

COMMITTEE ON COMMUNITY IMPROVEMENT

October 20, 2009

5:15 PM

Chairman Garrity called the meeting to order.

The Clerk called the roll.

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

Messrs: B. Sanders, T. Hall, L. LaFreniere, T. Clougherty, D. Edwards, K. O'Maley

Chairman Garrity addressed item 3 of the agenda:

3. Communication from Ruth Hall, Supervising Attorney at Community Legal Services Inc., requesting funds in the amount of \$3,500 to be used for purchasing a needed laptop and printer for a Manchester-based Hillsborough County clinic.
(Note: Referred by the Board of Mayor and Aldermen on October 6, 2009.)

On motion of Alderman O'Neil, duly seconded by Alderman Shea, it was voted to discuss this item.

Alderman Garrity asked do we have any funding sources?

Mr. Bill Sanders, Finance Officer, replied we have not identified one.

Alderman Garrity asked I would assume that this can't be grant funded? Is there someone here from that organization? No.

Alderman Shea asked are the services dependent upon the laptop and the printer or will they be conducted in spite of those things? From what I can read they are requesting funds for it, but I'm not sure if they are necessary.

Alderman Garrity replied he's from Wakefield, Massachusetts, and is on his way. Is this an organization out of Union, New Hampshire?

Mr. Sanders replied we have no information. They have not contacted us.

Alderman Garrity stated I don't feel comfortable taking action on this, gentlemen.

On motion of Alderman O'Neil, duly seconded by Alderman Shea, it was voted to table this item until a spokesman from Community Legal arrived at the meeting.

On motion of Alderman O'Neil, duly seconded by Alderman Shea, it was voted to remove this item from the table a representative now being present.

Mr. Tim Hall, Community Legal Services, stated I am originally from Union, New Hampshire, but am residing in western Massachusetts.

Alderman Shea stated I know you are requesting \$3,500. Are the services dependent on this laptop and printer for the program to continue or is this in addition to the materials you have now? Will the program be in existence whether or not you receive the laptop?

Mr. Hall replied we are currently running in Rochester, New Hampshire, and one site in western Massachusetts. In order to continue to expand, we need some equipment. We only operate in a non-brick and mortar philosophy. We don't rent offices. We show up anywhere there is an internet connection and hold a clinic. In order to do that, we need these kits, which consist of two laptops and printer. It would be difficult to hold a clinic when our nearest equipment is sitting in Rochester.

Alderman Shea asked would you take that with you? In other words, is the person going to carry that with them and set it up or do you leave it in a certain area?

Mr. Hall replied it depends. We are designed so we can have a zero footprint. We can operate anywhere there is an internet connection—here, the Library, café, a lawyer's office—it changes depending on the lawyer's preference. We have a lawyer in Manchester who is willing to help us out and be part of the program. We let them set a lot of the conditions because they are giving us their least valuable time to do this. There is a lot of passion, concern and fun, but not a lot of money in doing this. We let them, if they want to work out of their office...It is the size of two laptops and a printer, usually carried around in a couple of bags or a suitcase. That would usually go with the host or the attorney. Each clinic operates as a host. Think of it as a receptionist who can help them people with checking in. The attorney sits in the background.

Alderman Shea asked when do you anticipate starting something in Manchester?

Mr. Hall replied as soon as possible. We are already getting calls from Manchester.

Alderman Shea asked if the City were to accept the request, would the City own this and lease it to the people you work with? Would that be acceptable?

Mr. Hall replied that is fine with me. We don't have anything on the computers themselves. We lease a server and we hook into it via the internet through a secure connection. There is nothing actually on the computers themselves so if you want to do it that way, it is fine with me. There are less headaches for me to deal with.

Alderman Shea stated I'm not sure of the nuisances in your operation so I'm trying to understand your request better.

Alderman Garrity asked would the clients you are serving be exclusively Manchester residents?

Mr. Hall replied it would be primarily Manchester residents, but we have an open door policy. A couple years ago, we were serving only out of Union, but people came to us from all across the state. Primarily, it would be local people.

