

**SPECIAL MEETING
COMMITTEE ON COMMUNITY IMPROVEMENT**

July 18, 2006

5:30 PM

Chairman Garrity called the meeting to order.

The Clerk called the roll.

Present: Aldermen Garrity, Osborne, Gatsas, Duval

Absent: Alderman O'Neil

Messrs.: Ron Ludwig, Chuck DePrima, Joanne McLaughlin

TABLED ITEM

On motion of Alderman Osborne, duly seconded by Alderman Duval, it was voted to remove the following item from the table for discussion.

3. On May 3, 2005 the Board of Mayor and Aldermen voted to retain and repair the Black Brook/Maxwell Pond Stream Restoration Proposal and referred to the Committee on CIP for funding.
(Tabled 09/13/2005 pending report from Planning Director; retabled on 12/05/2005 and referred to 2007 CIP budget.)

Mr. Ronald Ludwig, Director of Parks, Recreation and Cemeteries addressed the Committee stating as members of the Committee know this has been a long standing issue, I think this makes about three to four years, the issue has been going on. The department over several years has asked for a small amount of funds to repair the dam and that hasn't happened in conjunction with other individuals we have put together headed by our Urban Ponds Coordinator who is no longer with the City there became an opportunity to remove the dam. At that time there were some federal funds as well as some possibilities for local or matching funds that could be obtained that would make the project pretty much a wash for the City. At this time that is not exactly the case and we can talk a little bit about that later but I think some of the history, repairs have ranged now we gave originally what the newspapers carried what you heard all over the place between \$60,000 to the high side today including engineering work we're up to

about \$155,000 in repairs now. So that's a number that you can repair this structure if that is the way this committee decided to go. Removal is looking more in the \$115,000 range. We did have our engineers, Dubois and King look at the dam again several times since May in the flooding to make certain that we weren't going to loose the dam it was still solid enough to hold so we are not quite in the danger that the local newspaper has made that out to be. That's not true. However the question does become do we want to make a decision to move forward, go back here, to move and or repair. We did make contact today with Steve Landry from NHDES Merrimack Watershed Council while we would be I don't want to say at the back of the list he still feels there is a good possibility that we made application prior to September that we could get 60% federal funding to remove the dam. But we would still be looking for 40% either from this Committee or maybe it could be obtained from other private resources that may exist out there yet to be determined but we could look into that. That's about where we stand, we are under an administrative order to take action I think you all have copies of that, it more or less spells out a timeline that they would like to see the City move forward with whatever it's going to do. And that's really what's brought it here today, is once we had received the administrative order from the State and they have been fair about the whole process but they have taken a stance now and that's really why we are here today to get some direction.

Alderman Osborne asked Ron, the 60% how sure, we are not sure after we put the application in we wouldn't know until the fall is that it.

Mr. Ludwig responded we are not 100 percent sure.

Alderman Osborne stated so if we wanted to dismantle the dam itself it would cost what now.

Mr. Ludwig responded the estimates are about \$115,000.

Alderman Duval asked if there was any chance for reimbursement from the state at this point or have we sort of gone past the time frame or deadline.

Mr. Ludwig responded as far as the State, there is still indications that there could be some potential for reimbursement from the State, I can't tell you for certain but there is still an opportunity.

The deadline is September 15th for the preapplication process, for the Section 319 Grant.

Mr. Ludwig stated you were asking about the State, right Alderman Duval.

Alderman Duval stated yes, I was asking about the State, is there a deadline for the State or has it already passed.

Mr. Ludwig stated no the indication we got from the state there still exists the possibility for some state money to be available, there is no guarantee but it still exists.

Alderman Duval stated because of the administrative order to address the dam from the State are we in a position to no negotiate with the state but in a sense ask them for assistance in the event we take it down on a tight timeline.

Mr. Ludwig stated I really couldn't answer that, I think really the State is looking for a commitment one way or the other, repair it or take it down. Then they'll move as we will to obtain whatever funds are out there at the federal, state and local level or other resources such as we have been made aware of through our consultant that exists that could do in-kind service to help restore this project, restore the banks, but we really haven't actively pursued those at this point in time because the direction that we are under to repair it, our issue is that there is no money to repair it.

Alderman Duval asked about environmental impact, stating I understand environmentally this should have if anything more of a positive impact if the dam is removed and then allowing nature to take its natural course so to speak is your department in agreement with that sentiment or that statement.

Mr. Ludwig stated we are not the environmental experts that there are certainly a host of environmental groups and agencies that have looked at this project over a period of years, and I don't know of one that hasn't supported removal in terms of what they felt was a viable project that made all the sense in the world, and they used some terminology about the cleansing process and oxygenating water and things like that, that aren't really my expertise, but they certainly talk about the fact that their opinion and there is more than one of those this would have an everlasting affect and probably result in a flowing stream again.

Alderman Osborne asked if there was anything Mr. McKenzie could add to what has been said.

Mr. MacKenzie responded no the only thing I would add is again we have the Urban Pond Restoration Coordinator on our staff until he left recently, so from his perspective in terms of urban pond restoration he felt that the environmental perspective would be that it would be best if the dam was moved. But at least from the environmental and the cost perspectives removal of the dam would be a better option than rebuilding.

Alderman Osborne stated so our bottom line right now is \$115,000, if we were to remove the dam what guarantees would we have with the water flow.

Joanne McLaughlin, Highway Department, formerly with the Conservation Commission from 1995 to 2002. At that time the City was engaged with environmental protection ????? and when we began to set up those priorities it became very obvious that the removal of the dam the Maxwell Pond Dam would be a true restoration project for the City of Manchester. Because of the restoration of the stream to its original channel we can expect that the channel will find its historical channel that the water quality will improve the fish habitat will improve and the nurseries for the fish will return, there would be nothing but good things that would come from removing this dam however if we decide to keep the dam that the City will continue to have a financial and safety burden for the length for the life of the dam.

Alderman Osborne asked, the last torrential rains we had what happened in that area.

Ms. McLaughlin stated she did not witness it.

Alderman Forest stated as far as the floods that we had its been so long now I forgot about it, what literally happened is the water that came down Black Brook, the dam did hold, but the water actually careened off the dam and on either side of the dam and washed out about 15 feet of sediment on either side of the dam, washed out part of Black Brook Road and then part of EW Poore. The dam held, but the dam if anyone has gone over there the water is coming through is just like granite stones and the water is literally coming through the granite stones there.

Alderman Osborne asked if he thought the water flow would have been better without the dam.

Alderman Forest responded I'm not an engineer but from what I saw I would say yes it would have been.

Ms. McLaughlin stated I am actually a licensed state geologist so from what I understand and the studies that have been done on this, this would be the safest and best future of the ideal purpose of that stream is to regain....I think that will be incredible to the water quality in not only that stretch of the river cause as we know the Department of Environmental Services is working with people upstream to improve their conditions and you are going to improve miles of stream by removing that dam.

Chairman Garrity stated before we decide what to do with the dam let's see if we can find a funding source either way.

Mr. MacKenzie stated the only bond balance and we believe this would probably qualify for bonding because there wouldn't be enough cash or other sources to do, the only remaining bond balance the committee is probably familiar with is the South Willow Street Fire Station, and the balance in that is at \$55,000. We were not able to contact Tim Clougherty at Facilities Division because at one point he told us he perhaps wanted to come to this committee to perhaps use that for other roofs in the City but that is the only available bond balance right now.

Chairman Garrity stated so that would potentially cover the City's commitment of 40%.

Mr. MacKenzie stated that would cover the City's 40% portion of a \$115,000 project, yes.

Alderman Gatsas asked Mr. MacKenzie, could we take some funds from the bridge to nowhere to alleviate this problem because that bridge to nowhere isn't going to be completed for at least in the next New Year's.

Mr. MacKenzie stated I believe by action by the Board they could remove funds from that project but I would indicate that the final design is starting now and so it's probably not two years away.

Alderman Forest stated as most of my colleagues are aware I'm caught between sort of a rock and a hard place one is the citizens of ward 12 also that I grew up in the area of Maxwell dam so I know the tradition as to why the dam is there, most of the abutters want the dam repaired and I believe for sentimental values and again it sentimental to me also. But as an alderman I have to let you know that the cost of repairing the dam is \$1.4 to \$1.7 million, the total restoration of the dam, and the cost of eliminating the dam is \$115,000 or maybe even less. There have been some engineering surveys done like that, we've had public hearings on the west side, on the removal and the restoration, the Trout Unlimited has been in there, the State DES has been in there, I know there is quite a few agencies that did surveys over there, there's been a four year process about this dam, it's been sitting the table and it was sitting on the table at Lands and Buildings for awhile, it came to the Administration Committee and everything else and it's been a decision that we should have made four years ago, and now we don't have much choice. As a Committee you have to make that decision of funding, and as a member of the Board of Mayor and Aldermen we are going to have to make a decision and I believe the State the total timeline is by December 30th. So I think that was the final timeline on the letter and they did mention an or else and I'm not

sure what the or else is but I guess federal fines and all that could be considerable, so, thank you.

Alderman Osborne stated I think it's not so much the cost of maintenance, I think we are talking about safety and environment here. It's a big, big decision. I can see the sentimental reasons for people keeping it, just like the Depot, I'd like to have seen that still there but it's not. Anyway, I think we have to look at it in the big picture here. I'll make the motion to dismantle.

Alderman Duval duly seconded the motion to dismantle the dam.

Alderman Lopez stated I think I know what's going to happen here but you know it's unfortunate that we have a place left like this in the City of Manchester that where swimming could be done there, it could be fixed up just like Crystal Lake, and I remember when the environment people came here before the committees and talked about just like Joanne to night that it should go down. And, if we had a major storm or something the thing was going to fall down. And it's been testimony now it held up. Over the years as a former Parks and Recreation Commissioner, Clem Lemire fixed that dam, I don't believe all the things that the environment people have said about that dam is totally true, I think that dam could be fixed and we could save the Valley Street Cemetery and put hundreds of thousands of dollars but we can put a recreational facility utilizing that dam and fixing it up and having a swim area like Crystal Lake where we had before, it's unfortunate that we lost the Weston Fire Station for that reason, and we are going to loose this gem for recreational for the City of Manchester and that's my belief.

Alderman Osborne asked how many people do we have swimming there now, I think we have sediment, the depth is only about four feet right now isn't it.

Alderman Forest responded at the low stage, it's a little high right now at the dam.

Alderman Osborne said he would stand by his motion.

There being no further discussion Chairman Garrity called for a vote. There being none opposed the motion carried.

Chairman Garrity stated he would like the committee to target the \$55,000 from the re-roofing project to support, because we do need a funding source, for the 40%.

Alderman Duval stated I imagine there will be a full court press with Mr. Ludwig and others and maybe Senator Gatsas can help in securing state funding for the balance or a portion of the balance, and the City is cooperating at this point and we

will see what the full Board's response is to the Committee's actions tonight, but we hope we can get assistance from the state in a timely fashion that we are reciprocating and responding to their request.

Chairman Garrity asked Mr. Ludwig, it is 60/40 we need to come up with the 40% of \$115,000, September you are going to have an answer probably.

Mr. Ludwig responded as soon as the Board takes a vote one way or the other, I think indications we have gotten from them are positive I think they are still willing to participate in the program and still willing to help.

Chairman Garrity stated I would like to see if we can get a vote from the committee on the 40% funding out of the re-roofing project from So. Willow Fire Station bond balance. Cause I think it's important to the State that we do have a funding source for our 40%

Alderman Osborne so moved to recommend approval of the 40% from the So Willow Fire Station project.

Alderman Duval stated that does not preclude us from getting state funding.

Chairman Garrity stated absolutely not, but it's 60/40.

Alderman Gatsas stated I don't think we should do that right now.

Chairman Garrity stated I would hate to see us take some action on that bond balance for something else, we do have to come up with 40%. Chairman Garrity asked Alderman Gatsas if it was his opinion that we could get more money from the state.

Alderman Gatsas responded I think she has something to add, I will let the expert answer.

Ms. McLaughlin stated what I did want to explain to you as you are trying to look for the 40% money the State will also accept in-kind services that includes the use of City Highway trucks to move dirt. When you put a number on that and you equate that to what it would cost professionals to come in and do that that is quite a bit of money that you can get by using City trucks and staff.

Chairman Garrity stated well the \$115,000 estimate is that using City crews or is that contracted out.

Mr. Ludwig responded that the kind of restoration that I think Ms. McLaughlin is talking about is not something Parks have it's that if Highway is able to participate in the project then that's a possibility, you may want to have a discussion with Highway not us, but yes we were aware of in-kind opportunities but they go beyond the type of equipment that we have at the Parks Department in terms of how we could participate, so that may be a discussion you want to have with Highway.

There being no further business to come before the committee, on motion of Alderman Duval, duly seconded by Alderman Osborne, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee