

COMMITTEE ON LANDS AND BUILDINGS

September 1, 2009

4:30 PM

Chairman Smith called the meeting to order.

The Clerk called the roll.

Present: Aldermen Smith, Gatsas, M. Roy, J. Roy, Osborne

Messrs: C. DePrima, T. Clark, D. Bigelow, P. Greazzo, K. Sheppard, J. Minkarah,
D. Anagnost, D. Cornell

Chairman Smith addressed item 3 of the agenda:

3. Ratify and confirm phone poll conducted on July 8, 2009 approving the naming of the new Play Park at Crystal Lake in memory of Tom Connors.

On motion of Alderman M. Roy, duly seconded by Alderman Osborne, it was voted to ratify and confirm the phone poll conducted on July 8, 2009.

Chairman Smith addressed item 4 of the agenda:

4. Discussion regarding a dog park in the city.
(Note: Communication from Parks & Recreation will be forwarded under separate cover, if available.)

On motion of Alderman Osborne, duly seconded by Alderman M. Roy, it was voted to discuss this item.

Mr. Chuck DePrima, Parks and Recreation Director, stated I think this deserves a lot of discussion. I'm going to rely on the communication I have already sent to the Committee. I tried to be as succinct and direct as I possibly could in my decision choosing some potential sites around the City and the criteria by which I used to choose them. I would rather open it up to discussion.

Alderman Smith stated we're here to select a site. This has been a problem all around, subject to liability efforts of the City of Manchester with the Solicitor and so forth, but we are here to recommend possible sites for the potential dog park.

Alderman J. Roy asked Chuck, isn't there a brand new trail that was done over in the Precourt area?

Mr. DePrima replied yes, there was.

Alderman J. Roy stated to me it doesn't seem all that compatible to have a dog park next to the trail that is suppose to be quiet and serene. Am I wrong that it's not that close?

Mr. DePrima replied none of the sites that I listed are near that particular trail way.

Alderman J. Roy asked I thought that trail went behind Westside Arena?

Mr. DePrima replied no, that is the Pistataqua Trail Way and that's adjacent to the potential site. Yes, it is adjacent to it, but it is a fair distance from it. I do have concerns regarding that site.

Alderman J. Roy asked what are they?

Mr. DePrima replied above and beyond the criteria that I did my best to outline, I think that area receives a lot of traffic and concentrated use with the Westside Ice Arena, Junior Deb Fields and the parking we encourage people to use for the new T-ball field. Those three combined uses draw enough traffic into that particular area that if a dog park is as popular as we anticipate, it may not be the most compatible site.

Alderman Osborne asked would it be good to name off these four sites so the people know what we are talking about?

Alderman Smith replied surely. One is a site by the Pine Grove Cemetery off of Brown Avenue. One is on Barton Road at the landfill. One is the Pistataqua River Park adjacent to the Westside Arena. The fourth one is Weston Tower at Derryfield Park. Those were the four proposals submitted by Parks and Recreation Department.

Alderman M. Roy asked with a City our size why are we only looking for one location? I've always had the thought that we could do more neighborhood dog parks. I agree that the Dunbarton Road site is nice, but if you live in the south end of Manchester it is a 20 minute drive. If you live down by the Airport, it would be convenient to have a dog park near by. Some of your criteria bothered me like the distance and the vegetation buffers. In my opinion a dog park is almost the same as a neighborhood park where you expect people to go, use it and be seen. Of these four, are we asked to pick one because the Dog Park Association wants one designated that they can manage? If so, I would look to Dunbarton Road. In the large scheme, I would much rather see four or five sites

throughout the City: north, east, south, and central so everyone has the opportunity to walk a short distance to the dog park.

Mr. DePrima replied I agree with you, Alderman. I think that's the long term intent. We would like to start with one and see how it operates and work out any problems that may arise and then expand from that point.

Alderman Ouellette stated I would like to thank my colleague from Ward 4 for bringing up the Westside Arena site. I can tell you that with all the traffic from the new Pistataqua River Trail, I feel as the Ward Alderman that adding another attraction to that confined area would not be in the best interest of the residents, especially those who live on Douglas Street Extension. I had a meeting with Police and numerous meetings with neighbors about situations that are occurring due to the new park. They are already having problems with dogs off leashes. The neighbors have expressed to me that they are adamantly opposed to a dog park there. I don't feel, Mr. Chairman, that is a proper site unless you do a lot of excavating of trees. There isn't much room in that area. If you are going to have an off leash dog park you need open space and not a wooded area. I'm under the understanding that there was already a site that was looked at and I would be in favor of at the Dunbarton Road area. The Animal Control facility is already up there. You have the services there and there is plenty of room. I think it would great use of that area that is unused right now. I was under the impression that Senator DeVries had legislation that passed the House concerning the liability for the City. I think a lot of these questions have to be answered before we can move forward. If this Committee wants to pick a site before that happens, that would be up to the Committee, but I wouldn't want people to get their hopes up if something like liability will hinder the existence of a dog park.

Alderman Lopez stated I'm curious about the agreement. Could you or the City Solicitor give some background?

Mr. DePrima stated the document that you have before you is not an agreement. It is simply a proposal for the Committee to review and narrow the site selection down to several possibilities. In the last sentence of the cover letter, I stated that upon approval from the Lands and Building Committee this will be reduced to an agreement between the City and the Manchester Dog Park Association.

Alderman Lopez asked is the Dog Park Association a non-profit association? Do they have officers?

Mr. DePrima replied there is a chairman. This agreement is also contingent upon their proof of insurance and registration with the state as an entity that the City can enter into an agreement with.

Alderman Lopez asked can we enter into an agreement with an individual rather than a non-profit organization?

Mr. Tom Clark, City Solicitor, replied we would prefer to have an agreement with an organization, especially if a number of people are going to oversee and lease the use of the dog park. We would prefer to not to enter into an agreement with an individual. However, that organization doesn't necessarily need to be a non-profit. It probably would be preferable from their perspective to be so, but we just want a legal entity of some type with which to enter into an agreement.

Alderman Lopez asked did you have any input in this document in reference to the Dog Park Association?

Mr. Clark replied I know Tom Clark reviewed the recommendations, but we have not drafted a document for an agreement yet. We would do that once the Committee selects a site and indicates an interest in moving forward. Then we would draft an actual agreement. We could certainly come back to the Committee with that agreement.

Alderman Lopez asked where did the attached rules and regulations come from?

Mr. DePrima replied those are ideas that I got from other communities that I had discussions with. These are rules they had in place and based on concerns I had when I spoke to the Police and the Animal Control Division.

Alderman Lopez stated it seems like these documents are what are going to be agreed to. Is that true or not?

Mr. DePrima replied not necessarily. Whatever the will of the Committee is, and ultimately the full Board, will be the agreement put into place with the Dog Association.

Alderman Lopez asked if the Committee agree to the attachments on the rules and regulations and they vote on an agreement to establish that, is that what will be negotiated with either an individual or an organization?

Mr. Clark replied again, we prefer an organization.

Alderman Lopez asked is this an organization?

Mr. DePrima replied it is my understanding that it is. I have not received the documentation proving their registration with that state.

Alderman Smith stated I met with Tom Clark. To refresh everyone's memories, an organization or association registered with the state of New Hampshire has to agree to the terms set by the City Solicitor for liability. What we are trying to do is set a site and get the ball rolling. They have to fulfill their obligations once the site is chosen.

Alderman Osborne asked from the four sites that are chosen here, my recommendation would be Brown Avenue and Crescent Road. This is a remote, but nice area.

Alderman M. Roy asked where would the parking be for the Brown Avenue site?

Mr. DePrima replied we anticipate the parking could either be adjacent to the actual site, which is the flat area and parallel to Brown Avenue, or it could be across the street to the south, across Crescent Road.

Alderman M. Roy stated that area has a large fence along Crescent Road.

Mr. DePrima replied it has a fence along Brown Avenue and Crescent Road. I believe it is a six- foot galvanized chain link fence.

Alderman M. Roy stated I have a concern about parking on Brown Avenue because we have had issues from speeding there. The more congested the area is the worst the parking will be. I would like a more remote site.

Alderman DeVries stated I am not here to weigh in on the Brown Avenue site, but I would say that most people hadn't heard that location mentioned before so residents in the area would not have engaged in what would be involved. I would echo the sentiments of the parking concern. Parking will not work on Brown Avenue. That's an area that the Alderman has worked to slow down parking on that stretch and adding additional cars along the side where they would be loading and unloading animals would not be conducive with Brown Avenue as it approaches Interstate 293. It would be my opinion that there is an opportunity for more than one type of dog park in the City to move forward. There are different types of exercises or games that you can play in different locations. The Dunbarton Road facility being wide open and flat would be conducive to Frisbee and those sorts of activities. The Brown Avenue, Westside Arena or Weston Tower would be conducive to walks on trails because they are more wooded, but still within a fenced location so it is safe for off-leash dogs. I'm hoping that it is not just one proposal that is picked, but the concept of the dog park is allowed to continue to percolate and go forward so the groups working on it can continue to move the proposal forward. The success of the dog park effort is going to be built on the non-profits or other organizations that step up and make it happen along with the City. The City only facilitates the property and assists in a very marginal way by providing that. I'm hoping that this Committee doesn't preclude what could be a very good area by just moving one project forward.

Alderman Osborne asked how many dog owners do you think would be using this? We don't know because we've never had one in Manchester. Did you do any research on other parks?

Mr. DePrima replied I can't venture a guess how many people in Manchester would be using it. I don't know how many dog licenses are on file with the City. The two communities that I looked at were significantly smaller population wise but did have successful dog parks. Those communities were Portsmouth and Derry.

Alderman Osborne asked how do you feel about this area on Brown Avenue and Crescent Street?

Mr. DePrima replied it is not the intent to have parking on Brown Avenue. It would be the intent to have it along Crescent Road, though I do understand the concerns of traffic in that area. It has always been congested at certain times of the day.

Alderman Osborne stated that's why I asked the question about how many people would be taking advantage of this dog park. It's nice to know how many people are going to be using this. It helps us decide where we want to put it.

Mr. David Bigelow, 335 Laurel Street, stated I can tell you from a friend who uses the Derry Dog Park that after work the park can either be dead or have 50 dogs there. I'm sure that during the day, with people at work, it's not going to be as busy, but that's not to say that people working the second shift or people who work at night wouldn't be taking their dog during the day. In the parks I have been in, unless there is a playground where parents are taking their kids during the day, it is pretty dead. I can tell you that the dog park in Manchester will be popular. It would definitely be nice to have good parking.

Alderman Gatsas asked how many sides is the Brown Avenue site fenced on?

Mr. DePrima replied right now, it is fenced on two sides: along Crescent Road and then parallel to Brown Avenue.

Alderman Gatsas asked are any of these other sites fenced?

Mr. DePrima replied not currently. The area of the Dunbarton Road area is not fenced in currently.

Alderman Gatsas asked where would parking be for Dunbarton Road?

Mr. DePrima replied we hoped that the parking would be to the north and west of the area that's highlighted on the map. That area includes where the dogs would be allowed to run and parking.

Alderman Gatsas asked how long is it going to take for an agreement to be executed and signed? I think the first step we need to take is approving one site, not multiple sites. Let's find out how the first one works and we'll look at other sites as we move forward. We need to look at one site and move it forward. Are we going to be responsible for fencing?

Mr. DePrima replied I have been told by Phil Greazzo, the Chairman of the Dog Park Association, that they have donations for fencing to enclose the area.

