

COMMITTEE ON LANDS & BUILDINGS

November 15, 2000

6:15 PM

Chairman Cashin called the meeting to order.

The Clerk called the roll.

Present: Aldermen Cashin, Gatsas (late), Levasseur, Shea, Thibault

Messrs: K. Dillon, R. MacKenzie, M. Roy, F. Thomas

Chairman Cashin addressed Item 3 of the agenda:

Request by Salvation Army for City to donate land located at 144 Auburn Street (Map 68, Lot 32).

Alderman Levasseur asked is there an assessment on this property.

Chairman Cashin answered I don't have one here.

Alderman Levasseur moved to refer this to the Assessor's Office to get an assessment on the property value. Alderman O'Neil duly seconded the motion. Chairman Cashin called for a vote on the motion. There being none opposed, the motion carried.

Chairman Cashin addressed Item 4 of the agenda:

Presentation by the Airport Director regarding home and property acquisitions and the potential need for eminent domain proceedings.

Mr. Dillon stated as you know the Airport is working on the new road. We have diverted traffic off of the main Airport roadway and put it on a detour roadway right now. It is being done in three different phases. This yellow phase is the work that is occurring at this point. As I said, it started this past October and will be completed one year from now. Phase II extends out onto Brown Avenue. That work will start this coming September and should be completed one year from that point. The third phase, this blue phase, will tie into the State access road that is coming across the Merrimack River from Route 3 and will actually serve as the new entrance to the Airport when it is completed. That is expected to come on-

line sometime in 2004 or 2005. In order to complete this work, there have been a number of home acquisitions that have been required to get the right-of-ways to do the widening for Brown Avenue. In particular, the intersection of Airport Road and Brown Avenue...here is a depiction of the remaining homes that we are working with. Again, to orient you, this is Brown Avenue heading south and this is the existing entrance into the Airport. We need to acquire these homes that are color-coded here in order to complete the work. We are finishing up the final engineering. We are going to try to avoid taking as much property as possible. This home in particular, we are trying to work to avoid taking at all but until the final engineering is done and we know what the slope easement requirements are, we will not know how much of this property we need.

Alderman Thibault asked which home are you talking about right now.

Mr. Dillon answered this is Newbury Road. If you continue on, this is the Airport entrance.

Alderman Thibault asked what is that house. The one you are talking about right now.

Mr. Dillon answered it is a multi-family home. Again, because we are still doing some of the engineering in here, we are going to try to avoid coming up to that property, but depending on where we come out with slope easements for the roadway because there will be significant grade differentials on this roadway, the entire roadway is being picked up to match some of the elevations coming onto the Airport. Again though we have been working with all of these homeowners. All of the homeowners have indicated a desire to leave the area. The problem we are running into is pricing the property. We are still continuing to work with these homeowners. We would like to think that we are going to reach an agreement, but time will tell on that. We have roughly until the end of January to make a decision whether or not we are going to work out a mutually agreeable acquisition on these homes or whether or not we will have to proceed with eminent domain. At that point, if that is the process that we need to follow, we would come back to the full Board and follow that process. Just to give you a complete picture, in terms of the work that is occurring out there, again this is an aerial view. Just to orient you, Interstate 293 is here. This is Brown Avenue. This is the existing Airport entrance. There is about a mile and a half stretch. In addition to doing this intersection work and these homes I don't know if you can see too well that are outlined in green here, that is what was reflected on that last chart, we were also looking to widen the rest of Brown Avenue from Goffs Falls Road down to the Airport entrance. If you have been on Brown Avenue, you go about three quarters of the way and it is two lanes in each direction until you get to Goffs Falls Road and then it narrows down to three lanes. With the projected growth of the Airport,

there is no doubt that we will need to widen this section of Brown Avenue. So, we have been working with the homeowners in this location to acquire these homes as well for that additional widening.

Alderman Shea asked how many homes are you talking about roughly.

Mr. Dillon answered 19. It is the 19 homes that are located on the west side of Brown Avenue between Goffs Falls Road and the existing Airport entrance. All of these acquisitions right now are on a voluntary basis. We have been working with those homeowners over the past year. They have all indicated a desire to sell. In fact, a number of them are actually looking at it as a community enhancement in order to get them the opportunity to move away from the Airport. We are in the process right now of completing the appraisals. We have already acquired one of the homes. We have purchase & sales agreements on five of the nineteen additional right now and as I said those are proceeding ahead at this time and I don't anticipate any problems. We are also working with these other homeowners and again I don't know if you can pick it out, but these blue addresses along Brown Avenue when I first came to the Airport about a year ago I did make the commitment to all of the folks who lived on Brown Avenue if their home fronted Brown Avenue we would attempt to purchase their home to relieve some of the issues that they were confronted with with the growth of the Airport. Unfortunately, I have only been able to get the FAA to allow the Airport to purchase these 19 as well as these homes in green that are associated with that roadway work. What we have done, however, is we have reached out to a non-profit foundation, Manchester Regional Industrial Foundation, that was created back in the 1960's for industrial development in and around the Airport and we have gotten them to agree to utilize their assets to make the purchases of these homes that the Airport is not allowed to purchase. However, the assets that they have are not sufficient to make all of the purchases so how the program will work is they will purchase approximately six homes up front. They will resell those homes and with the money that is raised from that resale they will then proceed to purchase additional homes and continue to roll that money over until all of these folks have had the opportunity to sell their homes. It still means that homes will remain on Brown Avenue, however, we will obtain abigation easements and certainly acknowledgements right in the deed that folks are purchasing these homes and moving next to an Airport.

