

COMMITTEE ON LANDS AND BUILDINGS

October 23, 2006

4:30 PM

Chairman Thibault called the meeting to order.

The Clerk called the roll.

Present: Aldermen Thibault, Smith, Forest, Roy, Long

3. Communication from Marcel Beliveau requesting to purchase city-owned parcel (Map 692, Lot 10) located on Granite Street.
Assessors – Range of value \$10,000 (rounded).
Planning – deemed surplus to City needs noting normal disposition would be by public sale, however, Committee may find purpose in selling Lot 10 to the requesting party and if so would recommend that a condition of any sale be that Lot 10 be merged with Lot 14.
Tax Collector – no interest in property.

Chairman Thibault stated several years ago when I had to the two parking lots put down there next to Mike Beliveau's land there was a piece of land there about 12 or 13 feet wide by maybe 120 feet, I'm not sure of the exact number. It's Lot #14, it has no bearing on anybody else but the abutter and he's looking to purchase it, so all we are looking for is to allow him to buy it. Planning has submitted their recommendation.

Alderman Smith moved to find property surplus to City needs and sell to the abutter at a price of \$10,000, subject to the parcel being merged with Lot 14. Alderman Long duly seconded the motion.

Alderman Roy stated my real concern is just value of the property. From what I read this is a 70 by 35 foot parcel.

Mr. Cornell, Chair, Board of Assessors, stated we had indicated a value of about \$10,000. The total land area is about 2,520 square feet so it is a very small piece of land besides this additional parking as a stand alone lot, there is not a whole lot

you can do with it. Previously before and I think on the website it was actually we still had the higher square footage, so if you look it had the higher square footage before the taking of the Granite Street project.

Chairman Thibault noted that it will be a taxable parcel as well.

Alderman Roy noted that he was in favor of that but they were going against their norm of putting things out to auction and where there is one abutter I want to make sure we cross our t's and dot our i's.

Chairman Thibault noted that was why he had Planning look in to it, no one else seemed to have interest in it.

There being no further discussion, Chairman Thibault called for a vote. The motion carried unanimously.

4. Communication from Attorney David Nixon requesting a Revocable License to install a spa/hot tub on unused City land immediately northerly of Dockside II Condominiums located at 51 Riverfront Drive.
Assessors – based on proposed agreement, City can revoke license within a 30-day notice, City is not transferring any permanent rights, therefore, the value of the property would remain the same.
Planning – awaiting report.
Tax Collector – no interest in property.
Solicitor – awaiting report.
Fire – awaiting report.

Alderman Smith moved for discussion to hear reports. Alderman Long seconded the motion.

Mr. MacKenzie stated at one point the condominium association did want to purchase the property. I think it was probably our department that had some reservations, this is the only City owned parcel on the west side of the still water section of the river, so it's very possible some day that there may be a need for open space or access for the Fire Department or something else. So at that point we felt it reasonable to have a license for the condominium. We did look at this request today and to be honest we have some hesitancy about granting special structures on this property for individual users. They are looking to put a hot tub, it's one of the condominium owners, and we just think that that is not consistent with the long term use of this property and the goal of keeping it green on the river.

Chairman Thibault stated the fact that he is looking for a 30 day revocable license if we give him some kind of a license isn't that something that you feel more comfortable with.

Mr. MacKenzie, it is in some regards, and yet it does set a precedent, if other people want to put a swimming pool, a pool on the side, parking spaces on the site as individuals.

Chairman Thibault noted they would not be able to remove it in 30 days.

Mr. MacKenzie it is a unique situation and I'm just hesitant to start that precedent.

Alderman Long stated I would feel more comfortable if I knew where it was going to be located. Whether there would be any access problem or what have you.

Chairman Thibault commented that he thought they had a picture.

Alderman Long noted that there was pictures but not anything that actually depicted the location on the property.

Chairman Thibault asked if Mr. MacKenzie could identify that for the committee so they know exactly where it is or if it would impede anything.

Mr. MacKenzie stated yes they could and would have to check it because they would need electrical access.

Chairman Thibault asked that he forward that to the Committee members.

Alderman Lopez stated isn't this true that we do this for public service on city land and don't get any fees for this, this land that you are speaking of is to the left side as you look at the building as you agree is green space. I'm sure if some stipulations were made that the hot tub and greenage would be around it. Because I do know that particular area over there. We didn't give them the right to use our land to put docks up down there for an example. Those are all things that, I think we are trying to accommodate somebody who's got a sick wife, in the sense of a medical condition that she needs that type of therapy. I think to accommodate and say okay 30 days you have to take it out of there, I think is a very good, with the cost that has to be put in there and if we want to use this land for the future, we haven't used it for how many years. How many years that we haven't touched that land. I remember when the boat landing people wanted to use it we turned it down years ago. Any structures, I wish the committee would take a good look at that and it's a piece of land to the left going north that belongs to the City and it's a matter of putting a hot tub there so it can be used by somebody who needs that

therapy, so if the City wanted to make a stipulation as far as greenage as you indicate that they could put some green shrubs around there so you wouldn't even see it.

