

COMMITTEE ON COMMUNITY IMPROVEMENT

September 13, 2005

Chairman O'Neil called the meeting to order.

The Clerk called the roll.

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

Messrs.: Captain Tracy, F. Rusczek, J. Raycraft, R. Ludwig, K. Sheppard,
R. MacKenzie

Chairman O'Neil stated we are going to take things out of order because we have some people who have been waiting here a long time.

Chairman O'Neil addressed Item 12 of the agenda:

Communication from Robert MacKenzie, Director of Planning, on behalf of the Police Department, seeking approval to submit a letter of intent to obtain a \$137,378 grant to participate in the NH Department of Safety Division of Fire Safety and Emergency Management FY2003 State Homeland Security Exercise and Evaluation Program.

Captain Richard Tracy, Police Department, stated approximately three years ago administration from State Police, Rockingham Sheriffs, Londonderry and Manchester Police Departments met at the Airport. At that time, it was determined that the Manchester Police Department's tactical team would be the first responding team in the event of a critical incident at the Airport. They would be complemented by NH State Police tactical unit and the Southern NH Special Operations unit, which covers Londonderry. It was our hope after that decision was made that we could set-up a special training day involving all of those agencies plus other federal, state and county law enforcement agencies and emergency services to include the Airport. Back in October 2004 we met with Lee Cheney from the Office of Emergency Management at the State level and she advised us of some funds that were available to us to accomplish our goals and this is the application that we have put forward. They have granted us \$132,000 to accomplish this task with the one condition that the City has to front the money first and then the City will be reimbursed.

Alderman Shea asked are all of the funds going to be expended on that one training exercise or is this going to be using most of it but leaving some for other purposes. In other words, is the sole grant predicated upon that training?

Captain Tracy answered no. The largest amount of the funds is going to cover the expenses of a consultant from Precision Planning I believe. The City has worked with them before in other similar incidents but their expense is upwards of about \$80,000. The rest of the funds will cover...the primary coverage will be for that one particular day but there will be tabletop exercises and pre-planning that will require some funds prior to the actual day that we hope to have this training day.

Alderman Shea asked and what ultimately will happen to the consultant study and the actual exercise itself in terms of... how does the Airport, the general public and the Police Department benefit from this in your opinion.

Captain Tracy replied the largest benefit will be the fact that it will afford the three primary law enforcement agencies as well as emergency response from Fire and EMS and probably most importantly what can we expect from the Airport itself in the event that we did have some type of critical incident at the Airport. TSA is going to be involved as well as other federal agencies. The fact that you are putting that many agencies in one particular situation our ultimate goal is to see how well we work together.

Alderman Shea asked is the purpose of this like a simulated air crash or hijack or is it a combination of things.

Captain Tracy responded it could be a particular critical incident or it could be a combination of incidents.

Alderman Garrity stated I assume that the reimbursement has been funded in the Federal budget already. I am just curious as to when that reimbursement is going to take place.

Captain Tracy replied the state has the funds and they have assured us that it would be reimbursed upon the completion of the final report, which would be submitted by Precision Planning and Simulations, Inc. This is what they do. They would compile one report after all evaluations were done and completed.

Alderman Garrity asked do we have a funding source to front the money. Where is the funding coming from?

Robert MacKenzie, Planning Director, stated what the Finance Department normally does is to basically float funds so if they are guaranteed the grant will be

coming in they will pay the requested invoices and then reimburse that fund when it happens.

Alderman Garrity asked so will it be coming out of the Police Department's budget until reimbursement takes place. I don't know how that works.

Mr. MacKenzie answered they would normally do it just out of a fund balance. There is normally an undesignated fund balance that the City carries. We do that with HUD projects now. HUD requires us to do it on a reimbursable basis so we actually pay bills through the undesignated fund balance and then HUD reimburses us and then that money goes directly back to the fund balance.

Alderman Garrity asked is the Town of Londonderry getting any grants for the exercise. Are they seeking any grants at all?

Captain Tracy answered no. They needed one agency to be the primary source, which is us.

Alderman Lopez asked has this been approved by Governor & Council because I know there is some debate up there about releasing money to communities. I am curious because if it has not been sanctioned by the Executive Council and we put \$137,000 in and then they don't reimburse us where do we stand?

Chairman O'Neil asked, Bob, can you answer that.

Mr. MacKenzie answered we are getting to the point where we did want to have the money available quickly. I think that we would probably check with the Police before it goes to the full Board. The Finance Committee actually approves the budget authorization. So we would like to know that it is pretty well a done deal with Governor & Council so we would probably like to pass it through CIP and keep an eye on it for when the next full Board meets.

Chairman O'Neil asked do you know if it has been through Governor & Council at all or if it needs to.

Captain Tracy stated I don't know if it has to go through them or not. I can certainly ask that question and I don't mind doing that. We filled out an application and it required the signature of the Mayor's Office. The Mayor's Office asked that I speak with the Solicitor's Office, which I did and then was referred to CIP as our best option. That is why I am here today. Once the Mayor is satisfied that we have taken all of the steps and met his requirements then hopefully he would sign off on it and then it would go to the Office of Emergency Management at which time they would make a decision on whether or not they are

going to fund this project. They have given us a verbal agreement that they will and it should be all set. All conversations we have had with them have been positive and they assure us that the money is available to us.

Alderman Lopez moved to recommend that the Police Department be granted approval to submit a letter of intent to obtain a \$137,378 grant to participate in the NH Department of Safety Division of Fire Safety and Emergency Management FY2003 State Homeland Security Exercise and Evaluation Program. Alderman Shea duly seconded the motion. Chairman O'Neil called for a vote. There being none opposed, the motion carried.

Chairman O'Neil asked, Bob, do you want to find out about the state approval or do you want the Police Department to do it.