Alderman Garrity asked have you reached out to any other cities or towns for possible funding?

Mr. Hall replied yes, sir. We reached out to Concord, Rochester, Manchester, and I can't remember the last one.

Alderman Garrity asked were those other towns and cities responsive to your request?

Mr. Hall replied so far, but this is the first official hearing.

Alderman Garrity asked have you been funded by anyone else?

Mr. Hall replied most of our funding is from user fees. We try to stay away from the grant model as much as possible because that is already being done. There is traditional legal aid and that is all about the grant model. If that would serve the need, this wouldn't be needed. We don't want to replicate what's already there.

Alderman O'Neil asked have we identified a potential funding source on our side?

Alderman Garrity replied I don't believe there is one. Leon, is there a funding source?

Mr. Leon LaFreniere, Planning Department, replied we would need some additional information to see what eligible funding is out there. We can definitely take a look at that if the Committee desires.

Alderman Garrity stated I would encourage someone from your organization to meet with the Planning staff before we do anything with this request.

Alderman Gatsas asked who is your direct competitor?

Mr. Hall replied we're not competing. We're filling the gap in the middle. When legal aid first started it covered the bottom end of the income scale for those who couldn't afford an attorney. I don't know how well that worked at the time, but at least at this point, if you aren't poor enough or rich enough and are somewhere in the middle 50% you can't afford an attorney. If someone can qualify for legal aid they can go for it. If someone can afford their own attorney by all means they should. We design our systems to get people private representation. That will always be the best model. We're not competing against anyone. We're helping those who aren't getting any help.

Alderman Gatsas asked how do they pay you for your services?

Mr. Hall replied they pay. That's one of the things that we see as solving. The traditional legal aid model is dependent on grants. They do all free services. A lot of that turns into pro bono work by the attorneys. Our managing attorney has done that system. One of the resentments that builds up in that system is the classic stereotype of helping someone out and having the person pull up in a Cadillac and gold chains. There is a lot of resentment there. It's not that there isn't money in that person's pocket, but they don't have \$1,000 retainer sitting on the table. Our system is designed to allow people to afford legal services. We charge \$50 per session. A session is approximately one hour. Think of it as a psychologist's hour. I like to say that we get three hours of work done in that. The lawyer and the person coming in for help teamwork the problem. It is not a godly lawyer and a pathetic person who is getting help. It is an equal team. The lawyer is the expert in the law and the client is the fact expert in the case. They work together on doing various things. For instance, the person can go to the courthouse and pick up a form. You don't need to have the lawyer do that. It is very empowering.

Alderman Gatsas stated let me understand. You are charging \$50 per hour and you are coming to the City of Manchester looking for \$3,500 to start up that business.

Mr. Hall stated I wouldn't describe it that way, but that's probably a short description of it.

Alderman Gatsas asked you are asking us to do that at no cost and taking tax payers money and start up a business for someone?

Mr. Hall replied I wouldn't describe it that way. We are a non-profit organization and to ask a lawyer to work for an hour for \$25 dollars...

Alderman Gatsas asked I thought it was \$50?

Mr. Hall replied I have to run the company on something. I don't have any grant money to do it. I don't get money out of Washington.

Alderman Gatsas asked do you have this model in any other state?

Mr. Hall replied New Hampshire and Massachusetts.

Alderman Gatsas asked how many do you have in Massachusetts?

Mr. Hall replied we just got started there, too. We created this about five years ago.

Alderman Gatsas asked has any community given you \$3,500 in Massachusetts?

Mr. Hall replied no.

On motion of Alderman Gatsas, duly seconded by Alderman Shea, it was voted to receive and file this item.

Chairman Garrity addressed item 4 of the agenda:

4. Communication from Scott Colby, President of the Board of Directors for New Horizons, in support of the funding request of the fiscal agent of the Manchester Continuum of Care's (MCOC) Homeless Healthcare Center.
(Note: On October 6, 2009 the BMA voted to approve the request from United Way for \$62,500 from the City to create a Homeless Services Center.)

