin with the State of New Hampshire and shall hold all original titles and registrations, with copies to departments as needed.*

5. Use and Storage of City Vehicles ~~after working hours.~~

~~The purpose of this Section is to establish rules and conditions of use for City owned vehicles stored off City Property and used after hours and overnight. This policy is designed to provide adequate control for such storage and use since, although such arrangements are to the advantage of the City, they are subject to misinterpretation of the public. The City must be assured that the storage and use of vehicles is above reproach. This policy will assure the City a means of reviewing and answering reports of alleged abuse.~~

A. Responsibility

1. Department Head

It is the responsibility of each department head to arrange for adequate control and storage of City vehicles when such arrangements are to the advantage of the City, to investigate any alleged abuses brought to the attention of the department and take appropriate action to correct a situation if it exists.

2. Authorized Driver

City employees assigned a City vehicle are responsible for garaging or storing the vehicle at night in the City, monitoring its periodic maintenance requirements, keeping the vehicle in a presentable appearance, and bringing it to the office for use during the day at no additional cost to the City. To exercise discreet judgement in the use and operation of City property.

3. *Garaging/Storing of City vehicles outside City Limits*

The Department Head may authorize the garaging or storage of City vehicles outside City limits when it is in the best interest of the City to do so.

4 *Employees are responsible for detailing all personal use of City Vehicles to the Human Resources Department for reporting on the employees W-2 tax form.*

B. Travel

1. Official Travel

Travel related to the execution of duties and functions of City employees such as inspections, fieldwork and transportation to meetings and working sites.

2. Limited Local Travel

Participation in approved civic programs. Transporting of immediate family to work or school while driving to work. In cases of emergency when no other transportation is available. No City employee should depend on any City vehicle exclusively for their private vehicular needs.

C. Vehicle Identification and Operators

1. City Seal

All City vehicles will bear a permanent City seal on the side doors, with the exception of Welfare vehicles, Chief of Police and Detectives' vehicles, *and enterprise Departments may display the enterprise seal in place of the City seal.* Department names for recognition purposes should appear below the City seal.

2. Authorized Drivers

City employees having a valid New Hampshire motor vehicle operator's license. A copy of the operator's license shall be kept in the employee's personnel file. ~~In most instances, the duly authorized employee.~~

3. Authorized Passengers

City employees or those who are engaged in conducting business with the City. The only exceptions to this definition are listed above under "Limited Local Travel" which is a combination of approved travel and personal. Care should be taken in carrying passengers since the City is only liable to the extent of its insurance coverage. On passenger claims exceeding the liability limits of the City policy, the negligent driver is held responsible.

D. Overnight Use

Permitted utilization

1. Department heads whose regular duties require frequent use of a vehicle overnight and whose responsibilities involve evening and weekend public appearances.
2. Employees whose responsibilities involve emergency services and who are regularly subject to call.
3. To provide safe and secure storage, *within the City of Manchester*, for the vehicles which cannot otherwise be provided as economically and conveniently.
4. *The Department Head may authorize the garaging or storage of City vehicles outside City limits when it is in the best interest of the City to do so.*

~~When permission has been granted, City-owned vehicles are to be used as follows:~~

E. Use

1. Proper Use – Execution of official business of the city. Attending local meetings and conferences related to City business. Out of town travel requires proper approval. Limited local travel which could not be construed as an abuse.
2. Improper Use – Strictly personal use such as vacations or family recreation activities in or out of town such as beach, racetrack, etc. Off duty weekend usage. By unauthorized drivers. Providing transportation to unauthorized passengers. Driving an improperly marked City vehicle. Violation of Federal, State or City laws.

F. Airport Provisions

Because of the Airport's unique operational nature and federal oversight requiring certain Airport employees assigned radio-equipped vehicles to be on 24-hour call status, these employees are authorized limited personal use of these vehicles within a reasonable distance from Manchester Airport. Reasonable distance will be determined by the Airport Director based on Airport response-time requirements.

6. Exceptions

Exceptions to this policy may be made by the Mayor or The Community Improvement Committee when it is in the best interest of the City.



CITY OF MANCHESTER
Office of the City Clerk

11/25/03 - Updated to
table & have
architect cover
back with rec. at
Dec. mtg.



Leo R. Bernier
City Clerk

Carol A. Johnson
Deputy City Clerk

Paula L-Kang
Deputy Clerk
Administrative Services

Matthew Normand
Deputy Clerk
Licensing & Facilities

Patricia Piecuch
Deputy Clerk
Financial Administration

MEMORANDUM

To: Board of Mayor and Aldermen

From: Lisa Thibault
City Clerk's Office *Lisa*

Date: November 24, 2003

Subject: Separate Cover Item-Derryfield Country Club Project Status Update

Attached please find a memo with attachments from Ron Ludwig regarding the Derryfield Country Club Project. Please note that this is in reference to Item 4 of the CIP agenda for Tuesday, November 25.