Mr. MacKenzie answered it would be good if they can determine whether or not Governor & Council needs to approve it.

Chairman O'Neil addressed Item 5 of the agenda:

Amending resolution and budget authorization authorizing and appropriating funds in the amount of Two Hundred Fifty Eight Thousand Five Hundred Eighty Seven Dollars (\$258,587) for the 2004 CIP 210704 Public Health Preparedness Program.

Alderman Garrity moved that the resolution and budget authorization be approved. Alderman Shea duly seconded the motion.

Alderman Shea stated it says 2004 CIP. Is this an ongoing situation?

Fred Rusczek, Health Director, stated that is a great observation. Yes this was our first initial grant for public health preparedness and when the second year's money came it was amended on to the first year. The money has already been authorized and received by the state. This is just bringing our bookkeeping up with the money that has gone through the CIP approval process elsewhere but not authorized for expenditure.

Chairman O'Neil called for a vote. There being none opposed, the motion carried.

Chairman O'Neil addressed Item 8 of the agenda:

CIP Budget Authorizations:
210105 Homeless Health Care
411106 Weed 'N' Seed

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

Chairman O'Neil addressed Item 4 of the agenda:

Update on the usage of West and West Memorial Fields and Gill Stadium.

Chairman O'Neil stated on behalf of the Board of Mayor and Aldermen we want to thank Joe Raycraft for his many years of great service to the citizens of Manchester and wish him the best of luck in his new endeavors. He is going to be missed. He has done a great job here and we wish him well.

Joseph Raycraft responded thank you very much. It has been an enjoyable five years.

Chairman O'Neil stated this is just an update. In the last few years we have done some major renovations to two of our facilities and if we think back a few years prior to that, West High School and this was just put on to get an update of where we stand. Things seem to be working from the School District standpoint. How are we doing with youth sports using School District controls at West and Memorial? Parks & Recreation controls Gill Stadium. Just how that is going. Are we having any conflicts scheduling wise? I will note that I think we have seen some of the articles in the paper regarding the School District staffing both West and Memorial. I don't know who wants to go first but we would just like an update on where we stand.

Mr. Raycraft stated in my opinion this is a heck of a lot easier than trying to get three teams on to one location. This has definitely been a plus and we accomplished that through a lot of cooperation with City officials and Ron Ludwig and the coordinators at the schools that allow us to do that. Right now the Chabot-McDonough field is being used the same way as the West complex. For football it is a practice facility until 5:30 or 6 PM. On Mondays and Thursdays soccer plays at night. Wednesday is field hockey. Because of the change in the scheduling of soccer games, most teams now are practicing Sunday afternoons because of the games on Monday. Right now we have not had any outside request for the use of the facilities but it is still early. They generally don't come until the end of September or beginning of October and the same thing with the West facility. It is used continually from 3 PM, including the band that has the field on Wednesday nights, until 8:00 PM or 8:30 PM. So the use of the facility is well worth the investment that the City and the School Department made.

Chairman O'Neil asked have there been any requests at either facility for use by the youth group and I think specifically in the fall of Pop Warner Football.

Mr. Raycraft answered no I have not had a request from either...we generally have a request from the South Sabres but I have not heard from them and the West High Raiders, since they have been relocated out to Piscataquog we haven't had a request from them.

Chairman O'Neil asked is West playing all of their games and practicing at Piscataquog.

Ronald Ludwig, Parks, Recreation and Cemetery Director, stated yes.

Chairman O'Neil asked what about South Sabres. Where are they?

Mr. Ludwig answered Highland Goffe's Falls.

Chairman O'Neil asked they are playing games there as well.

Mr. Ludwig answered yes.

Alderman Garrity asked are there times available for South and West to use those fields.

Mr. Raycraft answered the only times available would be for games and we would have to have the schedule to make sure that they don't conflict with something that we have. In other words, if the soccer and field hockey teams from Memorial, for example, are practicing on Sundays we need to know that in advance so that if we are going to put in the South Sabres if they requested to use the facility then we would move their practice time to a different time to try to accommodate them. As far as practices go, it is very limited. There is not a lot we can do for practices at those facilities.

Alderman Garrity asked how does the School Board feel about it. Are they open to the idea of letting South Sabres and the West Raiders use those facilities?

Mr. Raycraft answered that is generally my decision and what happens is if they are requesting use of the facility they send a letter to us requesting those dates and I generally run it by the coordinators at each of the high schools to make sure they don't have something that I don't have on my schedule and if all meets approval we have a contract where we charge them to use the facility. There are certain limitations as to what they can use. For example, at West High School the Health Department has said that only certain people are allowed to use the concession

stand. That is on the permit and the same thing at Memorial and then we need to have somebody there to be in charge of the facility and if they are going to use any of the equipment there, for example the clock, the School Board has a rule that they need to have an operator that has run that particular clock before. In the past School District I worked at and the one I am going back to, the Pop Warner organization bought a control box similar to the one that the high school so they had their own clock.

Alderman Garrity asked and those requests from the youth groups usually come in in September you said or at the end of September.

Mr. Raycraft answered generally they come in before this. Last year I was in constant contact with South Sabres because it was a transition period for them not being able to use Memorial at all and then using Highland Goffe's Falls. They just became very content at Highland Goffe's Falls.

Alderman Lopez asked has the School Department made a policy yet regarding a citizen going in and walking around the track.

Mr. Raycraft answered the gates are open until 9 PM and then we close them. We are in the process of getting signs that we would like the general public, if they are walking, to stay out of lanes 1 and 2 basically because those are the lanes that get worn down the fastest and they come down now since the school is open, they come in to that facility and use it. With the addition of the two grounds people now we have somebody who can be there and kind of control things a little bit better.