Alderman Shea asked would you please run through that again. They are going to purchase six homes and then what is going to happen next?

Mr. Dillon answered outside of the 19 homes that the Airport is purchasing, there are another 16. We are trying to make the commitment to give everyone the opportunity to move away. MRIF, Manchester Regional Industrial Foundation, will purchase six homes up front and then we will resell those homes.

Alderman Shea asked to who.

Mr. Dillon answered there is a lot of interest in terms of purchasing these homes with the housing market that is out there.

Alderman Shea asked so those people are going to sell and somebody else is going to move in.

Mr. Dillon answered yes. What we are doing in order to meet a commitment that the Airport has made to the community is anyone who was along Brown Avenue as of September 1999 we have committed to try to give them the opportunity to sell their home. This would be resold to people who are looking for the opportunity for home ownership. MRIF will probably have to sell them at a discounted rate because of the fact that they are next to the Airport and while there will still be a home remaining on Brown Avenue, the Airport will be getting abigation easements and getting acknowledgement in the deed that they are moving next to an Airport.

Alderman Thibault stated I have had some calls from friends who live in that area and they have asked me how do you get to an assessed value of their property. Could you go into that a little bit so people will know we are being fair?

Mr. Dillon replied when the Airport makes the purchase, we go out and we do a market appraisal. What we offer to people is that appraised value. Folks do have the opportunity to go out and get their own appraisal.

Alderman Thibault asked do we pay for that or do they pay for that.

Mr. Dillon answered they have to pay for their own appraisal. If they get a different value, then the two appraisals need to be rectified. We also pay for the moving expenses and the closing costs on this home as well as the home that they move to. We also provide a differential. It is a little bit difficult to explain, but for example if it is a three bedroom home with two baths, we try to find replacement housing that matches that criteria. We realize that because they will be buying that home outside of the shadow of the Airport, they will probably have to pay a premium. We pick up that premium for them up to \$22,000. I need to point out in terms of the MRIF purchases, however, that will not be under the same guidelines.

Those folks will simply be offered the opportunity to sell their home for market value. There will be no picking up of the closing costs or any of the premium pay.

Alderman Levasseur asked as far as the acquisition of those homes, has that already been included in this year's budget or is that going to be added in for next year's.

Mr. Dillon answered this is all coming out of bonded funds. We have \$5.5 million slated for property acquisitions, which include not only these homes but other properties associated with the Airport.

Alderman Levasseur stated so you have agreements with the houses in red and I imagine they would want to get out of there as fast as possible, but the first slate that you brought in for eminent domain proceedings, have you run into any problems with any of the people living there or do you anticipate any.

Mr. Dillon replied as I said, no one here has indicated a desire to stay because they have an intrinsic love of the neighborhood or the area. All have agreed that yes, we will leave but leave at a price. Without getting into any of the personal specifics of any of these negotiations, one homeowner has a bankruptcy issue and it is going to be very difficult for them to get a mortgage on a new property. We are trying to work that through with them. Another homeowner at one time purchased the existing property for \$50,000 but is looking for \$750,000 with the sense that there is real potential in there if the area was ever rezoned commercial. Those are the types of issues that are going on. People feel that they can potentially capitalize on the situation and get a windfall.

Alderman Levasseur asked so the reason you want to proceed with the eminent domain is to get yourself out of that situation. You have already tried to negotiate with each of these homeowners to get them a fair price?

Mr. Dillon answered right and we are continuing with negotiations. If, in fact, this area was to be rezoned commercial we have already had some indications from developers out there that they would be willing to work with the Airport to give up sufficient property. Again, the Airport has taken the position that we are not going to take a position on the rezoning of Brown Avenue. That is certainly a community issue and something that the community needs to decide, not the Airport. Again, as I said we continue to work with all of these homeowners and look for different ways to accommodate everybody's needs. We have about another two months to sit down and negotiate with them, but if we can't come to a successful conclusion by January, we are going to have to proceed with eminent domain.

Alderman Levasseur asked what about the eminent domain for the widening of Brown Avenue. That is not included in this eminent domain proceeding that you were asking for?

Mr. Dillon answered I feel confident at this point that it will not result in any eminent domain related to the acquisition of the 19 homes for the widening. The schedule for that can work independent of the schedule for the intersection improvements. We would like to try and tie the two together - the widening of Brown Avenue, as well as the intersection improvement, but if we can't make the acquisitions in time, those jobs can proceed independently.