Chairman Thibault stated I don't know if you have all received the revocable license agreement that this would bear under but I think it's something that could be taken out of there anytime that we wish for whatever reason if somebody complains or has a problem with, so I don't see a problem with it.

Alderman Roy while I support the city doing anything it can to help any homeowner with a medical condition, the plan that we have does not really specify as Alderman Long said, where this would go in comparison to the parking spaces and the unit. I don't have a lot of information to make a decision well on.

Chairman Thibault again suggested Mr. MacKenzie provide the information.

Alderman Roy moved to approve the request subject to receipt of information on the placement to be provided by the full Board meeting. Alderman Long seconded the motion. There being none opposed the motion carried.

5. Communication from Paul Boynton, President & CEO, Moore Center Services, Inc., requesting the removal of a deed reverter clause on the old Highland School on Titus Avenue.

On motion of Alderman Smith, duly seconded by Alderman Roy, was voted to approve the request as submitted. None were recorded in opposition.

6. Communication from Jane Beaulieu relative to the Bass Island property.

Chairman Thibault stated as I understand at this point we still haven't the soil reports from this land and I would caution the committee to move before we have those.

Alderman Smith stated it is in my ward. I spoke with Parks and Recreation, they still haven't taken the environmental studies and I would say we hold off on this.

Alderman Smith moved to table the item. Alderman Long seconded the motion. There being none opposed the motion carried.

TABLED ITEMS

7. Communication from Paul Borek, Economic Development Director, regarding the Ash Street School property located on Bridge Street.
(Note: tabled 11/12/2005 pending report of School Board action. Enclosed is a copy of a resolution adopted by the School Board on 12/12/2005. On 09/05/2006 BMA accepted L & B report requesting staff to return to Committee with a proposed agreement between the City and Amoskeag Industries as outlined herein.)

On motion of Alderman Roy, duly seconded by Alderman Long it was voted to remove this item from the table.

Glen Olund, Project Coordinator from the Manchester Economic Development Office stated he actually had nothing to report on this. As far as I'm aware they are working on an agreement with Amoskeag Industries. There is a realtor involved and is actually actively looking to show the property this week.

Chairman Thibault stated but it hasn't been finalized as yet, is that what you are saying.

Mr. Olund stated I imagine the agreement would have been finalized if there is a broker involved in showing the property.

Alderman Roy stated through you could we request within 24 hours that Paul give us a written update on that property. If there is a realtor already involved I believe the last thing we were looking for was an RFP and we held off because of the marketing, or the reverter decision between Amoskeag and the City so if we could get a precise update of what is going on.

Mr. Olund stated he would speak with Paul tomorrow and make sure we get some information to this committee.

Deputy Solicitor Arnold stated just to bring the Committee up to date briefly we have been looking to finalize a marketing agreement for the Ash Street School as a matter of fact I spoke to Dick Samuals this afternoon about some point raised by Mr. MacKenzie and Mr. Borek. I anticipate that we will have another attempt at an agreement within a couple of days. Mr. Samuals said he would try to put it together and get it over to me for my review, and that's presently where it stands right now. I know there has been some interest expressed in the building, but we need to finalize the marketing agreement.

Chairman Thibault asked if it would not be best to leave this on the table at this point if they are looking into some things.

Alderman Roy stated I am just concern that things get done in this City that aren't necessarily the will of the Board. We can put it back on the table pending the update from Mr. Borek. I would like the update within 24 hours if we are finalizing attorney agreements and marketing agreements with realtors that I believe should be something this committee or the full Board is aware of.

Deputy Solicitor Arnold stated just to be clear I would anticipate that the marketing agreement when it is finalized will be presented to this Board for approval.

Chairman Thibault asked the Committee or the Board.

Deputy Solicitor Arnold stated the full Board he believed.

Mr. Orlund stated I may have misspoke there is a realtor that is interested in showing the property this Friday to somebody, whether there is a formal agreement or not, he's just showing the property.

Alderman long stated there is a lot of unanswered questions with regards to the percentages of Amoskeag Industries, what sort of agreement they came up with the City on with respect to their reverter rights. Just those preliminaries we ought to know prior to getting a finalization at a Board of Aldermen meeting. Alderman Long asked if the reverter rights would have anything to do with respect to negotiations with the City.

Deputy Solicitor Arnold stated the percentages that each of the parties will see are part of the marketing agreement. And Carol has indicated that her recollection is that that is suppose to come back to this Committee so that is where it will go.

Alderman Roy stated it's my understanding that the discussion between Amoskeag Industries and the City regarding reverter rights should not include a marketing agreement with a real estate firm, am I missing a great big step.