Alderman Smith stated Joe you are leaving so I am not putting you on the spot but can you tell me if lacrosse is instituted by the School Board are the fields available in the spring for them to use.

Mr. Raycraft responded they used them last year. As of right now, that money was not in the budget. The thing that would have to occur is that again it would be a scheduling...we would have to make sure there is not a track meet going on, whether it is a high school track meet or a middle school track meet. The games would probably have to be sometime around 4:30 PM or 5 PM so that track could practice and then lacrosse could come on. That is what we did last year with some of the games at Memorial and at West and also at Livingston.

Alderman Shea stated maybe Ron can answer this better than Joe. I noticed that the School District is going to allocate money for the maintenance of both the Memorial field and West field. Who maintains Gill Stadium? Does your department?

Mr. Ludwig answered yes we do. I think what we will be doing and again this is something that I just read and followed along in the paper as everyone had recently, the appointment of these two people. I think we will be sitting down with someone from the School District and defining what the scope of the responsibilities will be between the School District person at each facility and how Parks will be assisting them because we will still need to assist them in certain areas around the perimeter of the field. We still have the equipment to brush the field. We found that a couple of pieces that we were allowed to purchase last year for brushing the crumb rubber into the field at Memorial really works far better than the piece of equipment that actually came with the field, although that was good for picking up litter in certain places. We had this brush that we were so graciously allowed to purchase by this Committee last year that does a fantastic job and I think you will see an improvement in the field this year at Gill over last year. Additionally, we will be out just doing some minimal brushing at West and Memorial to try and fluff those up and make them a little nicer as well. So the equipment that you got for us last year was really appreciated. It is working very well and I just want to thank you for that.

Alderman Shea stated I wasn't exactly sure what the School District has in mind because I was watching some of the programs and they had differing opinions on who should do what in terms of maintenance of the field. Am I correct in assuming that the people they are hiring are going to be school employees and not working for the people that clean the schools? Is that correct.

Mr. Ludwig responded that is my understanding at this time.

Alderman Shea asked so in other words it would be similar to Doug Glance who works up at...he is under your employment but it would be similar. These people would be school employees who would work for the School Department but they wouldn't just pick up after a game or something like that but would actually physically maintain the fields or the property and so forth correct?

Mr. Ludwig answered that is my understanding.

Chairman O'Neil stated by hiring those two people, one at West and Memorial, that would help address the issue of accessibility, which has been brought up in the past. The fields were available but there was nobody to open up the facility and the restrooms, etc. and this will help address that issue correct?

Mr. Raycraft responded correct. With the people that we are currently trying to hire, we had stated in our job description that they would have flex hours. So as an example they may have to work on the weekend because we have games or we

have somebody coming in. Just briefly looking at the schedule maybe Wednesday there is nothing going on so that person would have that day off. We are going to get those hours out of that person but eliminate some of the problems of opening the bathrooms and having somebody there to watch and lock up when people come in and leave.

Chairman O'Neil asked regarding West and Memorial and I don't know if Ron has something similar at Gill but has the School Board adopted something that says athletics from within the School District have first priority, youth sports in the City are second and adult sports are third. Is there any policy regarding the use of the fields?

Mr. Raycraft answered not to my knowledge. I mean the high school is first and then it is really...if we have past references on some people that are using it that didn't maintain it the way we expected them to then they drop in the order of priority and we just basically go in the order in which the requests come in.

Chairman O'Neil asked have there been any conflicts where youth sports has been bumped out by an adult sport using the field that you are aware of.

Mr. Raycraft answered there may have been one or two. It is more with high school sports or high school activities rather than some outside organization.

Chairman O'Neil asked Ron do you have a policy like that at Gill. I guess the School District is kind of a client of yours so they would have first priority but then regarding the Bears football in the fall or American Legion or Babe Ruth in the springtime or summer.

Mr. Raycraft answered I can't take that policy out for you but it has been an unwritten rule for as many years as I have been around - 30+. We always lend to the School District first and in the old days when Babe Ruth might have been using the field and the School District needed to reschedule a baseball game, we would bump Babe Ruth. So the School District is always first and then youth organizations and then whomever else we can help down the road.

Alderman Lopez stated I have had a great relationship with Mr. Raycraft over the years. Is there any recommendation that you can think of, Joe, to improve our working relationship with the School District regarding athletics in the City?

Mr. Raycraft replied again I think as an example when the woman's football league came in I was opposed to that as I stated in the past primarily because I just felt that once you opened the door you were going to get everybody else coming in and it was going to be hard to say yes to one and no to the other. As I also stated

at an Athletic Committee meeting, I was totally wrong in that because it serves two purposes. One, they did an outstanding job and they also policed the area while they were there. Any of the people that came down to use that area who weren't using it for the intent they took care of and got rid of so that helped us. I think the communication part is very important. That is one of the things that enhances the use of the fields. We have had pretty good communication with the Aldermen and with Parks & Recreation. That is one of the things I am going to reiterate in my departing presentation to the schools and the School Board and the administration. That has to continue.

Chairman O'Neil stated thank you both for being here and again Joe I want to thank you for five great years. You have been a great Athletic Director in the City and we wish you the best of luck.

Chairman O'Neil addressed Item 3 of the agenda:

Ratify and confirm poll conducted August 10, 2005 approving two projects as part of the City's Chronic Drain program: Greek Church Driveway (\$1,800) and President Road #185 (\$1,700).

Alderman Garrity moved to ratify and confirm the poll. Alderman Smith duly seconded the motion.

Alderman Garrity asked, Kevin, do you have a completion date for President Road.

Kevin Sheppard, Deputy Public Works Director, answered right now we have a list of approximately 10 or 12 projects for chronic drain approved so I can't give you a completion date on that. These are projects that are typically fill in work in between our street reconstruction work.