Alderman Gatsas asked of the properties that you have eminent domain, what is the largest parcel of land.

Mr. Dillon answered all of the homes that you see outlined in red are slated for potential eminent domain. They range...some of them are a half an acre, some are 3/4 of an acre. This particular parcel goes all the way down to the river. It is a fairly sizable parcel.

Alderman Gatsas stated I assume that is the one that you are having a problem with.

Mr. Dillon answered yes. There is a value issue.

Alderman Gatsas asked how many acres.

Mr. Dillon answered I am not too sure but I believe it is about an acre and a half. I would have to confirm that.

Alderman Vaillancourt stated the Board should be aware that it is not just these houses on Brown Avenue that are of concern here. This is a residential neighborhood. There is a major street just down called Riverbank. Kevin and I met with the residents of that area eight or nine days ago at a very well attended meeting. I believe there were about 50 at the Betheda Chapel. Kevin is concerned as I am about potential noise problems when these houses come down and Kevin, maybe you could just explain that so it won't come as a surprise in a couple of months.

Mr. Dillon stated about a week ago I met with about 50 members of the community that will remain in this area after Brown Avenue is widened. They have concerns about the removal of these homes. There is a belief today by some of those residents that it provides sound attenuation for the rest of the neighborhood and blocks noise from Brown Avenue so, therefore, when we

demolish the homes they feel there will be an increase in noise. What I have agreed to do and we are in the process of doing right now is we are taking noise readings at a lot of locations throughout this neighborhood to get a baseline for the noise. It is my personal belief that the homes do not provide noise attenuation. If you look at this aerial you will see there are multiple gaps really that would be a negligible noise benefit from those homes. To prove that to the community, we are going to do the readings before and after. I have made the commitment that if there is an appreciable increase in noise, the Airport will look to work with the community to build some type of noise barrier. In my prior life down in New York, I am familiar with the noise wall around the western edge of LaGuardia Airport for example. I have cautioned the community though that aesthetically that usually is not the best and something that I don't think they are really going to want in the final analysis, but at a minimum what I have told them is that we will look to do landscaping to provide a visual barrier for the rest of the neighborhood. There is an issue that I need to work through with the Highway Department. As you know, the Airport has difficulty spending any of its funds off of the Airport. I have been working with the FAA to try and convince them to allow us to pick up the lion's share of this work. Through the acquisition of these homes, they really have allowed us to pick that up. Total acquisition here will probably range in the area of about \$2 million. What we will be looking for is the Highway Department to participate in this program to assist with the widening of the roadway. The basis for that is we have done traffic studies on Brown Avenue and only 42% of the traffic on Brown Avenue is Airport related. The other 58% of the traffic is predominantly related to some major developments that have occurred in South Manchester, as well as Litchfield. There is an awful lot of traffic that travels south of the Airport so we are hopeful that we will be able to reach an agreement with the Highway Department about doing project in conjunction with us.

Alderman Levasseur asked will there be a bridge across the river for another exit coming off of Route 3.

Mr. Dillon answered what ultimately will happen and you can't see it on this map, but the State access road will come from Route 3 across the Merrimack and swing onto the Airport in that fashion.

Alderman Levasseur asked so it will actually alleviate a lot of the traffic coming...because your only real entrance way is over at this section right here.

Mr. Dillon answered there is no doubt that when the State access roadway is built it will eliminate an awful lot of this traffic, however, anyone coming to the Airport from the east and certain sections to the south will still come in on Brown Avenue, but there will be a significant drop in traffic.

Alderman Levasseur stated also when they leave the Airport they will be able to go out that way and I also thought it was nice that you are pointing people to go out the other way instead of going out onto Brown Avenue. You have a 93 sign when you come out the Airport that goes by where Sanders used to be. I think that is the best way to get Massachusetts drivers off of Brown Avenue and get them to go out that way because there is really no residential on that road and it brings you right out and you are right on South Willow Street, which is a really good way to get them out of the way.

Mr. Dillon replied ultimately I would like to think that someday there will be a connection to Interstate 93 directly from the Airport, but we need to convince Londonderry of that.

Alderman Thibault stated the area that you are talking about right now, are we talking about the Pine Island Plaza.

Mr. Dillon replied that is correct.

Alderman Thibault asked so we are talking about that whole area right. If I understand what you are saying, if in fact the Airport Authority or whoever deems that this is a problem for this section they are going to look into that and try to take care of that. Is that correct?

Mr. Dillon replied correct. If there are appreciable increases in noise as a result of the widening, I have committed to the community that we will work to come to a solution. Again, I can't answer what that solution will be today.

Alderman Thibault stated I am looking at Alderman Vaillancourt here and I want to make sure that there is certain protection there for him.

Alderman Vaillancourt stated I just wanted this Committee to be aware of that and the fact of landscaping that has also been promised and I think the City would not want to have a blighted area when the houses are gone so I think it would be to the City's advantage to have the landscaping as well.

Chairman Cashin asked, Kevin, are you here asking us for permission to start eminent domain proceedings.