Alderman Garrity stated we already took action on this, gentlemen so we just need to receive and file.

On motion of Alderman Shea, duly seconded by Alderman O'Neil, it was voted to receive and file the communication from Scott Colby.

Chairman Garrity addressed item 5 of the agenda:

5. Amending Resolution and budget authorization providing for the acceptance of funds in the amount of \$1,600,000 for the McIntyre Ski Lodge Reconstruction Project.

Alderman Garrity asked I would assume this is just a housekeeping?

City Clerk Matt Normand replied it is.

On motion of Alderman Shea, duly seconded by Alderman Smith, it was voted that the Amending Resolution and budget authorization be approved.

Chairman Garrity addressed item 6 of the agenda:

6. Amending Resolution and budget authorization providing for the acceptance of grant funds in the amount of \$1,000 from the US Department of Health and Human Services for CIP project #214509 – Homeless Healthcare – American Recovery & Reinvestment Act.

On motion of Alderman Smith, duly seconded by Alderman Shea, it was voted that the Amending Resolution and budget authorization be approved.

Chairman Garrity addressed item 7 of the agenda:

7. Amending Resolution and budget authorization providing for the acceptance of funds in the amount of \$380,937 from the US Department of Justice for CIP project #412410 – COPS Child Sexual Predator Program.

On motion of Alderman O’Neil, duly seconded by Alderman Shea, it was voted that the Amending Resolution and budget authorization be approved.

Chairman Garrity addressed item 8 of the agenda:

8. Amending Resolution and budget authorization providing for the acceptance of grant funds in the amount of \$153,403 from the US Department of Justice for CIP project #410510 – Justice Assistance Grant. As part of this grant the City will enter into a Memorandum of Understanding

On motion of Alderman O’Neil, duly seconded by Alderman Shea, it was voted that the Amending Resolution and budget authorization be approved.

Chairman Garrity addressed item 9 of the agenda:

9. Communication from Leon LaFreniere, Director of Planning & Community Development, requesting on behalf of Brandy Stanley that the administration of the CIP project #712610 – 2 Line Drive Parking Lot Construction be transferred from the Finance Department to the Highway Department.

On motion of Alderman Shea, duly seconded by Alderman O'Neil, it was voted to discuss this item.

Alderman Smith asked it seems very practical, but is the Highway Department going to be responsible for the funding?

Mr. Tim Clougherty, Highway Department Director, replied the Highway Department won't be responsible for the funding through our operating budget. It will still be the traditional way that was previously approved, but because we are constructing it, it is being transferred under our control.

On motion of Alderman Shea, duly seconded by Alderman O'Neil it was voted that the request to transfer the administration of CIP Project #712610 from the Finance Department to the Highway Department be approved.

Chairman Garrity addressed item 10 of the agenda:

10. Communication from Leon LaFreniere, Director of Planning & Community Development, requesting on behalf of MHRA a discussion of the policy relating to the terms established for the appropriation of HOME Funds for their South Porter Street Project.

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

City Clerk Matt Normand stated there is a handout that we passed out that we received from the CIP staff.

Mr. LaFreniere stated we wanted the opportunity to discuss this with the Committee. Based on some recent actions taken by the Committee, this handout is to show that we are acting consistently with the desire and will of the Board. The item you have handed out is only for informational purposes to give examples of how these types of loans have been structured in the past. We feel that this loan as proposed is consistent with those terms. However, we wanted to make sure the Committee and the Board are comfortable with that structure.

Alderman O'Neil asked can anyone show me where this policy is? I've asked the City Clerk to research this and there doesn't appear to be a policy. I think we talked about a specific project, but I don't know that we passed a blanket policy for all projects. I'm concerned that we held up the closing on this project because of a policy that doesn't exist.

Mr. LaFreniere replied I did discuss the matter with the Chair. The concern is that the Board, in recent actions regarding loan projects, recommended that all future projects regarding the First Time Home Buyer Loan Program be brought back before the Committee before they are approved. Certainly, if loans of that nature are to be brought before the Committee, then a more significant loan ought to go before the Committee to be consistent.

Alderman Garrity stated I did have a discussion with Mr. LaFreniere and that was discussed in previous CIP meetings, but I didn't feel comfortable doing a phone poll on it. That's why this is on the agenda.

Alderman O'Neil stated again Mr. Chairman, it was based on the First Time Home Buyer Program. The list here has some of the agencies—NeighborWorks, Manchester Housing and Redevelopment Authority, some of the Anagnost projects, Families in Transition—I'm concerned that we stopped a process in the middle of it and cost them a closing date, which could now drive the cost of the project up. Again, it was based on a policy that did not apply to the particular Porter Street project. I'm a little bothered by that.

Mr. LaFreniere stated I understand that. However, we also did research and determined that there was no policy in effect that provided guidance as to the terms of these types of loans other than past practice. Because the Committee had expressly identified a desire to review the terms of agreements that were signed by our office, we felt that it was necessary to come to an understanding with the Committee about what direction they wanted us to move in as we move forward on loans. There is no policy that I could find in place for how loans of this nature should be structured and approved as well.

Alderman O'Neil asked if there was a question why didn't it come up earlier than a couple days before the closing was about to happen on this? There is no record in Committee meetings that we voted to create a policy, except some communications that I saw referencing a policy. After they have financed it and are ready to go out to bid, I'm concerned that we may have cost this project more money because of the delay. It is a bad practice how we handled this. The specific discussion was for the First Time Home Buyer Program. This is not one of those, correct?

Mr. LaFreniere replied that is correct.

Alderman O'Neil asked are we going to start saying that we passed a policy regarding one program and midway through the process we're going to start reviewing all the others? If the Committee and the Board want to do that we need to take that action.

Mr. LaFreniere stated that is what we are requesting from the Committee. We need guidance.

Alderman O'Neil stated my point is that we then held up a project that we had already approved. We didn't ask for this policy to be applied to this project, correct?

Mr. LaFreniere asked the policy regarding the First Time Home Buyers Program?

Alderman O'Neil replied correct.

Mr. LaFreniere stated yes.

Alderman O'Neil stated it is a bad way for us to do business. Again, we may have cost this project money.

Alderman Gatsas asked how much is this loan for?

Mr. LaFreniere replied \$200,000.

Alderman Gatsas asked has that \$200,000 ever come before this Committee before? Have we taken action on it before?

Mr. LaFreniere replied yes. That was part of the 2010 CIP budget.

Alderman Gatsas asked the \$200,000 is from the City of Manchester?

Alderman Smith replied HOME Funds, Alderman.

Alderman Gatsas asked what is the \$969,000 for? Where is it coming from?

Mr. LaFreniere replied New Hampshire Housing and Finance Authority.

Alderman Gatsas asked what is the interest on that?

Mr. LaFreniere asked on the \$200,000?

Alderman Gatsas asked isn't the \$200,000 at 0%?

Mr. LaFreniere replied it is 7.5%, I believe.

Alderman Garrity stated we're not going to have a lengthy discussion on this. This is a housekeeping issue. We only have 45 minutes and we have to go into non-public.

Alderman O'Neil stated we had already approved this. I don't know why we had to do a phone poll on. If there was a policy, the policy needed to be brought forward for all future projects we are considering. We can't start going back on projects and going back on the rules after they finance these projects.

Alderman Gatsas asked what is the rate on the \$969,000?
Mr. LaFreniere replied 0%.

Alderman Gatsas asked so it is 0% on both?

Mr. LaFreniere replied yes.

Alderman Gatsas asked what about on the \$450,000?

Mr. LaFreniere replied that is 7.5%.

Alderman Gatsas asked I assume that this is a full tax paying entity?

Mr. LaFreniere replied yes.

Alderman Gatsas asked they are paying full real estate taxes, not taxes in lieu of?

Mr. LaFreniere replied that's correct.

On motion of Alderman Shea, duly seconded by Alderman O'Neil, it was voted that the policy relating to the terms established for the appropriation of HOME funds be approved.

Alderman O'Neil asked did we cost you any money or any additional construction costs by our delay?

Mr. Dick Edwards, Manchester Housing and Development Administration, replied we have the potential based on the time of year we are starting construction to run into winter conditions. Every week has an implication, but it is hard to determine because we don't know what the weather is going to be like.

Alderman O'Neil stated we potentially cost you money.

Alderman Garrity stated Alderman O'Neil, the bottom line is that the director from MHRA contacted me a week ago and I told him we would have a meeting as soon as possible.

Alderman O'Neil stated I don't know how we can implement a policy we haven't passed. That's what bothers me. The policy did not exist for this program. It sounds like there might be another agenda. I don't know what it is, but there may have been another agenda.

Chairman Garrity addressed item 11 of the agenda:

11. Communication from Leon LaFreniere, Director of Planning & Community Development, requesting CIP project #611509 Angie's Place and CIP project #611609 be extended until November 15, 2009 allowing for final payment of both projects.

On motion of Alderman Shea, duly seconded by Alderman O'Neil, it was voted that the request to extend CIP projects 611509 and 611609 be approved.

Alderman O'Neil stated before we go into executive session, I want to bring up a couple of things. There is an ongoing roof problem at Station 8. The Fire Department and Facilities Division has come up with a plan that will address it. They need to install some fans. I'd ask the Committee to identify \$12,000 so they can move forward on the fans before the freezing weather comes.

Alderman Garrity asked did you reach out the Chair on this? If you had it would have been on the agenda tonight and taken care of.

Mr. Kevin O'Maley, Facilities Division Director, replied no.

Alderman O'Neil stated I reached out to them. This thing was caught in a log jam of who was going to request the funding, while the clock was ticking for the cold weather. It wasn't getting done. We have a damaged roof for a five year old building.

Alderman Garrity stated it is something we could have taken care of.

Alderman O'Neil stated I don't disagree, but it was hung up and not going anywhere. I called.

On motion of Alderman O'Neil, duly seconded by Alderman Smith, it was voted that the staff identify \$12,000 for roof repairs at Station 8.

Alderman O'Neil stated in the last paragraph from Mr. O'Maley it states there may be National Grid reimbursement money on this.

Alderman Garrity asked how old is the roof at Station 8? It's not that old. I'd like to discuss this at the next meeting. That's a five year old roof. It is practically brand new. There has to be some type of warranty or guarantee on the construction.

Alderman Gatsas asked how long has this problem existed?

Mr. O'Maley replied the first report we have is from February 2006 when the roof was leaking in the watch room. We had another report later on that year of a leak.

Chairman Garrity addressed item 12 of the agenda:

12. Communication from Leon LaFreniere, Director of Planning & Community Development, requesting that the committee enter into a non-public session to discuss property acquisitions as part of the Neighborhood Stabilization Program.

On motion of Alderman O'Neil, duly seconded by Alderman Shea, it was voted to enter into non-public session.

A roll call vote was required on the motion to seal the minutes. Aldermen Garrity, Gatsas, Shea, O'Neil, and Smith voted yea. The motion passed.

TABLED ITEM

13. Discussion relative to CIP bond projects.
(Note: Report attached from William Sanders, Finance. Communication from Leon LaFreniere, Planning & Community Development, identifying the source of funding for Hackett Hill Development Project CIP # 650300. Report of the Committee on Joint School Buildings attached as per the Committee on 3/31/09. Communication from Pam Goucher, Planning & Community Development, with updated project balances on 4/10/09 and also identifying CIP Project #510807 as available for transfer to contingency. Item tabled 2/17/09. Finance Officer to provide an update.)

This item remained on the table.

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

A True Record. Attest.

Clerk of Committee