Alderman Garrity asked I guess my question is will it be done before winter.

Mr. Sheppard answered potentially. I would have to take a look at the schedule.

Alderman Shea stated I think I have a couple in my ward. I know the money has been budgeted so that isn't the concern. It is getting the manpower to do the work is that correct?

Mr. Sheppard responded yes. Right now our concentration is on our street reconstruction work. Ohio Avenue and we just completed Lowell Street. Once Ohio Avenue is done I believe we will start on the chronic drain projects.

Alderman Shea asked can you do this in the months of say October and November.

Mr. Sheppard answered there are some projects that we actually prefer...well we defer until the winter months because it is not a main street and we can dig.

Alderman Shea responded I didn't quite catch that.

Mr. Sheppard stated there are some projects that we can do later in the year.

Chairman O'Neil stated I am aware on one of these here tonight that there could have been a pending claim against the City and that is what it is doing is correcting an issue. Do you put that as a priority?

Mr. Sheppard answered yes. If there is an issue such as that, that would get done sooner. We had an issue recently where we were looking to, I believe, resurface a street or something like that and we needed to get the chronic drain done before we resurfaced the street so we got that done.

Chairman O'Neil called for a vote on the motion to ratify and confirm the poll. There being none opposed, the motion carried.

Chairman O'Neil addressed Item 6 of the agenda:

Amending resolution and budget authorization transferring, authorizing and appropriating funds in the amount of Five Hundred Thousand Dollars (\$500,000) for FY2004 CIP 612504 Old Wellington Road Apartments Projects.

On motion of Alderman Garrity, duly seconded by Alderman Shea it was voted to approve the resolution and budget authorization.

Chairman O'Neil addressed Item 7 of the agenda:

Amending resolution and budget authorization authorizing and appropriating funds in the amount of Twenty Seven Thousand Two Hundred Seven Dollars Sixty Seven Cents (\$27,207.67) for FY2006 CIP 411606 2005 Homeland Security Grant Program.

On motion of Alderman Lopez, duly seconded by Alderman Smith it was voted to approve the resolution and budget authorization.

Chairman O'Neil addressed Item 9 of the agenda:

Communication from Kevin Sheppard, Deputy Public Works Director, seeking the Committee's review and assistance in finalization of a policy on graffiti removal on private property.

Chairman O'Neil asked is there a recommendation on what that fee may be.

Mr. Sheppard stated as part of the graffiti removal program I believe it was originally the Aldermen's intent to expand that program once we got up and going to private property. We developed a policy that we asked the City Solicitor's Office to review. We actually have started to remove graffiti from private property. It is their recommendation that not only do we work with this entry permit but also charge a fee for the graffiti removal on private property. We wanted to bring that, along with our policy, to this Committee to get their opinion and make sure we were on the right track.

Alderman Lopez asked what kind of fee are we talking about and how is that going to work.

Mr. Sheppard answered I am not too sure to tell you the truth. The Solicitor's Office had recommended that we or stated that we should be charging a fee for that. We thought about that and whether it should be per square footage or an hourly fee. We are not too sure what the will of the Board is as far as charging for the removal from private property. It is similar I believe to the 50/50 sidewalk program where we provide a service to the homeowner but share in the cost.

Alderman Lopez asked this would be secondary to our City buildings.

Mr. Sheppard answered right.

Alderman Lopez asked and the recommendation is from the City Solicitor's Office but the recommendation I am reading here says, "shall not be charged." Whose recommendation was that? The document in the agenda here.

Mr. Sheppard answered that is what we are currently using because we are removing graffiti from private property. We wanted to get the program off the ground until it came before this Committee. If it is decided that we do start charging a fee, this form would have to be modified.

Alderman Lopez stated you mentioned 50/50. Is it going to be a 50/50 or do we know?

Mr. Sheppard responded it could be whatever this Board...

Chairman O'Neil interjected he is looking for some direction from the Committee.

Alderman Shea stated in the curb situation, the 50/50 is predicated upon the number of curb lineage that you have right. Would this be a sliding scale? In other words not all graffiti removal will cost the same. You might go to one private place...will they get an estimate beforehand so if the guy working for the City removes it and he comes and says well it cost me a little bit more because of whatever and the people say gee I didn't realize that...is there going to be some sort of a way or a process to make sure that the people who have private property know what they are going to pay before the graffiti is removed?

Mr. Sheppard responded we would have to do that. We would have to review the location. Like I said it depends on the media – whether it is on brick or concrete or whatever it is on and the type of removal that we would have to make. We would have to give the property owner probably a rough estimate of the cost and then we would have to bill the homeowner once the project is completed and then there is collections and accounts receivable.

Chairman O'Neil stated the success of the 50/50 Kevin is that we get the money up front so we are not billing people. I just have a concern that we are going to be chasing money and incurring costs with that.

Alderman Shea stated Alderman Smith can tell you that in the Accounts Committee we are always owed money. If we got all of the money we were owed we probably wouldn't have a cap but anyway getting back to what you are stating the people that are going to do the removal are going to be the agent or the person that is going to contact the people is that it rather than somebody from our office or is he going to handle the financial aspect of this.

Mr. Sheppard answered right now there is no financial so we are getting these forms back from the property owner and we are contacting the property owner and making sure that it is the right person. That is how it would work and we would probably provide that person with an estimate and as Alderman O'Neil stated we are looking for direction as to whether we do want to start charging a fee and maybe develop a process for that.

Alderman Shea stated I don't know if we need a motion but I am throwing out that we should have the money in hand if it is 50/50 from the people who are going to benefit from it. If that is a motion, that is fine. If not then I will make it a motion later after discussion.