Mr. Dillon answered no. If we end up in an eminent domain situation, we will be coming back and following the formal proceeding. I just wanted to advise this Committee tonight because ultimately I understand that we would be back before this Committee for eminent domain.

Chairman Cashin stated I would like to say, Kevin, that since you have been here and with all of the negotiations you have done I have not had one complaint and I want to thank you for that. Believe me, it wasn't that way with your predecessor.

Mr. Dillon replied that is good to hear.

Chairman Cashin stated it is obvious that we have some citizens here tonight and I think I know why you are here. You are here to find out about the site for the Senior Center. I don't want to keep you here so if it is okay, can we move to Item 11.

TABLED ITEMS

On motion of Alderman Thibault, duly seconded by Alderman Shea, it was voted to remove Item 11 from the table.

11. Communication from Alderman Lopez requesting the Committee move forward and approve the recommendations outlined by the Planning Department and Tennant/Wallace Architects of the proposed Senior Center Site.

Chairman Cashin stated Alderman Lopez, who is in the hospital, asked me if I would table this to allow him a chance to come here and talk to us, but since then it is my understanding that Alderman Shea talked to him and Alderman Lopez has agreed to allow this to be discussed this evening. With that being said, I will open it up to discussion.

Alderman Shea stated what I am suggesting tonight is that we move on a site for the Senior Center. As we all know, there were four sites originally picked. Two at Singer Park, another site at Derryfield Park and one at the old Sears building. I was an advocate of Derryfield Park, however, in a communication from the State which was received by the Planning Director and passed on to Ron Johnson, the problem with Derryfield Park is that it would not be available for at least two years. There are several problems connected to having the Senior Center at Derryfield Park. Bob MacKenzie wrote a memo today and explained what was confirmed, which is that it would take at least two years for all of the different problems to be ironed out and then there was no assurance after that time that the Department of Parks would allow a Senior Center there. My understanding also is, and I may stand to be corrected, that the Sears building is no longer available. That information was passed onto me by Alderman Lopez who talked to a Mr. Roy who is one of the owners. I can't confirm that. I am just letting you know. To make a long story short, what I am proposing this evening is that we accept Site B at Singer Park as the site for the Senior Center. I feel that that is the most

acceptable site available to us at this time. It has been a long struggle. I don't want to go through all of the particulars here, but I just outlined a few things. Mayor Wieczorek established a Senior Center Feasibility Study after a discussion with Irene Robie at the 1999 budget hearing and at that time he selected people initially from the east side and then he added key people from the west side. The Committee met for several months. We met in April, May, June, and July. Alderman Lopez was added to the Committee by Alderman Cashin. We had a feasibility study proposal that we went through. Mr. MacKenzie, as well as other staff members, selected Tenant & Wallace as the architect. They presented to us different types of proposals that centered on the four places that I have just discussed after 55 different areas were discussed by Alan Clark from REI. From all of the information received, I think that it is time now to decide that Singer Park B is the area where the Senior Center should be located so I am making that proposal, Mr. Chairman.

Alderman Shea moved to recommend Singer Park B as the site for the Senior Center. Alderman Thibault duly seconded the motion.

Alderman Thibault stated in looking at this and being very involved with everything that went on with this thing, I believe that would be a great choice, not only for the east side, but also for the west side. I think it is a centrally located place that is right across the river for the people of the west side to get to and it is certainly a centrally located place for the people of the east side. I seconded that motion because I believe that this is where it should go and I want you all to know that I am supporting that 1,000% and hopefully we can get the funds and do whatever we need to do to get it done.

Alderman Gatsas asked is Mr. MacKenzie here. You didn't bring any information, Bob, to show this Committee the traffic flow that is going to be at Singer Park or anything like that.

Mr. MacKenzie answered no. I had prepared a little...

Alderman Gatsas interjected let me ask you the questions. Obviously the traffic flow because I participated in Alderman Shea's Committee and if you can bear with me, Mr. Chairman, I believe that the traffic flow that you showed us one day in that Committee meeting was that the seniors would be having to drive through a parking lot to get to Singer Park.

Mr. MacKenzie replied I believe that you can develop a separate smaller access road that wraps around. If you remember the half round base of the old turntables. You could develop an access road specifically for this lower section of Singer Park around there. It would eliminate the possibility of some spaces on the

Rubenstein property. That is still yet to be determined, but it is doable to have a separate access road and it would probably be preferable to have a separate access road.

Alderman Gatsas asked how is that going to affect the parking garage that is going in.

Mr. MacKenzie answered if you kept it to the lower...below the roundtable, the parking garage would go on the upper portion and this access roadway would go on the lower portion.

Alderman Gatsas asked so you are still going to have to go through the Rubenstein property to get to it.

Mr. MacKenzie answered no. The parking garage, I would expect would be up on the roundtable which is the Rubenstein property. This access road would go on to a portion of it...the City just approved the acquisition of a small piece of railroad land and that is underway now. Only the very end of this access roadway would go onto the Rubenstein property. That is where you might lose some of the surface parking spaces.