Deputy Solicitor Arnold stated I don't think you are missing anything other than the agreement between the City and Amoskeag Industries is over who will market the building, who will maintain it and how the profit so to speak will be divided. The marketing agreement for a realtor, for a realtor to actually market an agreement under the present proposed marketing agreement between Amoskeag

and the City would be up to Amoskeag and will be an agreement between Amoskeag Industries and the realtor that they select.

Alderman Roy stated so the realtor is one of the terms within the agreement between the City and Amoskeag Industries.

Deputy Solicitor Arnold stated in a nutshell it provides that Amoskeag Industries will market the building, so that any agreement that they enter into to market the building would be an agreement between Amoskeag Industries and the entity.

Alderman Roy stated okay and prior to anything happening with the building that proposed agreement would come back to this committee and then the full Board.

Deputy Solicitor Arnold stated I don't think ...the agreement between the City and Amoskeag Industries will come back to this committee.

Alderman Roy stated and any conditions of that would be made public at that time that we could discuss.

Deputy Solicitor Arnold stated that is correct. Those terms of course I don't anticipate will include any agreement between any realtor for instance and Amoskeag to market the building.

Alderman Roy stated that is fine. I just wanted to make sure we are not jumping our last notation is on 9/05/2006 the BMA accepted the L&B report requesting stff to return to the committee with a proposed agreement between the City and Amoskeag Industries. And now I'm hearing less than 5 days away where you have showings on the property. With no information of marketing costs, no information of split between City and Amoskeag Industries, so there is a big step between who owns it and lets sell it.

Chairman Thibault stated that's why I said it should stay on the table until these things are finalized.

Alderman Roy stated I would like a clear clarification from Mr. Borek as to what the process is. Not that I have a problem with going forward I believe we should have sold this a year ago.

There being no further discussion, On motion of Alderman Roy, duly seconded by Alderman Long, it was voted to re-table this item.

8. Communication from Mayor Guinta requesting staff prepare recommendations relating to placing out to competitive/sealed bid parcels located on Granite Street, Phillippe Cote Way and Seal Tanning parking lot as requested by David Brady of Brady-Sullivan.

(Note: tabled 08/22/2006. Previous reports enclosed for informational purposes.)

On motion of Alderman Smith, duly seconded by Alderman Long, it was voted to remove this item from the table.

Alderman Smith asked where we stood on this noting the last time they were going to have competitive bids and I haven't heard anything.

Mr. MacKenzie stated I am aware that the Mayor has been actively working on this. The Mayor has actually requested some information from the Solicitor's office so that he has been trying to resolve the issues. There are different interested parties in the site and he has been working on trying to resolve it. You may want to request an update from the Mayor, but he was actively trying to resolve that problem.

Alderman Smith noted it had been 2 or 3 months, nothing has been decided, we were ready to dispose of it to a certain party and another had an interest and we were going to go to competitive bids and nothing has been resolved. I think it is conducive to the City to do something with this parcel as soon as possible.

Mr. MacKenzie agreed and was hopeful that there could be a resolution to both parties that had interest.

Chairman Thibault requested to check with the Mayor's office to see if Mr. Thomas was available to give an update.

Alderman Roy stated if there was something to be said it should be in the agenda. Like the Ash Street School this property has been sitting there we are now using an entirely different section of I-293 that's been built since we've been talking about this.

Mr. Thomas addressed the Committee stating currently the Mayor has been meeting with parties both from Brady Sullivan and with representatives from DECCA. We seemed to have reached a tentative agreement between both parties and we will be bringing a full plan into this committee sometime within the next two weeks. We had hoped to have it done tonight but circumstances last slowed things down.

Alderman Long noted with the hiring of the new parking manager, and addressing parking issues it becomes even more important to get it looked at.

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

9. Communication from Tom Remillard, Principal of Building Networks LLC, regarding potential clients submitting proposals for cell phone antennas at 223 James Pollock Drive (school property) and Derryfield Park. *(Note: tabled 08/22/2006 pending reports from School and Parks. Parks has referred communication to Fire Department for their review.)*

On motion of Alderman Roy, duly seconded by Alderman Smith, it was voted to remove this item from the table.

Alderman Roy asked if Parks and Recreation wished to report on the status.

Mr. DePrima addressed the committee advising that the Parks Department had referred it to the Fire Department. Even though it was on park property it was the Fire Department's tower so any negotiations for that license or buyout should go through them.

Alderman Roy asked to send a letter to the Fire Department asking for an update, and bring it to the next meeting.

Alderman Smith noted it involved his ward on school property and asked that they notify school officials.

Deputy City Clerk Johnson noted that they had sent a letter to the School Department and had not heard back on the matter.

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

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

A True Record. Attest.

Clerk of Committee