Chairman O'Neil asked how about if we continue discussion before I accept that motion.

Alderman Shea answered that is fine.

Alderman Smith stated I am opposed to this and I will give you several reasons why. Say we have a building down on Central Street and the fellow who owns it lives in Oklahoma. You have graffiti say right across from the Fire Station now you are going to do several and there will be graffiti there for two or three years while a couple are done? My concern is when I first voted for the graffiti and for the vehicle and so forth I thought it was a necessity and it was something we could absorb within the department. I can't see charging because I can see the problem that is going to happen because it happens in the Accounts Committee. You go after these accounts...well I will give you an example in Water Works. They go after someone who hasn't paid, they can shut off the water. All of the residents complain and they find out the service manager hasn't been around or the guy lives in New York City and I think you are going to have big problems. I think if you have direct control it is much better and those are my thoughts on this.

Mr. Sheppard responded we are not looking necessarily to charge. We are looking for direction on that. We don't need this money to operate. We are fully funded for this position and the equipment so any money that came in as part of this would just be a new revenue.

Alderman Lopez stated I go back to the 50/50 program. My only concern is it is not the same as the 50/50 program. People who have these business buildings...let me ask the City Solicitor. I think that most of these buildings probably have an insurance claim for their building and get reimbursed probably 100% to clean their building or fix their building just like a home. Would you agree to that or not?

Deputy Solicitor Arnold replied I couldn't say one way or the other. That is certainly probably what happened I would imagine. If you own a commercial building you have insurance on it that may cover this type of clean up.

Alderman Lopez stated secondly when we started the graffiti aspect of it, it was for the City. That is the top priority. I believe that if we are going to expand the people that are insured are going to get reimbursed and then we are going to give them 50% more to go over there and we are going to absorb 50% of the cost to go and take the graffiti off. I am not opposed to moving forward as long as we put it in perspective with the guidelines stated here and they pay to remove the graffiti. It is not the same thing as a sidewalk. It is not the same thing as the 50/50

program. I think we should charge a fee and come up with a fee that you want to charge.

Alderman Roy stated a couple of discussions – our insurance deductibles that have not been taken into consideration but there are also private companies out there that do this work. What I would rather see is someone at the Highway Department, whether it is the person doing the graffiti removal, notifying the owner that it has to be removed. I don't know if we have that process now that owners are notified and we ask them to clean up their property before we go ahead and offer reduced services that are available in the private sector.

Mr. Sheppard replied we have talked to the City Solicitor's Office in the past and I am not too sure that we can be requiring private property owners to maintain their property free of graffiti.

Chairman O'Neil asked Mr. Arnold do you agree with what Kevin just said.

Deputy Solicitor Arnold answered I would agree that right now there is no requirement that they keep their buildings graffiti free.

Mr. Sheppard stated some people may consider that art. How do you define graffiti? I mean are we going to start...

Alderman Lopez interjected I have one other question for the Solicitor. Anything is possible and I probably know the answer but what if our vehicle goes out there and does more damage by taking the graffiti off? It is like a pressure hose and if you do that to vinyl siding you can damage the vinyl siding. Would we be responsible? I know in here it is saying no but would they have recourse?

Deputy Solicitor Arnold responded yes I think that is a possibility. If a service was performed that damaged their building, yes.

Alderman Garrity asked Kevin are you getting requests from private homeowners already.

Mr. Sheppard answered every week.

Alderman Garrity asked about how many.

Mr. Sheppard answered about three a week. Like I said we have already started.

Alderman Garrity asked are you removing it from private property already.

Mr. Sheppard answered yes.

Chairman O'Neil stated I will be honest. My position is I would have liked them to have a little more time doing the public buildings. I don't know...they haven't really had a chance to give us a report on how many pieces of public property...I don't believe in defending the department that they were looking to get into this. It was kind of a more community thing that led them in this direction.

Alderman Lopez stated I will give you an example, Mr. Chairman, where I am concerned that the priority is being shifted and maybe Ron Ludwig can answer this question. I was over at Livingston Park and there is all kinds of graffiti over there and it hasn't been taken care of yet.

Mr. Sheppard replied I am surprised to hear that because I believe we work very closely with...

Alderman Lopez interjected I was there on Sunday. They had a school soccer tournament and the whole wall had graffiti on it.

Chairman O'Neil stated these are the issues that we need the departments...we need to make sure the communication works out and I don't think that was given enough time with the City property.

Mr. Sheppard responded we work closely with the Parks Department. If they see graffiti they report it over to us. To tell you the truth one of the issues is we will remove graffiti one day and within two days graffiti is back on that wall. So you may see graffiti on a wall and come back a week later and see graffiti on that wall but guess what? In between that wall has been cleaned

Alderman Lopez stated also when we started the program we said the most important thing is to remove the graffiti. So if you have to do it every day, that is what we do. That is our top priority as far as City buildings are concerned.

Chairman O'Neil stated that is what the Police Department's opinion is based on history and research that the only way you get after them is you have to remove it and keep removing it and eventually they are going to go away.

Mr. Ludwig stated I just want to add that we have a pretty good system set up with Highway. We fax over the requests and try to tell them a little bit about what it is on. Certainly we have been at this game in terms of whether it is on vinyl or on block or on split based block and there are a lot of different methods and terms. We have a building, and I will use Alderman Shea's for example, a little white storage building at Prout Park. It is vinyl. Before their program was up and

running we actually tried to take it off with a pressure washer that the mechanics use yet we melted the siding. Aside from that we tried to paint it and you can actually buy vinyl paint. We were somewhat successful at that. We have probably painted that building 10 times and I was over there today looking at the baseball field for a couple of issues for the Alderman of the ward and some balls went flying into yards over there still and noticed that the building has a lot of graffiti on it. Highway has been over there and worked on it and what Kevin said is absolutely true. It is an ongoing problem and I know the desire of this Board and the entire City is to get to the private sector but they really have a lot of work to do in the public sector and I think they are trying to do it. We in turn have tried to...we are not out of the business of graffiti removal because there are some cases where it is on playground equipment and things like that where it takes a special thing or it may come from the supplier as a better product to take the graffiti off and we still do that. In terms of the Prout Park building we are actually looking to changing the siding out to something else that would be easier to cover and just paint over in the future because we thought we were matching the look of the neighborhood with the vinyl over there, which I think we did, but it is very difficult to work with. I am not defending them but they have a bigger job on their hands I think than they realized.