Alderman Smith stated if we selected a possible site, we're going to have to settle the hours of operation, who is going to maintain it, and so forth. If we finally pick a site tonight it will be pursued by the Dog Association, City Solicitor, and you because it is on your property, Chuck.

Mr. DePrima stated three of the four sites are on our property. The landfill site is on Highway Department property, but I'm in communication with Kevin Sheppard.

Alderman DeVries stated the landfill site is an area that I have begun drafting a written agreement with the Highway Department. We're talking about an encapsulated area, so the need would be separate the dog park and the parking from that area. They don't want anybody to travel or start disturbing the closure of the landfill. When I was looking into the Dunbarton Road site I noticed that there was a fire hydrant out front with City water for easy access. That is an important component. It looks like you might be leaning towards the Pine Grove Cemetery area, but how much of that has trees and how many are you anticipating would have to come down for the fencing to go up?

Mr. DePrima stated on the photo that I provided, it is not abundantly clear, but where the tree line starts to the west to the area parallel to Brown Avenue there is a very steep slope and therefore we don't anticipate that any trees would have to come down because it is not useable for the dog park.

Alderman DeVries asked what type of dog park are you envisioning? This is a steep slope.

Mr. DePrima replied no, the area adjacent to the trees, between the trees and Brown Avenue is flat. The entire north-south distance that is highlighted is all flat. Where the tree line begins is where it starts to get very steep along Crescent Road.

Alderman DeVries stated that is an area that appears to be 400 feet by 160 feet looking at the scale.

Mr. DePrima stated it is approximately eight tenths of an acre.

Alderman DeVries stated it is not very wide.

Mr. DePrima stated I don't recall the exact dimensions, but I did at the time use that scale to calculate the area. In my criteria I stated that I wanted at least an acre and this comes very close to that.

Alderman DeVries asked are you envisioning that the trees currently in the dog park could stay or would be thinned?

Mr. DePrima replied they would stay. In my opinion that is a slope steep enough so it really isn't useable.

Alderman Osborne stated Dunbarton Road was brought up some time ago. What happened to that request? Why was it shot down?

Alderman DeVries replied I can probably answer that because I was behind that effort with another non-profit group. That fell apart over the liability insurance. You'll notice on the proposal that Parks and Recreation put together, Attachment A for the indemnification requirements, that part of that was calling for the City to be an additionally named entity on the insurance. They found that requirement to be extremely difficult to fulfill because they needed to find insurers to put the City on as an additionally named individual. This proposal was not shut down by any City Committee. It did fall apart on the part of the volunteers and finally ran out of steam trying to come up with an insurance answer. That's why I put legislation in last year to remove the need for liability insurance because it proved so difficult for the non-profit to obtain. It also would have meant that as named officers of the liability insurance, they had some personal liability in the project and that became problematic.

Alderman Osborne asked what would you say the big difference between Dunbarton Road and the Brown Avenue situation with parking is? Is one better than another or are they close to the same?

Mr. DePrima replied I've analyzed these sites based on broad material in order to keep this moving. In order to ascertain that, I would have to...

Alderman Osborne interjected I'm not trying to hang you; I'm just trying to get an idea of the parking situation.

Mr. DePrima stated I think it is slightly better at Dunbarton Road than Brown Avenue.

Alderman Osborne asked without parking on Dunbarton Road it is still better?

Mr. DePrima replied I believe so because I think any overflow parking could take place at the Animal Shelter.

Alderman Garrity asked do you have a GIS picture of the proposed sites? I'm not opposed to a dog park, but I would ask that the Committee would do me the courtesy of having a small community meeting to make sure they are okay with it. It looks like a good place for it, but I want to touch base with the people that live there. I'm not trying to delay a dog park, but I want to give them the common courtesy of a brief neighborhood meeting.

Alderman J. Roy asked could we narrow this down to two locations tonight? I know it is not going to move it forward as fast as some people might like. We could get a little more information about parking and get more input from the citizens. We could also give more information on the logistics of what we need: water, parking, fencing, and fire hydrants. This is not to delay it, but to move it forward prudently.

Alderman Smith stated as Chairman I knew this was going to be a problem. Everyone has a certain agenda and a certain site, but I was hoping to come up with a site tonight because this Committee has been badgered by certain people for eight months. We're trying to come up with a site, but no one wants this in their ward. I was hoping that we could get a site, but even if we get a couple sites, it is subject to the approval of the full Board of Mayor and Aldermen. I can see everyone's concern, but I'm trying to get a resolution. It seems like we're wavering again like we did in January and February.

Alderman Garrity stated I'm not wavering, but if I'm going to have a neighborhood meeting, I need something to present to them. Are there any schematics on the proposal?

Mr. DePrima replied in my proposal it does say that once the sites are narrowed down, it should have to go to a neighborhood meeting in order to determine the specific hours of operation.

Alderman Garrity stated I need something to show them about parking and where the actual dog park would be so we could easily present it.

Mr. DePrima stated it is my intention to provide that once the Aldermen narrow it down.

Alderman Gatsas if my colleague from Ward 5 would accept a friendly amendment that we include the Dunbarton Road property along with the Brown Avenue property and have the Parks do neighborhood meetings for both projects, we could move forward. By then we should be able to get some sort of agreement in place that someone can bring back to the full Board.

Mr. Phil Greazzo, Chairman of the Manchester Dog Park Association, stated I have a couple of concerns myself. You keep talking about parking. Do you plan on putting a parking lot at any of these sites? That is something that we can't afford to do. We can most likely provide the fencing and the maintenance, but we can't clear trees or level lots. The Dunbarton Road site is wooded and will need a lot of site work. Unless that is something the City is willing to step up and pay for, you can forget that. The site in Ward 9 I haven't specifically seen. It has some fencing from what I've heard, but parking seems to be an issue and it is probably going to be an issue for the residents as well. The ice arena seems to be the one that has the most services available. We're talking about something that is probably going to be used year round so it will require plowing, trash services and water on site. The neighbors in Alderman Ouellette's ward were raising concerns, but this site wasn't made public yet so how could they raise concern? We're willing to put it anywhere in the City you want. I've been through the 736 properties that the City owns. I created a short list and gave it to Chuck. Chuck researched it and that is the list he presented before you. I'd also like to see the Bass Island Park reconsidered because nine months ago we were told we couldn't use it because someone was raising money to do something with it. I would like to know how much money has been raised.