Alderman Gatsas stated in this proposal I believe Chairman Cashin had asked you to do a comparison with the revenues that the City would be moving into the Sears building. I don't see anything to that effect.

Mr. MacKenzie replied this is what was requested by the City. This was an evaluation of the four alternative sites.

Alderman Gatsas responded this Committee requested of you to bring us an analysis of moving various agencies into the Sears building and how that would affect the cost of the mortgage on it or the bonding.

Mr. MacKenzie replied again, what was specifically requested of me was to compare the different sites and provide that information. Again, I was not aware of this particular meeting until just a day or so ago so I had to prepare the basics that I believed the Committee wanted and I believed they were looking for this analysis of sites and our identification of whether there were any major red flags.

Alderman Gatsas asked does anybody on this Committee remember requesting that.

Mr. MacKenzie stated the cost estimates have already been provided for. Those were available to the Committee and were provided by the architect.

Alderman Gatsas replied you didn't show us anything of what the rental costs were for the various agencies that we are paying throughout the City for a consolidation process.

Mr. MacKenzie responded the Mayor requested some information on that and I did provide that to the Mayor.

Alderman Gatsas stated I know this Committee requested it.

Mr. MacKenzie replied again, I believe that I provided what the Committee asked me for unless the Chairman or others...

Alderman Gatsas interjected well we will get the minutes. I know that I requested it.

Alderman Levasseur asked is it true that 19,000 square feet of the Sears building has been leased.

Mr. MacKenzie answered I did speak with the real estate people, as well as the owners and they indicated that they recently leased the last largest chunk of it. That was a five year lease and they indicated that the building was not for sale.

Chairman Cashin stated I heard that too.

Mr. MacKenzie replied I spoke with both the commercial realtor and the owner and they said the building is not for sale.

Alderman Gatsas asked when was that.

Mr. MacKenzie answered yesterday.

Alderman Levasseur stated I feel that there were a lot of people questioning whether we should go forward with the Riverwalk and I was one of the people who said that. I was starting to have my druthers but now that Singer Park is going to be used for the Senior Center I think it makes a lot more sense to go forward with the Riverwalk since I think that the people who will use it the most are the seniors. If you put those two together, it makes sense. I would recommend that we move on the Singer Park site.

Alderman Vaillancourt stated on Alderman Lopez's September 15 letter, there was one line "should Singer Park be determined to be of more value to the City in other ways". Has anything happened in the intervening eight weeks regarding that one particular sentence fragment?

Alderman Levasseur stated the question is we were talking about whether we were going to put the park and ride and other things in that location like a baseball field and I think we have determined that we can still do those things with the site that was recommended.

Mr. MacKenzie stated the Riverwalk Master Plan did identify that as a possible site for future development. It indicated either a community center type facility or potentially some private development. The potential for private development is there, although it is relatively constrained. A 24,000 square foot Senior Center is very tight on that particular site. Typically, that is not large enough to put a large office building, corporate headquarters or any significant residential in that area. The Master Plan, though, did identify alternatives and one of them was a community center.

Chairman Cashin called for a vote on the motion to recommend Singer Park B as the site for the Senior Center. The motion carried with Alderman Gatsas being duly recorded in opposition.

5. Communication from the Chief of Police requesting the expenditure of \$2,450.00 from previous CIP Police projects to fund a feasibility study of the Police Department firing range.
(Tabled 9/18/00 pending report, which is attached.)

On motion of Alderman Shea, duly seconded by Alderman Levasseur, it was voted to remove Item 5 from the table.

Alderman Levasseur moved to approve the request of the Chief of Police.
Alderman Shea duly seconded the motion for discussion.

Chairman Cashin stated you are asking for CIP funding for this I think. Could that be taken out of drug forfeiture funds or something?

Lt. Tessier replied I am not sure that we could utilize it in that capacity, but that is certainly something we could look into.

Chairman Cashin replied we will pass it contingent on if you can.

On motion of Alderman Shea, duly seconded by Alderman Levasseur, it was voted to approve the request contingent upon the Police Department using drug forfeiture funds.

6. Communication from Director of Planning regarding the possible land acquisition of a piece of property on the westerly edge of Wolf Park.

On motion of Alderman Shea, duly seconded by Alderman Levasseur, it was voted to remove Item 6 from the table.

Chairman Cashin stated I believe you have all received the information from the Assessor's Office. Mr. Roy, are you aware of the Assessor's letter?

Mr. Roy replied yes.

Chairman Cashin asked is it agreeable to the Committee to allow Mr. Roy to speak. The Committee agreed.