Alderman Lopez stated I completely understand that. I am just concerned that we start removing...which is okay too if we want to charge people money but I am concerned that the first priority is all City buildings and playgrounds and everything that is in the City first. That is why we created the position. Then if we have the time and we can help the private sector, that is a different story. We should have a policy in place and charge them a fee, whatever that fee might be.

Alderman Shea stated I know that years back Intown used to when Mr. Davis came I walked the back streets between Chestnut and Elm. Kevin, do they still remove the graffiti in that section?

Mr. Sheppard responded yes. Intown Manchester has a power washer and they remove graffiti. We have worked with them in the past but they do graffiti removal also.

Alderman Shea stated so the owners of the buildings there contribute money as part of their...I guess they are taxed a little bit more and so forth. Now, Alderman Roy made a very interesting observation in terms of private property and I think we could probably examine that that people that do have private property can request removal but maybe these issues...the more we discuss the more the thought process works in our minds and maybe someone could put them in touch with someone who does that removal, whether it be the people who work for Intown or something like that in order for them to get the graffiti removed. Unless

we are careful here we could be subject to certain liability problems even though people sign a statement and say if you damage my property I am not going to sue but then they find out that it is going to be quite expensive to repair it as we are finding out at Prout's Park when we try to clean vinyl over there. I think we have to move very cautiously on this.

Chairman O'Neil asked, Kevin, do you know off the top of your head how many commitments you have moving forward on private property.

Mr. Sheppard answered we probably have about five out there right now.

Chairman O'Neil stated maybe one of the things is after those commitments...the Committee can vote and obviously we have to take it to the full Board because I don't think we have the power, Tom, to direct them do we.

Deputy Solicitor Arnold responded no that would be a recommendation of the Board.

Chairman O'Neil stated maybe we can make a recommendation to the full Board that maybe the department...we need to get a handle on the municipal buildings first and I am not sure we are there yet. I think the system is working and I think the departments are working with one another on this but I think it needed a little more time before we get into the private sector. I think if they have obligations they need to meet those. Is there a motion?

Alderman Garrity asked the employee that currently does the graffiti removal, if we were to do private property would there be enough man-hours for that person to get it done.

Mr. Sheppard answered we believe right now there is but obviously the public property would take priority and private property there would probably be a lag time in getting that done and I am sure once property owners find out that we are removing it from private property and they have found out I mean there has been a public service announcement but I am sure there will be a backlog on private property.

Alderman Smith stated I just want to go back. A couple of statements were made and am I reading this correctly. It says the City is not liable at all for private property if the person signs this on Page 9. It says "the undersigned acknowledges that the City of Manchester does not guarantee either the workmanship or the success of the work of removal of said graffiti or the results obtained and that the City of Manchester, its agents and contractors are released by the undersigned from all claims, damages and suits" and so forth.

Alderman Garrity stated that is not what Mr. Arnold told us. He told us differently.

Chairman O'Neil stated Alderman Smith just read a section of the agreement...George what was it.

Alderman Smith answered it was the Manchester Graffiti Removal Program Entry Permit to Remove Graffiti, section 4.

Deputy Solicitor Arnold stated that is certainly a disclaimer that we could use to absolve the City of liability should there be damage to a building because they agreed that the City won't be liable. Sometimes it can be problematic if people change their mind but certainly that is an argument or evidence in the City's favor.

Alderman Smith stated well if they sign the agreement that is a contract.

Deputy Solicitor Arnold responded I would agree.

Alderman Garrity asked well if you agree why did you state earlier that the City would be held liable. Did you read the document?

Deputy Solicitor Arnold answered at that time I had not.

Alderman Garrity asked so you gave us an opinion without reading the document.

Deputy Solicitor Arnold answered I gave you an opinion of the general law in the State of NH, which is that there could be liability. I would add that under present Supreme Court interpretation that releases of covenant not to sue are not viewed with favor and they are not always upheld.

Alderman Garrity asked so after you read this document do you believe that the City is not liable for damages if there is damage to a piece of property.

Deputy Solicitor Arnold responded what I am saying is the City could use this document to argue that. As I have also just said, given the present Supreme Court law these agreements are not viewed in favor and they are not always upheld. Yes, it is an argument that the City could use to say that we do not have liability for damaging a building.

Chairman O'Neil stated I don't know what the appropriate motion is. It is clear that this thing needs some work from our side anyway. We should maybe table it

and include in there that after they get through the list that they have maybe they should hold off on any more private work until we resolve things on our end.

Alderman Lopez asked would they be coming back with a recommendation for a price whether or not it is my foot or by job.

Alderman Shea moved to table this item and have the Highway Department come back with a recommendation on a policy and fee for removal of graffiti on private property. Alderman Garrity duly seconded the motion. Chairman O'Neil called for a vote. There being none opposed, the motion carried.

Alderman Garrity stated I would like to ask Kevin for some information. I don't know if you keep a log of all of the jobs that you do but if you could have that sent to me via courier so I could review it I would appreciate it. I am just curious as to how much graffiti there is on City buildings. I am not trying to look at it to say you can do this one and that one. I am just curious.