Attachment



CITY OF MANCHESTER
Parks, Recreation & Cemetery Department

625 Mammoth Road
Manchester, NH 03104-5491
(603) 624-6565 Administrative Office
(603) 624-6514 Cemetery Division
(603) 624-6569 Fax

COMMISSION

George "Butch" Joseph, Chairman
Thomas Murphy, Clerk
Michael Worsley
Joseph Sullivan
Steve Johnson
Ronald Ludwig, Director

November 24, 2003

Mr. Daniel O'Neil, Chairman
CIP Committee
One City Hall Plaza
Manchester, NH 03101

Re: Derryfield Country Club
Project Status Update

Dear Alderman O'Neil,

Enclosed as per your request is information relative to the status of the above referenced project. Included is a Chronological Analysis of events leading to up to November 2003. I have also included a portion of the Management Agreement entered into by our Tennant, Mr. Mike Lanoie and the City. The Section I have included (21) indicates how the parties should move forward in the event the project can not be completed within the budget.

Dennis Mires, from Dennis Mires Architect Firm, John Deloya, from Eckman Construction and I will be on hand to further explain the material and answer questions Committee Members may have.

Sincerely,

Ronald E. Ludwig
Director

Cc: Honorable Mayor Baines



CITY OF MANCHESTER
Parks, Recreation & Cemetery Department

625 Mammoth Road
Manchester, NH 03104-5491
(603) 624-6565 Administrative Office
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COMMISSION

George "Butch" Joseph, Chairman
Thomas Murphy, Clerk
Michael Worsley
Joseph Sullivan
Steve Johnson
Ronald Ludwig, Director

Derryfield Country Club
Clubhouse Project 2003

Design Engineering Process/ Chronological Analysis

The following is a chronological delineation of critical events during the conception and design engineering phases of the above referenced project.

- October 16, 1998 – Presentation of existing clubhouse building analysis and solution recommendations by Orcutt Architects as part of the facility's Master Plan.
- October 10, 2001 – Development of conceptual building and site plan with corresponding cost analysis presented by a local Architectural firm to the City on behalf of the Derryfield Country Club Restaurant. Result was a range of high \$2,300,000 and low \$1,900,000 for a 20,000 sf building.
- March 15, 2002 – Updated review and analysis of conceptual construction cost estimate presented by a local Architectural firm to the City on behalf of the Derryfield Country Club Restaurant. Result indicated no change in previous job cost estimate.
- December 13, 2002 – Execution of Management Agreement between the City and BLL Restaurant, Inc. delineating terms of building construction, occupation and payment schedule.
- January 2003 – Selection Committee for selection of a firm to provide Architectural/ Engineering services is formed. Members include Ron Ludwig- P,R&C Dept., Ron Johnson- P,R&C Dept., Tim Clougherty- Highway Dept., Pamela Goucher- Planning Dept., Mike Lanoie- BLL Restaurant, Inc.(Tenant) and Ed Wojnilowicz- P,R&C Dept. Once the Architectural firm is selected, a representative of that firm will become a member of this committee for the selection of a Construction Manager.
- January 14, 2003 – Project assumptions and cost estimates provided to P,R&C Department by the City's Public Building Services Division. Result was a high of \$3,400,000 and a low of \$2,500,000.
- January 22, 2003 – RFQ for Architectural Services and a Construction Manager advertised.
- March 25, 2003 - Architectural Services RFP deadline.
- April 10, 2003 – Architectural firm of Dennis Mires selected to perform design engineering work for clubhouse project.
- April 15, 2003 – Bond Resolution for the amount of \$2,300,000 approved by the BMA.
- May 1, 2003 - Construction Manager RFP deadline.