Mr. Roy stated through my conversation with Steve Tellier at the last meeting this item was tabled for us to bring back a more complete proposal to this Committee. In receiving the letter from the Highway Department, which was forwarded to me by Steve Tellier, the request was misinterpreted. The Highway Department went ahead and put a road cost together for 700 feet of road, which would connect in an L shape Schiller Street to Harvell Street, creating Wheelock Street, which is quite a dramatic improvement from what we were actually looking for. I went ahead and put together some numbers as well. Everything that I have to say is quickly summarized in the left part of your package in the first two pages, the Wolf Park Development Summary and the Summary Based on Provided Estimates, using the City estimates, what the Highway Department has come up for costs based on their evaluation of the 700 feet naturally just using a per foot cost, what the Assessor's Office has come up with for an average lot cost. Page 2 gives you the worst case and best case scenarios of what the two requested groups came up with for numbers and what the owner would be requesting. I guess that it what I would be asking you to look at in the form of information and then maybe addressing the Assessor's Office and Highway Department to verify the numbers, which they provided for us.

Alderman Cashin asked, Frank, could you come to the microphone please.

Alderman Shea asked, Mr. Roy, what you are asking for is \$80,000 minus \$21,000 you owe in taxes so \$59,000 is what you are asking for?

Mr. Roy answered yes. A proposal was made over five years ago when this process started to sell the property to the City at that point for a \$65,000 cost with \$6,000 in unpaid taxes. At that point, through the Assessor's Office and the Solicitor's Office, the tax payment was put on hold to work out some form of transaction. We are just trying to bring an end to that.

Alderman Gatsas asked how many years outstanding are the taxes.

Mr. Roy answered I believe that question could be better answered by Joan Porter, but I believe it is six.

Alderman Gatsas asked why have we not gone forward with a...

Ms. Porter answered we actually addressed this at the last meeting. We didn't go forward in the beginning because...we could have deeded it two years ago and at that point we started going into negotiations with the owner to try and do a land swap. They were trying to purchase or exchange some other property that the City owned for these properties and they have been working with the Solicitor's Office trying to exchange a parcel of land and no agreement has come about.

Alderman Gatsas asked what is the other parcel.

Ms. Porter answered there were several that they proposed. One was the one that they talked about just south of the Senior Center across from Shop n' Save. That piece of land that Parks & Recreation has. There were several different locations that just weren't feasible.

Alderman Shea asked are we in a position now to just take that property over.

Deputy Solicitor Arnold answered ordinarily we could tax deed, however, there has been a recent Superior Court case, which throws that into doubt. If it weren't for that case, yes, we would be in a position to tax deed the property or send out a 30 day notice of tax deeding, which would give him that time to pay the taxes if he chose to do so.

Alderman Shea asked does the Supreme Court case negate out being able to handle an individual case.

Deputy Solicitor Arnold answered there was basically a Supreme Court case involving the town of Croydon where the Supreme Court held the optional tax deeding procedure unconstitutional.

Mr. Roy stated to answer your question further and taking the Supreme Court out of it, Alderman Shea, the reason the taxes haven't been paid is through this negotiation. If this negotiation, hopefully at its final point now, breaks down and the City decides not to purchase the land, the tax bill will be brought up-to-date in that 30 day process of notification. The property will be put on the market and a development group will be looking at the property for sale.

Chairman Cashin asked the property at Wolf Park you are talking about.

Mr. Roy answered yes.

Chairman Cashin asked you are going to have a developer look at it.

Mr. Roy answered it will reach the open market for sale.

Chairman Cashin asked if we don't do anything.

Mr. Roy stated the ideal thing would be for the City to purchase it as we previously discussed. At this point, the owner is looking for just relief from the property. He is not a builder. He is an attorney. He would like to recoup some of his funds by selling it to the City or selling it to somebody who will do something with it.

Chairman Cashin stated, Mr. Roy, you realize that this Committee has a problem here. You have come in with a number of \$80,000, which you say it is worth. The City is saying that you have a net value of \$78,000 on the same piece of property. You owe the City \$21,000 in taxes and you expect us to make a decision here this evening. I don't think that is going to happen.

Mr. Roy replied I am asking as was requested at the last meeting just to provide you with information. At that point...it was my first interaction with you at this meeting in a sense that this property has gone on for years. I asked instead of putting the property on the open market to go ahead and pursue getting it to the City. To do my job I have to unfortunately sell it to the City. In order to keep it from going on the open market the City would have to purchase it. This process is a very long one as the City Solicitor's Office and Tax Office can tell you. We are not looking for any quick answers. I would like to keep the process going forward because as we have met and as I have met with Parks & Recreation, this is not a good place to put condominiums or duplexes.

Alderman Gatsas asked, Joan, is the clicker still going on the interest.

Ms. Porter answered yes.

Alderman Gatsas stated maybe you can explain to me once more, Mr. Solicitor, why we can't file notice to tax deed.

Deputy Solicitor Arnold replied because of the Supreme Court Town of Croydon case.

Alderman Gatsas asked what does that say.

Deputy Solicitor Arnold answered that was a case where the Town of Croydon essentially took property worth in the area of \$65,000 for past taxes due of \$370. The case went to the Supreme Court and they essentially held that that was an unconstitutional taking and held the optional tax lien procedure unconstitutional.

Alderman Gatsas replied I think that this certainly is not going to fall into a \$370 bill so I think maybe this Committee or the entire Board should start a process...I don't know how many more of these we have out there Joan.