Chairman O'Neil addressed Item 10 of the agenda:

Communication from Kevin Sheppard, Deputy Public Works Director, requesting approval to replace a 1990 S10 Blazer with a surplus U. S. government vehicle for a price of between \$5,000 to \$8,000 with funds coming from the FY06 MER account.

On motion of Alderman Shea, duly seconded by Alderman Smith it was voted to approve the request.

Chairman O'Neil addressed Item 11 of the agenda:

Communication from Chuck DePrima, Deputy Director of Parks, Recreation & Cemetery, requesting that funds be transferred from the Public Works Infrastructure Account (CIP 710205) into the Park Facilities Improvement Program (CIP 510005) to allow installation of vertical granite curbing along the west edge of Circular Drive at Derryfield Park.

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

Chairman O'Neil addressed Item 13 of the agenda:

Communication from Robert MacKenzie, Director of Planning, providing an update of the Lead Hazard Control Program and the reinstatement of a Housing Rehabilitation Program.

Alderman Lopez moved to approve these two programs. Alderman Shea duly seconded the motion. Chairman O'Neil called for a vote. There being none opposed, the motion carried.

Chairman O'Neil addressed Item 14 of the agenda:

Communication from Alderman Garrity requesting the Committee's consideration of the installation of a flashing signal at the intersection of South Beech and Gold Streets due to recent numerous accidents.

Alderman Garrity stated as noted in my letter there have been 23 accidents there in the past three years. A couple of weeks ago there was a near fatal where they actually had to us the jaws of life to take the people out of the vehicles. I spoke to Tom Lolicata and this has been approved by the Traffic Committee. The cost is \$3,000 and I spoke to Mr. MacKenzie today to ask if there was a possible funding source and I think he could probably speak to that.

Robert MacKenzie, Planning Director stated we are aware of this. We haven't identified anything as of tonight but I think we are hopeful that we can find either a bond balance or a cash balance that we could use for this project. I know the Alderman would like to expedite it. I am not sure if you would like to wait for the next CIP Committee meeting or perhaps we could poll the Committee if we do find the funds for that.

Chairman O'Neil responded I think that would be appropriate.

Alderman Lopez asked how much money did we allocate...I can't remember because I didn't bring my CIP book with me for the flashing lights and what is the status of those for snow emergencies.

Mr. MacKenzie stated I think originally it was \$34,000 but it was going to be phased down to \$22,000.

Alderman Lopez asked do you know what the status of that is.

Mr. MacKenzie answered no I do not.

Alderman Lopez stated I think this is an important issue when you have that many accidents up there that we could possibly use \$3,000 of that and at the same time try to find \$3,000 along the road and move with this project.

Chairman O'Neil stated I have faith that they are going to find a bond balance and if anything else we will go to contingency and get it. I would recommend, Alderman Lopez, that we leave that account alone right now. They haven't even started the project. We can work between now and...this has to go to the full Board the first of October so between now and then they can either identify some funds and if not we will go to contingency. That would be my recommendation.

Alderman Shea stated I know that probably traffic lights wouldn't be the answer there but if you have 23 accidents that is a serious corner there. I know that I use it coming back from the Executive Health Club and you come up the hill and I know that it is a very busy area. I don't know whether flashing signal lights is the answer there or if there should be consideration on the part of the Traffic Department and the Police Department to look into that.

Alderman Garrity replied I have spoken to Tom from Traffic. Apparently there is an issue there. If you put in a traffic light with the grade going north on South Beech Street there is a grade there and in the wintertime if you have cars stopped there they are not going to go anywhere.

Alderman Shea responded I am just wondering are there other provisions that could be done to protect the folks in your ward.

Chairman O'Neil stated I would suggest that if it hasn't happened we could ask Planning, Highway, Police and Traffic to take a look at it. There may be something from an engineering standpoint or planning standpoint that can be done.

Alderman Garrity moved to recommend that flashing signals be installed at the intersection of South Beech and Gold Streets, that City staff try to identify the funding source before the next Board meeting and that Planning, Highway, Police and Traffic get together to see if there are any long-term solutions to that problem. Alderman Shea duly seconded the motion. Chairman O'Neil called for a vote. There being none opposed, the motion carried.

Chairman O'Neil addressed Items 15-17.

Sewer abatement request (836-840 Candia Road).

(Note: EPD recommends an abatement in the amount of \$1,393.96 be granted.)

Sewer abatement request (42 Stearns Street).

(Note: EPD recommends an abatement in the amount of \$497.55 be granted.)

Sewer abatement request (229-233 Wilson Street).
(*Note: EPD recommends an abatement in the amount of \$370.45 be granted.*)

On motion of Alderman Shea, duly seconded by Alderman Smith it was voted to approve the recommended abatements.

Chairman O'Neil addressed Item 18 of the agenda:

Communication from Cathy Champagne, President of Jutras Signs and Flags, requesting the Board's consideration and approval of the proposed "Manchester Gateway Arch Project" which will span over Elm Street with an electronic message center sign component to display advertising as well as messages of community interest.

On motion of Alderman Lopez, duly seconded by Alderman Smith it was voted to table this item.

Chairman O'Neil addressed Item 19 of the agenda:

On May 3, 2005 the Board of Mayor and Aldermen voted to refer a report of the Committee on Lands and Buildings regarding the Black Brook/Maxwell Pond Stream Restoration Proposal to the CIP Committee for funding.

Mr. MacKenzie stated we are going to provide a written report to the Committee at the next meeting. Generally speaking roughly \$70,000 to \$75,000 is needed for repair of the dam. We will be looking for bond balances but it may have to wait for next year's CIP program to accomplish that. We haven't attacked the issue of dredging the entire pond area, which would exceed \$1 million. We are going to focus right now on the repair of the dam.