13

- May 7, 2003 – Eckman Construction Co., Inc. selected to provide construction manager services for clubhouse project.
- May 14, 2003 – DCC membership informational meeting.
- May 15, 2003 – DCC abutter informational meeting.
- June 12, 2003 – First meeting of clubhouse design group meets. It was determined that this group meets every Thursday to disseminate information and maintain the expedited status of the project.
- June 19, 2003 – Contract for construction of new maintenance building is executed with Eckman Construction Co., Inc.
- July 16, 2003 – Design work continues and project cost estimates appear to be escalating beyond budget parameter. Architect and Construction Manager were instructed to prepare a comprehensive cost analysis of the project.
- July 18, 2003 – Construction of new maintenance building begins.
- July 24, 2003 – Construction Manager presented a preliminary project cost analysis. Design work continues and all parties are instructed to review their respective parts of the project and identify cost cutting measures.
- August 14, 2003 – Design work continues. Project cost estimates place the design over budget and significant impact to Tenant program will occur if space reduction is implemented.
- August 21, 2003 – Design work near completion and project cost estimates indicated project over budget. Construction Manager was instructed to bid plans in their current form in order to place an actual dollar value on estimated construction costs. Once actual pricing is obtained Value Engineering exercises can commence.
- September 24, 2003 – Bid results are provided by Construction Manager for analysis. Project cost as bid is identified at \$3,749,480. Value Engineering commences and a list of possible adjustments is provided.
- September 25, 2003 – It is determined that project can not be accomplished in its present form. Construction Manager instructed to provide further break down of costs indicating items to be carried by Owner and by Tenant. Owner and Tenant review project analysis line by line.
- October 2, 2003 – Owner/ Tenant cost breakdown is provided and VE exercises continue.
- October 16, 2003 - It is determined that project in its present form can not continue without additional funding and redesign is identified as a possibility. Architect is instructed to provide alternative design sketches and a fee estimate for additional services.
- November 5, 2003 – Architect and Construction Manager provide a bare bones design that will accommodate Owner and Tenants program requirements. Total project cost estimate is projected at \$3,250,000. As requested by owner, a list of criteria on which the redesign was based has been provided. Currently under review.
- November 6, 2003 – Certificate of Occupancy issued for maintenance building.

become the property of Owner. This includes, but is not limited to, ceilings, flooring, carpeting, shelving (which is affixed to the real estate), partitions, walls, wall coverings, affixed restaurant equipment and the like. At the termination of this Agreement, Manager may remove its own personal property not considered part of the real estate, such as blinds, curtains, portable equipment, business machines, trade fixtures, signs and the like, not affixed to the real estate. Notwithstanding the foregoing, Manager may not remove affixed equipment and the Premises shall remain equipped and furnished such that it can continue to be used as a restaurant and banquet facility.

21. **OWNER'S CONSTRUCTION AND IMPROVEMENTS:** Owner hereby agrees to spend a maximum of Two Million Two Hundred Thousand Dollars (\$2,200,000) (the "Improvement Allowance") on the demolition of the current country club facility and on the construction of and improvements to the Building and the Property. Upon execution of this Agreement, Owner shall, using its normal procurement and contracting procedures, arrange for the design and construction of the Building and improvements therein and thereafter the demolition of the existing building. The Improvement Allowance shall be spent on the following items and in the following priority until it is depleted, after which Owner shall have no further obligation to make any further renovations or improvements.

- a. First, to design the Building;
- b. Second, to construct and frame the exterior of the Building;
- c. Third, to construct the interior of the Building, excluding the Premises;
- d. Fourth, to demolish the existing building and to landscape the demolition site (the date such work commences being the "Demolition Date")
- e. Fifth, to construct to a minimum base level the interior of the Premises for an approximately 10,000 square foot restaurant and function facility, an approximately 3,400 square foot exterior deck and approximately 1,500 square feet of office and storage space located on the lower level (the "Vanilla Box Improvements");
- f. Sixth, the remainder of the Improvement Allowance, if any, shall be provided to Manager as an allowance to install finishes and to fit-up the Premises, including the function room, dining room, kitchen, bathroom and common area.

To the extent the Improvement Allowance has not been depleted, the Vanilla Box Improvements shall include rough electrical, rough plumbing to kitchen, bathrooms and bar, complete HVAC distribution throughout entire Premises, finished fire rated sheetrock ceiling, and a clean smooth surfaced floor ready to accept Manager's finished floor materials.

If at any time prior to the award and entering into of a construction contract to build the Building either Owner or Manager shall reasonably believe that the Improvement Allowance will be depleted prior to the completion of the Vanilla Box Improvements, such party shall notice the other of such belief (the "Depletion Notice"). During the thirty (30) days following the delivery of the Depletion Notice, Manager and Owner shall cooperatively work together to: (a) agree upon a mutually acceptable redesign of the Building or portions thereof so that the cost of the construction is satisfactorily reduced; (b) implement other reasonable and mutually acceptable cost saving measures; (c) seek from the Board of Mayor and Aldermen of the City of Manchester additional financing (the agreement to which shall be in such Board's sole discretion) to augment the Improvement Allowance so that it will not be depleted prior to the completion of the Vanilla Box Improvements and enter into a corresponding amendment of this Agreement to increase the Minimum Share of Revenue to account for any additional debt service requirements; (d) have Manager agree to absorb the shortfall in the funding for the Vanilla Base Improvements; or (e) agree to and implement any combination of matters set forth in the foregoing clauses (a), (b), (c) and (d). If Owner and Manager are unable to reach a mutually acceptable agreement regarding the cost of the design and construction of the Building within such thirty (30) day period, Manager shall have the right by notice to Owner to terminate this Agreement within ten (10) business days after the end of such thirty (30) day period. If Manager does not timely terminate this Agreement pursuant to this Section 21 (which termination must occur, if at all, prior to the construction contract being entered into by Owner for the Building), the Agreement shall remain in full force and effect.

In addition, if, after a construction contract to build the Building has been awarded and entered into, either Owner or Manager becomes aware of a material cost increase due to unforeseen conditions (e.g., the discovery of hazardous waste requiring an expensive clean-up) either party may provide the other with a Depletion Notice and the provisions of the foregoing grammatical paragraph shall apply (except that Manager's right to terminate this Agreement shall be timely if exercised within ten (10) days of the end of the thirty (30) day period following delivery of the Depletion Notice notwithstanding that a construction contract to build the Building has been awarded and entered into).

Once the Improvement Allowance has been depleted, Manager shall be responsible for the cost of any further renovations and improvements to the Premises.

22. **BUILDING DESIGN COLLABORATION**. Owner and Manager hereby agree that the selection of the architect and design of the Building shall be a collaborative process. Although the selection of the designer and contractor for the Building must be undertaken in accordance with the applicable procurement procedures of Owner, Manager shall have the right to participate in the selection process including by being present at any interviews or presentations, being



Robert S. MacKenzie, AICP
Director

CITY OF MANCHESTER

Planning and Community Development

Planning
Community Improvement Program
Growth Management

11/05/03 - 10/01/03 -
Public Works to look at
It's to see if
they could do work in-house
+ report
back
@ next
mtg.
Staff to:
Planning Board
Heritage Commission
Millyard Design Review Committee

Memo to: Committee on CIP
From: Robert S. MacKenzie *RS*
Date: November 5, 2003
Subject: Funding Request Dean Avenue

Elm Street Businessman Paul Mansback has contacted our office with a request that the City considers making various safety and aesthetic improvements along Dean Avenue at a cost of \$9,800. The desired improvements involve the replacement of two existing overhanging streetlights and the replacement of asphalt with brick immediately in front of the entranceways to the businesses along Dean Avenue. Mr. Mansback has offered his services to act as overseer of this project were the City to provide the requested funding

For your consideration Mr. Mansback had previously received funding through the Building Façade Program during the renovation of his property on Elm/Dean Avenue.

Attachments:

One City Hall Plaza, Manchester, New Hampshire 03101
Phone: (603) 624-6450 FAX: (603) 624-6529
E-mail: planning@ci.manchester.nh.us
www.ci.manchester.nh.us

14

■ ■ L. Newman Associates/
■ ■ Paul Mansback, Inc.

■ ■
■ ■

Commercial and residential
Interior design, space planning and landscape architecture

October 20, 2003

Sam Maranto
CITY OF MANCHESTER: CIP
One City Hall Annex
City Hall Plaza
Manchester, New Hampshire 03101

Subject: Application for funding of Dean Avenue Improvements, Manchester, New Hampshire.

Dear Sam,

As per our conversation last week, the following is a breakdown of the request for funds that I am proposing for the improvements to Dean Avenue that focuses on security and upgrading the existing asphalt paving.

■ Furnish and install 6 new 24" diameter black industrial shade fixtures with A19 130 volt lamps, held on E13 brackets and metal cages with prismatic globes for protection from vandalism and to provide weather tightness. Price from electrician includes permit, wiring in conduit, installation. Power is to be provided by the existing PSNH light fixture connection in the alley. This light fixture will be removed and disposed of. It is our intent to maintain the lamps and the fixtures with the city paying for the power (as currently done). The new fixtures will increase the pedestrian safety on Dean Avenue and help reduce the incidence of public urination that is continually occurring in the area.

■ Additionally, it is our intention to saw cut areas of the existing asphalt pavement out of the alley and replace it with new Stiles and Hart: Boston City Hall Pavers. Specifically, this replacement would occur at the side entrance to Lala's Hungarian Pastry's, at the elevator entrance to 834 and 846 Elm Street (located at the center of Dean Avenue) and at the next 3 entrances to the buildings at the intersection of Dean Avenue and Hampshire Lane.

The costs for the above proposed improvements is:

- Light: \$5600.00
- Brick work: \$4200.00

Of course, this is a lot of information to provide in a paragraph and if you need amplification about any of the proposal, I can be reach at anytime at my office: 622-7722.

Thank you for your time and consideration of this request.

Sincerely,
Paul Mansback

■ ■ 834 Elm Street
■ ■ Manchester, New Hampshire 03101-2107 USA (603) 622-7722 fax: 625-1450

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14