Ms. Porter responded I can tell you that in this particular case once that Supreme Court decision came down, the attorneys for the Tax Collector's Association and for the Municipal Association, as well as the City of Manchester have all advised the Tax Collectors not to deed any property. There is a challenge and it is not really an appeal. I am not sure what the legal term is but they are asking for a clarification on the decision. It was Linda Dalanais that made the decision. They are asking her to expand on what her decision was. That we expect to come out by the end of the year.

Alderman Levasseur stated I read that case and that case was more of an equity case. They were taking away a person's property value of \$60,000 and the guy only had a tax bill on it for \$365. The Supreme Court obviously said we are looking at an equity situation where that was unreasonable and unfair. I don't believe that every single building we would have to go through this for.

Ms. Porter replied unfortunately Linda Dalanais went beyond that individual case. She did not rule on that individual case. She ruled on the State RSA on liening and deeding.

Deputy Solicitor Arnold stated what happened is those were the facts and we tend to agree that it was an egregious case, but what the court did is they held the optional tax liening procedure, which the City uses, unconstitutional.

Alderman Gatsas stated let me ask the question one more time and maybe I can get my answer seeing that everybody wants to throw legalese out. Joan, how many other pieces do we have that fall into this category?

Ms. Porter asked that we can't tax deed.

Alderman Gatsas answered that we should tax deed but everyone is telling you to put on the breaks.

Ms. Porter replied it is about 40. We did a title search on those properties and then were told not to...

Alderman Gatsas interjected, Mr. Chairman, can I ask the City Clerk to send a letter to the Tax Office so that we can get a list of those properties.

Ms. Porter replied I can provide that to you.

Alderman Gatsas stated I don't have a problem with you, but it seems as though from now on we need to put it in memo form. Alderman Vaillancourt is talking about when you request things you request them in letter form and then there is no confusion so we will start this procedure and send you a letter on what we are looking for.

Ms. Porter replied we just had the title search done so we have the list prepared.

Alderman Levasseur stated it still brings us to the case at hand and it would seem to me that if Mr. Roy and who he represents and this is not a disparagement to you, Mr. Roy, but if the seller could sell he would have sold and it seems to me that that piece of property is not something he could sell. Maybe I am wrong, Mr. Chairman, but does he want to give this to the City because he is being philanthropic or what?

Mr. Roy replied if I may, this property just to give you a brief history as the City Solicitor well knows, was deeded in lieu of fees from a real estate developer in the 80's that was going under and was having financial problems and couldn't pay his bill. It was formally developer owned. The attorney took it through no other reason than he wasn't going to get paid. It hasn't reached the open market. As a real estate broker I can tell you that there is a huge lack of affordable housing in this City. There is a huge lack of affordable land. I was at a meeting with Mr. MacKenzie and if you look at the building permits issued over the past few years, you will be able to tell that land like this will unfortunately probably be developed for the reason that there is nothing comparable.

Chairman Cashin stated I want to be fair with you, Mr. Roy. The Highway Department has not seen your figures. What I would like to do is recommend that we take the figure that we have been given here this evening, give it back to the Highway and let them evaluate it along with the Assessor's Office and see if we can come up with something that might be mutually agreeable. Is that fair?

On motion of Alderman Shea, duly seconded by Alderman Thibault, it was voted to put this item back on the table pending a recommendation from the Highway Department and Assessor's Office.

7. Request to purchase property located at Crescent Lane known as Map 218/Lot 21.
(Tabled 9/18/00 pending reports from Planning and Tax.)

This item remained on the table.

8. Request to purchase two parcels of land located at the corner of North Bay and Bennington Streets.
(Tabled 9/18/00 pending conservation easement.)

Chairman Cashin asked did we get a conservation easement.

Deputy Solicitor Arnold answered unfortunately at this time we do not. It got buried in the office. However, to go back to the initial question, I am not sure that I see the benefit to the City. I am not even sure that we can grant a conservation easement. There is no grantee here. I don't see the City essentially granting a conservation easement to itself. Even if that were possible I would wonder about the wisdom of doing that.

Chairman Cashin replied I think the intent was that we wanted to guarantee that it wouldn't be developed. That is what we are trying to do. Will we have it for the next meeting?

Deputy Solicitor Arnold responded yes. I understand what the Committee's desire is at this point but how to do that is another question.

9. Request to purchase property located on River Road known as Map 222/Lot 79.
(Tabled 9/18/00 pending reports from Planning and Tax.)

This item remained on the table.

10. Request to purchase property known as Lot 750/11 located on Pond Drive.
(Tabled 9/18/00 pending reports from Tax and Assessors.)

This item remained on the table.

12. Proposed Senior Center Building Site Evaluation and Comparative Project
Cost Estimates.
(Tabled 9/18/00.)

This item remained on the table.

NEW BUSINESS

Communication from Parks & Recreation Director requesting to name the Maple Street Youth Center after Regis Lemaire.

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

Alderman Gatsas asked have we received...I believe you had requested four or five months ago a list of properties that the City has on the books that we own.