Alderman Shea asked can the Board reconsider this matter in view of the fact that the people who testified mentioned that the state was willing to fund the project. I know that there were obviously discussions on both sides of this issue and it received a favorable vote on the part of those that wanted this particular project to be funded through CIP or whatever way we are going to do it but is the state now removed totally from this? I know at some point they came down and talked about their willingness to do the repairs or take care of the problems here that they indicated how much it was going to cost and people at that time felt that it should be a matter that the Board should obviously fund rather than the state taking a role in this but is it too late? How much time do we have here so that in the event that

the well is dry and we have no money to do this what happens? We aren't going to steal from Peter to pay Paul obviously. Tonight at a meeting there was a discussion about trying to fund somebody who is going to be a Compliance Officer and we were talking about \$40,000 or something like that.

Mr. MacKenzie answered if the pond was to be dredged, which would bring it fully back as a pond but there is the immediate need for repairing, which is \$70,000 to \$75,000.

Alderman Shea responded and obviously that is just the first step in terms of how to handle this problem so who knows how much it is going to cost ultimately. My comment would be we should try to keep this as an open question in terms of how we are going to approach this and whether or not we should keep our options open in order for people to understand that it is going to cost a significant amount of money to do this where on the other hand it wouldn't cost us anything. The state was willing to pay for it. That is just a comment.

Alderman Lopez stated I think when the state was here they needed a direction and the Board made a decision and I doubt very seriously if they still have that money. It probably went on to another project. At the same time I think that we talked about grant money or some type of other funding or federal money for that particular project. Are you saying the \$75,000 would be cash or would that be grant money or something?

Mr. MacKenzie responded I don't see where we would find that much cash for the next CIP budget so it would have to be a bond balance that would be left over.

Alderman Lopez asked you are going to give us a complete report on it anyway.

Mr. MacKenzie answered we will give you a written report at your next meeting.

Alderman Smith asked, Bob, have we ever heard anything from Verizon on the Notre Dame bridge. We bonded a lot of money from the senior center and I know that we tentatively won but are we going to receive any money or have we received any money from Verizon?

Mr. MacKenzie answered I have not heard myself.

Alderman Smith asked could you check with the Solicitor and find out. It is very important that we have no bonding money and I understand that we did win but the two parties have to negotiate. It would be nice to get that money because it is about \$1 million and even if it is negotiated by the two parties it would be \$500,000 or \$600,000.

Alderman Roy stated I have two very brief questions. I want to ask this Committee that in that report Mr. MacKenzie find out if the State DES restoration funds are still available and I have a brief question for Parks & Recreation as to any of the repairs that were immediately needed at that park for safety reasons when it was presented to Lands & Buildings if they have been completed as far as the sink holes next to the dam.

Mr. Ludwig answered no.

Alderman Roy asked so the dam is still unsafe structurally and unsafe to walk near.

Mr. Ludwig answered yes.

On motion of Alderman Garrity, duly seconded by Alderman Lopez it was voted to table this item pending a report from the Planning Director.

Chairman O'Neil stated Mr. Sheppard informed me that staff is going to meet up at the Weston Tower next week. Everybody was concentrating on schools and getting the parks ready for the fall so I don't think they had a chance but they are all going to get together and come back with a recommendation so there is no need to take that off the table.

Alderman Lopez stated I have some information on the Weston Tower. I got a call from Louie Martel before I came to the meeting tonight and he is very concerned because as you know his father did a lot of work up there. The immediate concern that the committee has is the roof itself. It needs to be replaced before the winter. If it is not replaced before the winter it is going to do more damage up there that is going to cost more money. He is looking at this and it is going to cost about \$3,000 to replace the roof. That is the immediate concern the committee has and I wanted to pass that on tonight so that people can look at that.

Chairman O'Neil responded I am sure that Parks, Highway, Planning and whoever else is going up will take a look at the roof and come back with a recommendation hopefully for the October meeting.

NEW BUSINESS

Mr. MacKenzie handed out some information on the Neighborhood Initiative General Approach noting that they will be back at a future meeting with more information on this.

Chairman O'Neil asked that the Clerk get this information out to all members of the Board.

Alderman Garrity asked does Planning have any information on Item 20 yet.

Mr. MacKenzie answered I know that at one point we had a possible solution but I don't know what that was. I know a portion if it because the cost if Highway did it was about \$60,000 to do that. We had identified a couple of chunks of money from the South Willow area improvements and somewhere we had another solution. We will bring that solution to the Committee.

Chairman O'Neil asked can you get that out to us as a communication before and we will take it up at our next meeting. I think the problem, even if we had the money and Highway was going to do it, they would never get to it this fall.

Alderman Shea asked, Sam, this particular general approach that we were handed here – get feedback from the neighborhood, etc., this is a working document. Who is going to do it? Are the Aldermen going to do it or your department or are we going to hire consultants? Who is actually going to do this kind of work off the top of your head briefly?

Samuel Maranto, Planning Department, responded our department.

Alderman Shea asked your department in conjunction with the Aldermen.

Mr. MacKenzie answered yes we will want to get each of the Aldermen involved in order to get to the right people in the neighborhoods and do surveys and have discussion forums.

TABLED ITEMS

20. Communication from Aldermen Garrity and O'Neil requesting the Highway Department review the situation at the intersection of So. Willow and So. Maple Streets and report back to the Committee with recommendations for improvements and estimated costs.

This item remained on the table.

21. Funding for the Weston Tower project.

This item remained on the table.

09/13/2005 CIP

27

There being no further business, on motion of Alderman Smith, duly seconded by Alderman Garrity it was voted to adjourn.

A True Record. Attest.

Clerk of Committee