Alderman Smith stated they have been working on Bass Island for eight months restoring the erosion on the north and south bank rivers. In my estimation it is definitely not a place to put a dog park. It is a confined area and I don't know if it is even an acre. The wooded lot is not owned by the City.

Mr. Greazzo stated I understand. I was speaking more towards the private funding raising. I understand that the City has been working to prevent the erosion control of the Bass Island area, but what about the next property once that is completed?

Alderman Ouellette stated quite frankly, Mr. Greazzo, like Mr. Garrity, I too am offended that you or your organization has not contacted this ward Alderman or the Alderman from Ward 10 when the Bass Island site was being proposed. I found out about it when I did my homework because that's my job. My job is to let the constituents know about this proposal that is going to be looked at for a dog park. Yes, I'm going to go down there and meet with my constituents and meet with the neighbors. Unfortunately, you didn't give me the courtesy of calling me to let me know that's the site that you wanted. I could have set up a meeting so you could have told the residents and appease them. As of right now, there is no way that they want a dog park in that area so I'm going to fight for them to make sure that doesn't happen on that site. It is not the fact that I don't want it in my ward. It is the fact that we want to put it in the right place. If there is a dog park that has all the insurance and meets all the qualifications and is going to be successful and not fail from people not going to it...I'm highly offended that I wasn't consulted by the organization. I didn't get any phone calls.

Alderman M. Roy stated Mr. Greazzo, you brought up the conversation regarding parking and investment on the City's behalf. One of the things that concerns me is the safety of the people using the park. We've had the impromptu Stark Park Organization that has come on Saturday and Sunday mornings. They've worked, but they don't fit the needs of a dog park. We've had some great support from the dog owners that are there, but ultimately the Friends of Stark Park have a different viewpoint as to what that park will be. One of the reasons it does work is because it is off of River Road and it is set back so that people aren't stepping out into traffic or getting dogs out into traffic. As a dog owner, I think of it based on how easy I can get there, what my constituent use is, the safety for the dogs, children or the family that goes there so they can enjoy it. That's why I was leading the charge on the parking. One of the reasons I like the Dunbarton Road site is because we have a nice tie-in with the Animal Shelter and Animal Control. I think there could be some cross education there and be beneficial for the City. Personally, I would like to be voting on all four of these, up or down to whether or not they would work because I honestly believe we should have five dog parks in the City of Manchester.

Mr. Greazzo stated I would like to clarify. We did have a representative, Alderman Domaingue, reach out to you in discussing that dog park. When she did, she said that you were absolutely adamantly opposed to it then. We did give you the courtesy. I'm not trying to offend you or Alderman Smith in anyway. That's when I had State Representative Jane Beaulieu speak to him. We did reach out to both of you in your wards, whether you appreciated that or not.

Alderman Ouellette stated Alderman Domaingue asked me what I thought of the site. That's all she said. She asked me as a colleague, not as a member of the Dog Association.

Alderman Osborne stated we have to come to reality here. Certainly the dog park cannot get into ward 3, 4, or 5. It needs to be on the outskirts on the City somewhere. If no one wants to move on it, there won't be a dog park. It is that simple. It is either Dunbarton Road or Brown Avenue. It is a matter of getting it going somewhere.

Alderman Gatsas asked the Dunbarton Road site that we are looking at doesn't seem like it is as densely wooded as Brown Avenue.

Mr. Kevin Sheppard, Public Works, stated the area that is identified, as Alderman DeVries mentioned, we have looked at that site previously. It is actually a fairly flat and open piece of property. There is detention facing to the east of it. You have the fencing facing the street. You would have to provide three sides of fencing and protect the landfill. I've contracted the firm recently at Chuck's request and they said they would review and possibly accept a dog park on the land fill. It is not guaranteed and we would have to modify our permit, but they seem pretty agreeable that it might be a reasonable use for the land fill site.

Alderman Gatsas asked most of the land there is probably flat and graveled so the parking lot would not have to be paved? It isn't a great expense to get in there. The dog park would be responsible for the other three sides of the fencing. Of the four sites I've seen, it is probably the easiest one to deal with.

Mr. Sheppard stated I haven't seen the other sites.

Alderman Gatsas stated at least the neighbors, if there is discussion now, would know about it. If the City is talking about a second dog park, one in the north end, one in the south end, at least we wouldn't be going through this entire discussion again. I would make a friendly addition that we have neighborhood meetings in both spots, with the primary spot being looked at Dunbarton Road because it is the most viable and least expensive for the City.

On motion of Alderman Gatsas, duly seconded by Alderman J. Roy, it was voted to have Dunbarton Road and Brown Avenue be considered as sites for a possible dog park after neighborhood meetings and agreements have been made. This is subject to Board of Mayor and Aldermen approval.

Alderman Garrity stated we don't want to waste a lot more time. We've been talking about this for two or three years. I need something to present to the neighborhood, Chuck.

Mr. DePrima stated I absolutely intend to provide more detail.

Alderman Gatsas stated once they have the neighborhood meetings, this would need to go back to the full Board along with an agreement so we can move this forward. I'm not saying that we should put a dog park on Brown Avenue, but at least there should be some discussion. Dunbarton Road should be the one that comes back with an agreement and I think that needs to be sent off for someone else to review.

Alderman Osborne stated we have to remember that we don't have a Ward 12 Alderman.

Alderman Lopez stated I will be there.

Alderman Gatsas stated I would like to add that agreements need to be put into place so that this doesn't wait for another four or six months. Those contracts and the responsibilities of the Dog Park Association are understood. I think the Brown Avenue site is just for discussion in case there is an opportunity to bring another dog park to the southern tier of the City at a later date. We would be able to get the neighborhood discussions out of the way.

Alderman J. Roy stated the other good thing about working with Brown Avenue is if something happens and we can't use Dunbarton Road we have something to fall back on.

Alderman Osborne asked so Dunbarton Road is the first choice?

Alderman Gatsas replied yes.

Alderman M. Roy stated after this vote, I have a request that Chuck look at the feasibility of the YDC property as a potential dog park, should these not go forward. We've been using it for state police dog training as well as community gardens. I'm asking him to look at feasibility.

Alderman Gatsas stated I think that is state property. I think if you look at the feasibility study from the commission I sat on, I think it is pretty clear. I don't think that's an option.

Chairman Smith addressed item 5 of the agenda:

5. Request to obtain lot number 611-4A Island Pond Road.
(Note: Attached is a memo from Joan Porter regarding the Tax-Deeded property; appraisal from the Board of Assessors, if available.)

City Clerk Matt Normand stated I would note that the Planning Department has submitted an update that was passed out tonight. Reading the document, I don't believe that they have conducted a full analysis check along with the other departments so you may want to table until the analysis is done.

On motion of Alderman J. Roy, duly seconded by Alderman Gatsas, it was voted to discuss this item.

Alderman J. Roy stated it is obvious that one individual came forward and wanted to purchase this piece of property from us. Have we let everyone know we might be interested in selling this property? There may be other people out there interested in it. I don't see that in here. I have a concern about that.

Alderman M. Roy asked Mr. Chairman, do you want us to take action on this tonight based on the fact that we are still looking for more information?

Alderman Smith replied I would suggest that we table it.

On motion of Alderman Gatsas, duly seconded by Alderman M. Roy, it was voted to table this item.

Chairman Smith addressed item 6 of the agenda:

6. Communication from Alderman Osborne requesting approval to officially name the playground at Steven's Park as The Casey Canney Playground at Steven's Park.

On motion of Alderman Osborne, duly seconded by Alderman Gatsas, it was voted to approve the request for the naming of the playground.

Chairman Smith addressed item 7 of the agenda:

7. Communication from Jay Minkarah, Economic Development Director, submitting a draft Option to Purchase Agreement between the City and River's Edge Manchester, LLC for property occupied by the Manchester Transit Authority at 110 Elm Street.

(Note: Referred by the Board of Mayor and Aldermen on 08/18/09.)

On motion of Alderman J. Roy, duly seconded by Alderman M. Roy, it was voted to discuss this item.

Alderman J. Roy stated Jay, in your letter you said that the option to purchase would serve the public interest. I find that hard to believe because we are giving up our ability to have a competitive bidding process in the future. Am I mistaken? We're giving one individual the right to purchase this instead of sending it out and bidding it?

Mr. Jay Minkarah, Manchester Economic Development Office, replied that's correct. I think we have somewhat of a unique situation in this area. We have a very significant interest in the River's Edge project, which is the largest project that we have seen in Manchester in at least three decades. Currently, the property is abutted to the south by River's Edge Manchester LLC as well as to the east. They have acquired a seven acre parcel on that side. To the north, we have two properties that are owned by utility companies, the Public Service Company and the gas company. Then you have the rail road right of way running along the western boundary. In terms of private property that would be impacted. Almost all of that is owned by River's Edge in one company or another. In addition to the fact that they are the principal abutter, I think it is very important that we ensure that whatever future development happens on this property, it is compatible with and consistent with River's Edge in addition to providing the opportunity to allow the campus to expand.

Alderman J. Roy stated you wanted to be consistent with neighboring uses. Isn't that the Planning Board's duty when a new project comes forward?

Mr. Minkarah replied yes, I would say consistent, but the definition of consistency or what you look for in consistency can vary. From the point of view, and I don't want to speak for the developer, I know Mr. Anagnost is here and could speak to that better than I could, but consistency is not just an issue of zoning or an issue of traffic flow and other planning considerations. It looks at uses that would be most compatible with River's Edge Campus Project, not just something that would be allowable or desirable in the area, but would complement the development.

Alderman J. Roy stated I have a problem with the fact that we are going to give up our ability to go out to a competitive bid for a period of 20 years for \$1,000. It doesn't make any sense to me at all. I won't be supporting this.

Alderman Gatsas stated this is basically an option on the MTA property. Is that what I understand?

Mr. Minkarah replied yes.

Alderman Gatsas stated before anything can happen on the MTA property they must at least go back to the federal body that regulates them. Has the federal body seen this agreement?

Mr. Minkarah replied no, we have not sent it to the FTA. We didn't think it was necessary at this juncture. It is an option, but really, in effect, it is more like the right of first refusal. The triggering event would be that the City would have to decide that it wanted to relocate the MTA. It would require a site to relocate them to and it requires the funding. If we decided we're happy with where the MTA is and we don't want to relocate it, there isn't a triggering event. It really does put that decision completely in our hands.

Alderman Gatsas stated I think the terminology that is in this agreement is truly not what the effective plan is. I think the effective plan is that people are looking for the right of first refusal and not an option to purchase. I think there is a difference of terminology. Certainly I understand that the developer has an interest there, but I think it is important that should the City or the MTA decide to sell the property, the owner has the right to first refusal. I think the words purchase option may not be the terminology I would think would be most suitable because it takes the entire thing off the plate, other than people going in and getting appraisals to go forward. I think a right of first refusal is probably the better option rather than the MTA or the FTA saying that they have no desire and are willing to look at an option. At least if the City gives the right of first refusal because it makes the most sense at that point, if we are offered \$35 million for the project and the developer decides it is too risk, I think that makes more sense. I'm not sure if we should go back to the drawing board and look for an option for first refusal on it.

Mr. Minkarah stated I think operationally, when you look at the structure of the proposal, that is effectively what it does. I think changing the terminology to reflect that it is the right of first refusal rather than an option is certainly something that would be doable.

Mr. Dick Anagnost stated I think you are right, Teddy. What we are trying to craft is a hybrid type of thing that gives us the opportunity to utilize that land should the City decide that MTA is not the best use for it. We have secured all of our financing commitments now for River's Edge One. We should be looking for job building permits in October or November. We are looking for a closing in October. We are improving the Gas Street entrance, which also improves the frontage of this location as well. Soon you will be seeing a plan coming forward for River's Edge Two. There are a number of interested related uses that could be located there in the medical field. All we are trying to do it protect our most northerly boundary against what might go there in the future.

Alderman Gatsas stated I don't want to speak for my colleague from Ward 4, but I think he might be more interested in a right of first refusal.

Alderman J. Roy stated to be honest with you, I haven't researched anything on the right of first refusal, but I certainly don't like this one. If that were to come forward I would look at it with fresh eyes and move forward however I though was appropriate.

Mr. Anagnost stated the reason for the time period is because it was chosen as a result of the entire performance. That option is in the hands of the City. It literally is at your discretion. Should you desire to move it next year, we'll buy it next year because of the investment we are making in that area.

Alderman Gatsas stated I don't disagree with you, but I think the terminology at the top of the document sends it into an option of \$1,000 for 20 years. I don't think that was your intent, but I think coming back with a letter that says the right of first refusal will look at the situation in a much different way.

Mr. Anagnost stated that's what we'll do then. We'll bring it back under a separate agreement.

Alderman Gatsas asked Mr. Chairman, would you like this to be received and filed?

Alderman Smith asked when can you come back to us with a draft?

Mr. Minkarah stated we could have a draft in time for the next meeting. It wouldn't take us long at all.

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

Alderman M. Roy stated it seems like the receive and file motion is going to go through based on the head nods, but I have a great concern. It is the campaign season and everyone is talking about economic development and everyone has been using the Jac Pac site and River's Edge in their discussions, myself included. This six acre parcel could have a dramatic effect on the value of those two parcels.

Alderman Smith stated all we are trying to do is protect ourselves with the agreement. I think we are all on the same page for the draft option. We're trying to protect our right and the owner's right.

Alderman M. Roy stated I think it is very shallow for us to sit here and discuss the language at the top of the agreement when it is the meat and bones that matter. I want the public to realize that if the words at the top change, the meat and the bones inside are still going to be in effect for 20 years. As we talk about economic development, I think this does protect the City and as Mr. Anagnost says, it is a triggering effect by the City and this Board. I'll support the motion to receive and file, but I would like to see this come back sooner rather than later.

Alderman Gatsas stated I think it is very clear what this agreement says. For \$1,000 they have a right for 20 years, as an option. That's what it says in section one. I understand that the City has the triggering, but it's an option. Mr. Anagnost knows very well what the difference is between an option and a right of first refusal. I think that you probably know the difference because you've been in real estate for a while. One was an option. You controlled it, even though the triggering effect came from the City. The second is the right of first refusal. If someone comes in and says they want to spend \$35 million on it, it would behoove the City to take the best deal. If Mr. Anagnost wants to pay the \$35 million because he has River's Edge we would accept that.

Mr. Anagnost stated I heard a discussion earlier about dog parks and not to belabor the point, but another site that you might want to consider would be the five acres that we will be donating back to the City along the River. The site will be level, it will already have parking, and we have \$50,000 in the bank from Keyspan to improve the park, which they donated as part of their access to the site to clean up the park.

Chairman Smith addressed item 8 of the agenda:

8. Communication from Jay Minkarah, Economic Development Director, providing a summary of issues, estimated costs, and the status of the Northwest Business Park and French Hall.

(Note: Referred by the Board of Mayor and Aldermen on 08/18/09.)

Mr. Minkarah stated what I distributed was a communication from Ken Edwards of the Manchester Housing and Redevelopment Authority who is not able to be here this evening, although he did want to stress that the information provided is for you to be able to make some decisions in order to determine where we go with this property and MHRA did not have a position one way or another. We have reached a point where we have to make some decisions. We have a \$785,000 budget. We had contracted with MHRA to be the developer of this project in 2005. That was the budget that was established and in the introductory sentence. The bottom line is up to September we only have \$9,831 left once we pay the outstanding invoices. Essentially, the money that we have under the contract is gone or will be gone this month. In order to continue to have MHRA administer this property and serve as the developer we are going to have to appropriate different or additional funds. There are some different ways that we can go about that. Among the things that we have to decide is whether or not we move forward with the road construction. What you can see detailed in the pages below is what the costs currently estimated are to construct the infrastructure improvements necessary for the park. Just constructing the road improvements, which include widening the road and relocating the entrance, which is a point I would like to come back to, and doing the utility improvements would cost \$4,896,950. Basically, \$4.9 million. That does not include the cost of administering the project. The second page shows the additional costs. The more significant costs are that are not included in the costs for money that would still be outstanding to Oest, the engineering company that did the work. The original scope of work did not include setting the subdivisions bounds. That would have to be paid. There is also a fee for ongoing administration of the construction work and in addition you'll note that MHRA is estimating that their cost for continuing to administer the project, if we include the road construction, would be about \$75,000 per year. In addition to that on the third page, there are additional costs involving the road relocation and some utility and easement acquisition that would cost \$146,000. Bottom line is that to construct the infrastructure improvements at Hackett Hill it will cost about \$5 million. What's significant, and the reason I passed out the handout, is that there is a subdivision plan that shows all of the lots in the Hackett Hill project. There are three lots, lots 10, 11 and 12 that currently have frontage on Hackett Hill Road. Those lots can be used and sold without making the additional improvements. The lots that require the \$5 million worth of improvements are lots one through nine. Those are the lots that front Business Park Drive. On the last page there is the estimated value of each of the lots in the park. The last column is asking price. You'll notice that in lots one through nine there is a total estimated sales price of \$5,324,000. That includes impact fees. The reality is that the costs of making the infrastructure improvements for lots one through nine would appear more or less equal for what we could get for lots one through nine. That is something that is going to be very important to consider. Among the things that we do have to decide is whether or not we want to go forward with the road construction. If so, we need to have some conversations on how we go about that. Secondly, I should add that I got an email from Ken Edwards. As I mentioned, \$75,000 per year is the cost that they estimated that we would need to appropriate in order for them to manage the project if we construct the

road. They estimate that in order to continue administering the project as we have been without road construction, it would be about \$40,000 per year and that would also need to be an additional appropriation.

Alderman Gatsas asked can you tell me how long lots 10, 11, and 12 have been available for sale?

Mr. Minkarah replied since May. MHRA entered into a contract with CB Richard Ellis to market those lots in May. The lots actually were not legal, in the sense that the subdivision plan was not signed and recorded, until August.

Alderman Gatsas asked wouldn't it make sense that if we move forward before we put a road in for \$5 million to get \$5.3 million? \$5 million is if we make no mistakes. Wouldn't it make sense to try and market this? Obviously there are zoning restrictions on this project. We've already laid out the number of square feet that have to be on these sites and what kind of development can go there. You're really talking about, even if a developer went in there, for him to look for a return on his investment, if we told him he had to start working on it within three years, it wouldn't make sense for us in these economic times to put a \$5 million road in when the economy is telling us that not much is selling. There are three lots that you have to do nothing with that can be moved today. I think Exit 7 is something that is going to be very essential to this project. I think we need to find a developer that will come in and give the City a number on a lot release basis for him to develop it. I don't see development coming in here or the City being in a position where we could put a road in to sell lot seven in the back for \$5 million so we would only see a \$300,000 return on our investment. I think there has to be some sort of analysis done that shows us the type of deal we should be looking at to move this forward.

Mr. Minkarah stated I would agree. Frankly, until I saw the most recent estimates of the construction costs, which were higher than I thought they were going to be, I thought it was prudent to put the road in. When you see the costs versus the sales prices, I don't believe it is prudent at this point. The only appraisals that we have done are on a per-lot basis, assuming finished lots. It does make sense to market the three frontage lots and it makes sense to see if we can find a developer to buy the remaining nine as a group. We may want to get an appraisal on what those are given the improvement costs so we have some idea. I fear that it won't be a particularly high value, given those costs, but if we could find a developer to develop those lots that would be in our interest even if the sales price was low.

Alderman Gatsas stated I think that any developer that is going to look at this is not going to look to buy nine lots that you have a value of \$5.3 million, put in a quote for \$5 million and be happy with \$300,000 return. I think any developer that is going to come to you is going to look for a deal that is going to construct itself around those three lots that are available today, which may generate half the money to put the road in, if he is fortunate

enough to move on it. I think your analysis needs to come back with the fair market value for the entire project, all 12 lots, and let a developer go in without having to go in on the front end of the lot and pay us on the back end as he develops.

Alderman M. Roy asked has anyone done analysis on putting the road in as far as lot four?

Mr. Minkarah replied no, we haven't done that analysis. That would probably require going back to the Planning Board to reevaluate the phasing of the project. I do want to bring up a point related to that. If you are looking at the subdivision plan of the property, you will see that there is an existing road. Right now it says 50-foot drainage easement, but that is the existing access road. Then you see a relocated entrance road, which is the main one. A significant part of the cost of the infrastructure improvement is shifting the location of that road and quite frankly, I question the necessity of doing that for the operation of the project. I think you could save significant money if you did not make that shift. I think that is something that you should consider. That is a detail, but I think it is something that should be considered.

Alderman M. Roy stated in looking at this, and I'm glad you brought that up because that was the second part of my conversation. We're creating a lot of road frontage to create a limited amount of lots and a lot of section of lot four and the extension of lot three and the nature conservatory land and the land to the west of the road to get to the final five lots, that's a lot of road construction in order to get there. I would look to what it would take to phase it and get as far as we need to sell off lots one, two, three, and four as well as look at whether it is necessary to remove the roadway from where it is and if those costs could be saved. Has any value engineering been done on this at all? Who is in charge of that?

Mr. Minkarah replied I would hesitate to answer that completely. I don't believe so. This was conceived some time ago. The road that you see there already exists. The issue in terms of cost is widening that road and then putting in the utility improvements. I emphasize the road relocation because that's a significant piece of new construction that is arguably not necessary. Among the things that might be considered if this were marketed as a block was a possibility that you might find one or two larger users who would develop a campus style development and actually negate the necessity of making these improvements at all. For example, you see that there are a group of five lots in the rear and if someone wants to acquire those together and do a large development, you might not have to make the infrastructure investment.

Alderman M. Roy stated I want to see the lots get sold. When you look at the tax base that it will create in the City of Manchester it is significant. To put a \$5 million investment into this roadway structure, all of our gains are in the tax base later on. I would look to value engineer this and get at least the three lots with frontage on the

market and sold, along with a cost with for the widening and improvements for that stretch of roadway to get lots one through four up and running and available to be sold. At that point we will have the dollars to go ahead so we can either market the five lots in the back as a package or go ahead and continue the back project if it is successful.

Alderman Smith stated I was under the assumption that Richard Ellis was in the process of trying to sell these three lots because we have available road.

Mr. Minkarah replied that's correct.

Alderman Smith stated you said that they have only been on the market for a month, since August.

Alderman Osborne stated the agreement was signed in May, so they have only had an agreement to sell these properties or represent these properties since May, but you couldn't legally sell any of these lots until the sub-division plan was signed and recorded and that happened in August. Do you know off hand if you have any developers interested in these three lots?

Mr. Minkarah replied he has had some interest. I can't say how serious that interest is. I know there has been some. I know we have had a couple of conversations, but I can't say there is a real prime prospect right now. Marketing materials have been developed. There has been an effort made.

Alderman Osborne asked have you had any interest on lots 10, 11 and 12?

Mr. Minkarah replied all the interest we have seen has been on the frontage lots.

Alderman Osborne asked those are the ones that have only been out there for a month?

Mr. Minkarah replied yes, and most of the interest that we have seen were people who were already aware of this development. They knew it was out there and we floated it because we knew they were looking for sites.

Alderman Osborne asked what did the \$785,000 do for us so far?

Mr. Minkarah replied that got us to the point where we have a subdivision plan. It is not sufficient to see the rest of that through. If I could be bold enough, I think the consensus that I'm getting is that we should not move forward with the road construction at this point and that we should reevaluate the staff level of the marketing approach to the project and perhaps be reevaluating the scope of the infrastructure improvements. Is that fair for me to surmise?

Alderman Osborne replied I would agree with that.

Mr. Minkarah stated the other point is the ongoing funds. As I mentioned earlier, the \$785,000 runs out this month. In order to keep MHRA, who is under contract to administer this project, we're going to have to appropriate additional funds or make some other decisions as to how this project is going to be administered. The estimate for moving forward without constructing the road and having them continue to market the project, administering the antenna leases and so on is about \$40,000 per year according to Mr. Edwards.

Alderman Gatsas stated you said we have enough money to keep going until the end of September?

Mr. Minkarah replied the \$9,000 he said was good until about September. The invoices that we would get to this month we could cover. Anything beyond that would be above. I do have a suggestion as to how we could cover some of those, but most likely, we will exceed the \$785,000 budget in September.

Alderman Smith stated we meet the first Tuesday in October. Would that be sufficient for MHRA for the funding?

Mr. Minkarah replied I could not answer that. It is possible that we could have invoices that would exceed that amount.

Alderman Gatsas asked are you capable of handling the marketing of this?

Mr. Minkarah replied yes.

Alderman J. Roy asked could we do away with the MHRA bill and have this office administer it? Is that what you are saying?

Mr. Minkarah replied to be forward about it I think that when you look at the costs there is general project administration and tenant lease administration and marketing. I would suggest that yes, staff could manage those functions so there wouldn't be a charge. There would still be ongoing insurance costs for MHRA and in the event of a sale, there would be some associated costs. My suggestion would be that staff be directed to handle the project administration, the antenna lease administration and the marketing. Should there be any insurance costs or costs incurred in the event of a sale that those costs could be covered through the antenna lease fund, which the Board has already authorized to be used to cover expenses at Hackett Hill. Right now there is about \$50,000 in that fund and we currently get about \$10,000 a month in revenues so there would be more than enough in that fund to cover any miscellaneous MHRA costs or the insurance costs.

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

TABLED ITEM

9. Report of the Board of Mayor and Aldermen advising that is has requested staff to prepare documents to provide that the City agree to extend the term on the 2nd mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and Chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.

*(Note: The Committee has requested clarification from Finance as to whether financials from 1984 – 2001 have been provided; Solicitor to provide a fair market value for the property as established by the Superior Court in October; Tabled 8/04/08; The Committee requests the Solicitor to provide an updated Certificate of Insurance for the property; Retabled 12/2/08. Information to be provided by the Assessor. Retabled 7/07/09 waiting for disposition letter.)
On file for viewing with Office of the City Clerk, One City Hall Plaza.*

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

On motion of Alderman Osborne, duly seconded by Alderman M. Roy, it was voted to discuss this item.

Mr. David Cornell, City Assessor, stated we handed out to you the settlement agreement for the Lowell Terrace property. The settlement agreement is in reference to abatements that were filed in 2006, 2007 and 2008.

Alderman Gatsas stated this tabled item has nothing to do with what you just talked about. This tabled item has to do with the agreement that was in place with Lowell Terrace and the money that they owe us to either buy out of the agreement or pay us what's due. I don't know why we're confusing the two.

Alderman Smith asked don't they tie in together?

Mr. Cornell replied this was simply one of the items of which the value of the building was questioned by Alderman Roy at the last meeting so he requested that we submit to the Committee our settlement agreement. It was a request that came from Alderman Roy from a previous agenda item. You are correct, Alderman that this is a completely different issue for the mortgages than the abatement.

Alderman Gatsas asked is there someone who is going to come back to us for the item that has been sitting on the table for the last four years? I think the City Solicitor needs to address it. It has been here for at least four or five years.

Alderman Smith asked Tom, can you address this and find out what the situation is?

Mr. Clark stated I need to know what you gentlemen are looking for. It was tabled for several reasons.

Alderman Gatsas stated there is an agreement that said that we were supposed to be out of this deal around eight years ago when they came to refinance the second mortgage. I would like to know what's owed to the City, what the document says pertaining to this property and what the ins and outs are. I think something needs to be addressed. I'm not sure if the certificate of insurance has shown up because for a while it didn't have one.

On motion of Alderman Gatsas, duly seconded by Alderman Osborne, it was voted to direct the City Solicitor and Finance Officer to report back to the Committee to provide a final disposition letter so that the Committee can take action at the next meeting.

Alderman M. Roy stated I think part of the motion should be a second agreement to add that to the tabled items and have the Solicitor value the property so we can add those to the tabled items as well.

On motion of Alderman Gatsas, duly seconded by Alderman J. Roy, it was voted to table this item.

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

A True Record. Attest.

Clerk of Committee