Alderman Levasseur stated I thought we got that. Didn't you give us that, Mr. MacKenzie?

Alderman Gatsas moved to have the City Clerk to send to the Planning Department a letter requesting a list of all of the properties that are owned by the City, what they are zoned and where they are located to be provided by the next meeting of the Lands & Buildings Committee. Alderman Shea duly seconded the motion.

Mr. MacKenzie stated at this point we do not, in our department, have that information so we are going to have to go to the Assessor's Office. I would guesstimate given how many parcels the City owns and depending on whether you include tax deeds, that it will be a few months project to do that. Now, in our office since we are short staffed we would actually have to put aside some other projects that we are working on and trying to get done. I am just being honest with you given the amount of time that I would perceive doing that particular project. There are some listings that are already out there and I think the Assessor's Office had one. I am not sure if it is up-to-date. The Tax Collector has lists of tax deeded properties.

Chairman Cashin stated it seems to me that I have seen a list someplace recently.

Mr. Nichols replied I do remember seeing a list and I might have one in my office. It is not updated and hasn't been updated in 10 years.

Alderman Gatsas asked there is nothing in the City anywhere in any department where we know what we own.

Mr. Nichols answered I was just going to say that we can just take that list...

Alderman Gatsas interjected just answer the question. Does the Planning Department or Tax Office...nobody has a list of what this City owns and where those parcels are?

Mr. Nichols replied I think one of us has it. It is just the idea of locating it. It hasn't been updated.

Alderman Gatsas asked for 10 years.

Mr. Nichols answered that I can remember, yes.

Alderman Gatsas stated so what you are saying is that in the past 10 years we don't know if there are additional parcels.

Ms. Porter replied one thing under our old system we had City of Manchester as an owner of property listed as City of Manchester School Department, City of Manchester Highway, City of Manchester Parks & Recreation and we could go into our old system and print...which is only a year old, and print all of those. They would break them out as far as, you would be getting a list of what the School Department owns, what Parks & Recreation owns, what Highway owns, what the City of Manchester Tax Collector owns. They would be broken out that way but if you were looking for one list that listed everything no matter who owned it in this City, it doesn't exist.

Chairman Cashin responded but that list would give us what we are looking for. It is just broken down.

Ms. Porter replied if you are only interested in tax deeded properties, we can probably go into the old system and give you those that are tax deeded. If you were just interested in School Department, we could give you that or we could give you all of them but it is not going to be concise. We could print that for you.

Alderman Gatsas asked when you say School Department, would that show you Central High School or would that show you a piece of land that...

Ms. Porter interjected it would show you everything that the Manchester School District is listed as the owner of. If the School Department is listed as the owner of Central High School, that would be on that list.

Chairman Cashin asked if the School Department owned Brown School it would show that.

Ms. Porter answered yes. I would be happy to print that out of that system and if that doesn't work then we can work on something else.

Alderman Shea stated what we are primarily looking for is any ownership by any department that really isn't occupied.

Ms. Porter replied what you are going to get it every tiny little piece of land that any of those departments owns because it is going to be everything that they own. Everything that is in a name other than a personal owner. You can cull through that and I am sure a lot of them will mean something to you.

Alderman Shea stated I think what Alderman Gatsas is looking for is land or buildings that aren't occupied. Like Central High School is being used now even though the School Department owns it and I think Brown School was turned over to the City but if it weren't turned over to the City that would be something that is unoccupied.

Ms. Porter replied we have nothing that determines whether a building is occupied or not so, therefore, if it is occupied we don't have a code of any sort that says yes it is or no it isn't. You would have to know what you are looking for or eliminate what is occupied.

Chairman Cashin stated what we are looking for is any surplus land or buildings that might be available that we might be able to look at. I think if you could extrapolate your list and maybe if we could go over it...

Ms. Porter interjected you could eliminate the ones that are occupied.

Chairman Cashin asked can you do that for us.

Ms. Porter answered we can try it.

Alderman Thibault asked in the non-taxable property that the City owns, why couldn't we just come up with a list for that.

Ms. Porter answered I am just warning you that when I bring that up in the old system that is probably about three screens and inside each of those screens each account is probably 20, 30 or 50 properties. I would be happy to go in and get them printed for you, but it is going to be...

Chairman Cashin asked how much work is this.

Ms. Porter answered for what I am giving you, it would not take us a lot of time to print for you but as Bob said, if you are looking for all of the surplus properties that are available that you could do something with, it has actually been a goal of hours for I don't know how long. We just can't get to that to actually cull that type of a list.

Chairman Cashin stated well why don't you just give us what you have.

Alderman Gatsas stated it is pretty scary that we sit here as a City and have no clue what our surplus property is. That is absolutely scary. I don't know how we fix that but it should be fixed because that is like going into a major company and saying to yourself we need paperclips and have 50,000 boxes but you don't know where they are.

Chairman Cashin replied I agree. Let's work with the departments and see if we can get that corrected.

There being no further business to come before the Committee, on motion of Alderman Thibault, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee