

SPECIAL COMMITTEE ON RIVERFRONT ACTIVITIES & BASEBALL

February 17, 2004

Chairman Lopez called the meeting to order.

The Clerk called the roll.

Present: Aldermen Lopez, Gatsas, Guinta, DeVries, Smith

Messrs.: W. Jabjiniak, S. Hamilton, E. Chinburg

Chairman Lopez addressed Item 3 of the agenda:

Discussion relative to replacement of 12,000 sf of retail in the residential development with twelve (12) additional housing units.

Mr. William Jabjiniak stated the question in front of us tonight is really do we want to amend the minimum development requirements from the 30,000 square feet down to 18,000 for the retail only. Mr. Chinburg at the February 2 meeting talked about converting the retail that was planned for his development to housing. Again, it is the retail that was proposed for the residential part of the development. We followed up on February 3 with a brief analysis. Following that the Assessors have done a lot of research and put it into a memo format that you all have in front of you. It shows an additional \$374,000 of assessed value.

Alderman Gatsas asked can the City Solicitor address the situation...I believe the contract that we have for amendment before us would be with Downtown Visions. Is that who is presenting the contract before us – Downtown Visions?

Mr. Jabjiniak stated Mr. Chinburg is here. Mr. Catapano and Mr. Sanborn were not available to be here tonight. Mr. Chinburg is here to speak to his site plan and what has been proposed to the Planning Board.

Alderman Gatsas asked has there been a contract presented on their behalf.

Mr. Eric Chinburg answered I have entered into an agreement with Mr. Catapano to develop this portion of their master lease premises and to that end they have delegated this part of the process.

Alderman Gatsas asked has that contract been signed by both parties?

Mr. Chinburg answered yes.

Alderman Gatsas asked did the City acknowledge approval of that contract.

Solicitor Clark replied I am not sure which contract you are referring to, Alderman Gatsas.

Alderman Gatsas responded the contract that Mr. Chinburg just told me he had negotiated with Mr. Catapano. Aren't we entitled to approve that contract?

Solicitor Clark stated the City under the agreement approves sub-leases and I don't believe the sub-leases are done yet.

Alderman Gatsas replied he just told me they were.

Solicitor Clark stated the City has not approved it.

Chairman Lopez stated I think the question if I may and staff you can jump in but we addressed the issue of the contracts. We are in a draft stage and not a final submissions stage from Mr. Sanborn to the Committee. Now whatever agreement Mr. Chinburg has with him is not a final document that has been presented to the City. Is that correct Mr. Jabjiniak?

Alderman Gatsas responded Mr. Chinburg has a signed contract by both parties. He just stated it so don't...

Mr. Chinburg interjected we forwarded those to the Finance Office. Mr. Clougherty could talk about that.

Chairman Lopez asked Kevin would you answer that.

Mr. Kevin Clougherty stated if you recall the original deal is based on a series of a master lease and sub-leases. Now the sub-leases have been drafted and I believe approved by the parties involved other than the City. You will understand that at this point the City is in a situation where we have been approached to look at the sale of the land in which case the deal going forward would not be based on leases and sub-leases but would be based on deeded property and a different set of documents. Pursuant to that we have not approved any sub-leases because we have been working on the understanding that we have to wait to see if there is a sale. I think the Board is familiar with the fact that there is an appraisal process going on now. Once the appraisal is complete and it comes before the Board we

can make a decision about the sale of the land and then those documents and forms of deeds and contracts is what you will want to have. So the staff has treated any leases and sub-leases as drafts until we get to the point where there has been a decision about whether this is going to proceed along the lines of a deed approach or a lease approach. Once the decision is made and say for some reason the City does not come to terms on the sale of the land, we will go back to the leases and at that point in time there are some issues that we will work with the respective parties on to bring that to fruition but at this point in time there are no finalized leases because we are trying to proceed on the path of the sale of the land.

Chairman Lopez stated and Tom Clark agrees with that I presume because that is what he said in the staff meeting.

Solicitor Clark stated that is how it has been proceeding. I know that Mr. Chinburg and the parties have come to an agreement in their minds on what the sub-lease should say if we are in a sub-lease process. I know that the City has received drafts of those and they have been sent to Walter McCabe at Ropes & Gray for review and he has been working with...he started to work with the attorneys for Mr. Chinburg and the other parties to negotiate those and bring them into satisfactory form. Since they have requested to purchase the land, the review of the leases has pretty much been put on hold until such time as we determine if we are going to do a sale so we can do a deed instead of the lease. We would be spending a lot of money on attorney's fees to draft leases that we wouldn't have to.

Mr. Clougherty stated regardless of whether you go with the lease approach or the deed, the issue before you is the valuation and that is the business principal that I think is trying to get resolved at this point and that would be carried through either document moving forward.

Chairman Lopez stated and that is what we should be dealing with. Would you proceed, Bill?

Alderman Gatsas responded with all due respect there is on question that the assessed evaluation is a big criteria but for us to start altering going from only I believe two weeks ago that we were told 30,000 square feet and we are now down to 18,000 square feet I think that everybody should come to this Board once and for all and really as they say true up and maybe come forward and tell us that there is no retail going in there because when I hear statements and I read them in the paper that people are going to put souvenirs for Red Sox...I think Mr. Weber probably would have a different idea about that being a competitive market. Now

maybe we need get a true up situation that says there is no retail because the last retail section I saw there was no parking for it.

Chairman Lopez replied that is very true but the issue is that there are going to be changes. This is an issue with Mr. Chinburg who wants to change the retail to commercial. He brought that up at our previous full Board meeting when we made all of the presentations and he has taken us up on the offer we brought up. You are absolutely correct. There are many changes such as dates, which have been brought up with staff. There are different players such as Mr. Sanborn no longer being involved with Gill Stadium, etc. There are changes and staff is working on that along with the developers and the principals to make sure that all of the changes are in place. I agree with Solicitor Clark. The legal interpretations are being worked out as we speak so until that time they have asked us if we will go with this and that is why we are here tonight – to address this particular issue from the 12,000 square foot retail. Mr. Chinburg has already said that he could do a better job if he puts residential in there. That is the only issue we are going to deal with tonight and I am going to assure you that when the time comes all of the changes in the master lease and the MOU's will be forthcoming. Staff has already been informed to do that. This is the issue before us tonight. Do we want to do it? At this time I am going to recognize Alderman Guinta and then I want to get on to the presentation here.

Alderman Guinta stated I have a question regarding the 18,000...well not a question but more of a clarification in regards to the 12,000 square feet.

Chairman Lopez responded we are not going to deal with the 18,000 square feet tonight. We are going to deal with the residential and the 12,000 square feet.

Alderman Guinta replied I understand that but I would like to make a point of clarification because it is difficult to talk about the 12,000 in a vacuum.

Chairman Lopez responded I disagree with that and I will tell you why because the residential condominiums are in a separate area from the 18,000 square feet. It has nothing to do with Mr. Chinburg. This is a separate development that he is developing down there and we should address his issue as we said at the Committee meeting. We said that we would address issues of people who have concerns. He has concerns with 12,000 square feet so let's address the issue. Continue with the presentation please, Bill.

Mr. Jabjiniak stated the only other point I want to make before I turn it over to Mr. Hamilton to review the memo is the intent was for staff to present all of the changes to the documents at one time, however, in order to keep Mr. Chinburg on track in going through the Planning Board process and to meet the March 11

Planning Board meeting date, this one issue we brought forward tonight and that is why we are asking for action on it tonight. With that, Steve can you review what you have done with the numbers?

Assessor Steve Hamilton stated basically there are two things that I tried to accomplish in this memo. One is to present some indications of market acceptance of high end, both residential and condominium sales within the City, and that's mostly found in one of the memos. The heart of this issue is found on Page 2 of memo. The question of whether or not a change from the 12,000 square feet of anticipated retail space in the residential mid-rise buildings to 12 additional condominium units within those buildings would increase the value of the project, and it's our estimation at a minimum this would increase the value of the project by \$374,400. But also when reconsidering the value of that 12,000 square foot space in two buildings on two different floors at the very rear of the commercial use of the entire riverfront development project, we had originally calculated the value to be \$210 per square foot and I think that upon reflection then and upon hearing additional evidence the more realistic number would be \$150 per square foot. If it is recalculated at the lower number of \$150 per square foot, the additional value is slightly less than \$1.1 million.

Alderman Smith stated what you're asking for is 12 additional condo units from 120 [units] to 132 [units]. Am I correct on that Eric?

Mr. Chinburg answered yes.

Alderman Smith stated right now I read the article in the paper, and I don't believe everything I read, was on the additional tax base. Now you're telling me that the additional revenue would be about close to \$1 million?

Mr. Chinburg answered not the additional revenue, the additional valuation.

Alderman Smith asked okay, what would be the 12 additional units?

Mr. Chinburg answered the estimate would be between \$374,000 and \$400,000 and \$1,094,400.

Alderman Gatsas asked Steve, have you seen any plans at all?

Mr. Hamilton answered I have seen some plans.

Alderman Gatsas asked what have you seen?

Mr. Hamilton answered I've seen some preliminary sketches for layouts for the units. I've seen the site layout plan; I've seen the site development plans.

Alderman Gatsas asked what is the size of the garden style units?

Mr. Hamilton answered I think the average is about 1,500 square feet.

Alderman Gatsas asked and you're using, I believe 300 River Road as a comp?

Mr. Hamilton answered I'm not presenting that as comparables. There really aren't any truly comparable condominium developments within Manchester. What I'm doing is showing that there is acceptance in that price range for...

Alderman Gatsas asked what are you using for comps?

Mr. Hamilton answered I'm not presenting comparables at this time.

Alderman Gatsas asked how are you coming up with an assessed value?

Mr. Hamilton answered what I'm doing is looking at the results of Mr. Chinburg's feasibility study and where his marketing anticipates the selling prices to be.

Alderman Gatsas asked is that the normal way that you would do an evaluation of a piece of property?

Mr. Hamilton answered normally an evaluation would be of a specific single piece of property, but that kind of an activity would be in the form of a feasibility study of the entire development, which we're not staffed or prepared to plead.

Alderman Gatsas stated let's assume the feasibility study that you're talking about or you're looking at is coming up with a number, however, when you go in and actually do your evaluation, instead of it being a range of \$300,000 to \$450,000, it's a range between \$250,000 and \$400,000?

Mr. Hamilton replied in the respect that I'm putting some reliance on the work of the other professionals that are working with Mr. Chinburg to determine the marketability of these properties. I've also looked at one of Mr. Chinburg's developments in Newmarket, NH in order to understand the quality of construction and the market acceptance of those price levels for the units.

Alderman Gatsas asked and did you use any reasonable facsimiles like location of Newmarket versus Manchester?

Mr. Hamilton answered Newmarket is interesting in that its not Bedford. Newmarket is a very modest community that has generally modest housing stock where this relatively high-end condominium project has been successfully developed.

Alderman Gatsas asked how many units?

Mr. Hamilton answered 36 in total.

Alderman Gatsas asked and the square footage?

Mr. Hamilton answered we are in the similar range. It was a little bit different because it was converted mill...

Alderman Gatsas interjected it was a converted mill building?

Mr. Hamilton answered a portion of it was a converted mill building. A number of the units were in new town houses.

Alderman Gatsas stated with all due respect, how can you possibly tell me that a converted mill building in Newmarket is relatively close to new construction in Merrimack?

Mr. Hamilton answered as I indicated to you Alderman, I didn't use them as comparables. What I did was I looked at them to get an idea of what Mr. Chinburg is doing and to get an idea of the market acceptance of those kinds of units.

Alderman Guinta asked Steve is there any comparable units in downtown Manchester?

Mr. Hamilton answered no.

Alderman Guinta asked what would be the closest to your consideration to comparable?

Mr. Hamilton answered I think that in terms of...

Alderman Guinta interjected the reason I ask this is because this is a very important point and what we have to determine and I have every faith and I think the Board generally speaking has every faith in Mr. Chinburg and his company. So we're not looking to question your numbers, but just so everyone is aware that the decision that we have to make, we need to determine if we're going to still

meet our initial goals specified by the agreements from six months ago. We need to be very, very careful. So I think it's very reasonable to talk a little bit about comps. There are four or five buildings that I can think of that are residential units just on Canal Street, whether its Brook Chester Row, Amoskeag Place, 300 North River Road, 95 River Road, Colonial Village. Within a mile there's a number of maybe not identical comps, but I would think that you could get a pretty fair guestimate at least on those units. I guess I'm wondering why none of that came into play.

Mr. Hamilton replied it's not that none of that came into play, it's just that we haven't done an appraisal of each of these units and determined a specific value for each unit. That would be in the realm of an overall feasibility study of...

Alderman Guinta interjected we just had reval on the City. Couldn't we use that? That's fairly new, that's less than two years old. Right?

Chairman Lopez stated we don't want to get too far away from this. But I think we went through this with the Planning Board in reference to retail, we went through meetings, we talked about he would prefer the residential. So the basic question is for the Assessors, are we going to get more for our buck by allowing him to go residential or are we going to mandate him to go to retail like we did to the Plaza years ago and the Center of New Hampshire, we made them do retail and he's going to fail and we're not going to get our tax dollars.

Mr. Hamilton stated I believe the answer to that is yes, there will be more value in adding the 12 additional residential units and giving up the 12,000 square feet of retail.

Chairman Lopez stated okay. Let's keep that focus please.

Alderman Gatsas stated Mr. Chairman, with all due respect, there was not reason that anybody would have ever thought that he was putting retail in those towers. That was plan that came forward to us. We assumed as a body, as a committee, that there as 30,000 square feet of retail space going in.

Chairman Lopez stated that's right. I appreciate that Alderman.

Alderman Gatsas stated well let's not compare this retail space with the Plaza or the Center because we never brought it forward that way.

Chairman Lopez responded that's correct and you brought it up before and I agree with you whole-heartedly. The retail is not going to work down there, so let's just move along.

Alderman DeVries stated my question is for the City Solicitor. Within the master lease, the different protections that are built in through the construction covenants or the other portions that hold the developer liable for the assessed valuation of taxable assessed valuation of \$40 million. My question is twofold. First, if we in any way...I realize that the inferences within the master lease to make adjustments or alter the premises after construction but it didn't directly address changes prior to construction. So are we tampering in any way with our protections under the master lease in your..., or will be still be fully protected and able to collect on the security deposit that we have an LLC for, should there be a shortfall in the assessed valuation if he falls short of the \$40 million?

Solicitor Clark answered if the full Board agrees to alter the retail requirement from 30,000 square feet down to 18,000 at this point at the request of Mr. Chinburg, it would not affect the other guarantees that are already in place. It's just a change in the use of that particular construction.

Alderman DeVries stated so what you're saying first off is that the full Board needs to pass this this evening or whenever. It is your understanding that there is no further default or jeopardy that we do still have the guarantees within the master lease that guarantee the developer will put forth the \$40 million of taxable assessed valuation, and if not, the default mechanism would be the security deposit?

Solicitor Clark answered the master agreement still calls for a minimum of assessment of \$40 million. That does not change. In the event that that is not reached, then letter of credits are available.

Alderman Roy stated first of all Eric [Chinburg] thank you for being here and thank you for bringing \$47 million worth of development to our waterfront. But my question is somewhat touched upon by Alderman DeVries and directed towards the City Solicitor. For the City Solicitor, if we approve either through committee and then to a full Board this evening the change or removal of 12,000 square feet from the residential towers would we then requiring only 18,000 square feet of retail?

Solicitor Clark answered that's what you would be reducing it to, yes.

Alderman Roy stated I just wanted that point made clearer Alderman. Is that as much as we're talking about the shift in the tax base, and I do believe residential in that location would work much better than retail, we would automatically be reducing it to 18,000 square feet in our future conversations.

Alderman Gatsas asked Mr. Chinburg, is there any way you can add an additional 15 units?

Mr. Chinburg answered we are still looking at code issues regarding building height and if we can add another floor, we will do that and we could get even more than the 132, we could get with the elimination of the 12,000 square feet.

Alderman Gatsas stated this Board has the ability or the full Board has the ability to change height limitations. I guess I'm going back to you to say I feel more comfortable about you putting residential than somebody telling us 18,000 square feet is going for retail and then all of a sudden that disappears.

Chairman Lopez stated excuse me Alderman. You said something and I'm not too sure whether... Could you clarify that Tom or somebody? We have the right to change the height?

Alderman Gatsas stated we're going to be doing that in a short while.

Mr. Chinburg asked were you asking Alderman Gatsas about whether I could propose eliminating the remaining 18,000 square feet and add more units? I can not do that. That's not within the domain of my sublease or area of development.

Alderman Gatsas stated let me try the question again. Would you be interested in adding 15 more units in that location if the height requirement was removed?

Mr. Chinburg answered yes, although there is an additional complicating factor. It may not be municipal ability to waive. There are building type issues that come into play over a certain height that would change the type of construction and if that were the case, you may have to add three or four floors to make up for the increased construction costs due to construction types.

Alderman Gatsas stated the density is not a problem. The density I believe allows you to go up to 300 units, if Mr. MacKenzie is...

Mr. Chinburg stated I appreciate that and that's not impossible. I would however, start being concerned about absorption and the ability of this market to handle 300 units versus 200 units.

Chairman Lopez stated Alderman I understand where you want to go on everything, but I think that's another issue as we move along in the process. The major thing is when they report to the Planning Board on the 11th, they have to have their final plan. So I think, with all due respect, if we could just stick with this one issue tonight, because we do have another Board meeting after this to

continue this so that we can move forward just on this one issue. Either we do want to get rid of the 12,000 square feet and let him do the residential, or we don't so we can pass on to the full Board tonight so they can make their final plans to submit to the Planning Board. Let's stay in that realm please.

Alderman Gatsas asked Steve, are you familiar with Park Place?

Mr. Hamilton answered somewhat, yes. Probably the most comparable would be the 300 North River Road condominium.

Alderman Gatsas stated apart from the townhouses, Park Place would be your most comparable to the townhouses. Or maybe the garden style.

Mr. Hamilton stated the townhouse condominiums are more similar to the 300 North River Road condominium.

Alderman Gatsas stated right. But the garden style units are probably very similar to Park Place. I mean townhouses. Do you know what Park Place is running for?

Mr. Hamilton answered the sales information I don't have in front of me.

Alderman Gatsas stated I think the last two sales that I saw in there were somewhere around \$225,000.

Mr. Hamilton stated that could be.

Alderman Guinta asked can you walk me through Steve...when is the first time that you placed valuation on these units as a whole? When was the first time the Assessor's Office?

Mr. Hamilton answered I'm going to guess it was in June or July of 2003.

Alderman Guinta asked and has that assessment changed, that figure, has it changed since summer of 2003?

Mr. Hamilton answered yes, I believe it has.

Alderman Guinta asked up or down?

Mr. Hamilton answered I'd have to look back at the original report on the value. At the time of the original request by the Board, it was a completely different complexion for the project.

Alderman Guinta asked expand on that please.

Mr. Hamilton stated I believe it was about 210,000 square feet of retail that was envisioned.

Alderman Guinta asked so that had an impact on the valuation of the residential?

Chairman Lopez interjected excuse me Alderman, we're not going to go back and readdress everything that we brought up to date. We're dealing with one issue and that's what we're going to deal with. Either you want to change it or you don't want to change it.

Alderman Guinta stated Mr. Chairman, with all due respect. We need to know the valuations and how they have changed. And I'm asking that question.

Chairman Lopez stated deal with what is today, not what was last year. There was 200,000 square feet of retail last year; it is no longer there. So let's not deal with something that's not there.

Alderman Gatsas stated Mr. Chairman, I don't think you understand the complexity of this issue. You need to be able to understand how the valuations have changed over time in order for us to make a decision on the 12,000 square feet. The Assessor is saying that the valuation is not going to change, it is going to actually go up. We need to have a frame of reference. So I'm just asking for that frame of reference.

Chairman Lopez stated I'm not going to argue with you. Just give the valuation. Is it going to be more valuation once again, or not.

Mr. Hamilton stated our estimation is that it will be more. Perhaps Mr. Chinburg could speak to the value of the individual units.

Alderman Guinta stated before Mr. Chinburg speaks, what is your frame of reference here? It's going to be more as of what date and less as of what date? Before I can...let me tell the committee, I agree that Mr. Chinburg absolutely needs all residential in this area, by the way. But I can't vote for it if you don't let ask these questions. We need to be fully informed.

Chairman Lopez stated we're not going to back a whole contract Alderman. You were here at the meeting and you know what the whole deal was. You read the paper just like anybody else.

Alderman Guinta stated Mr. Chairman I'd like to really support Mr. Chinburg here but I'd like my questions answered.

Mr. Chinburg stated Alderman Guinta; I may be able to answer a little bit of that. I know that the previous development proposal was 210,000 square feet. This was before I was involved at all. At that point, I believe there was very little residential, if any at all. So at that time, the contemplation was having worked with Gilford to create a bunch of parking so it could be very viable retail. So that retail space I believe was assessed at a higher value, it could have been a retail destination. In this case, what we're saying is a 12,000 square foot portion of retail in a clearly separate residential area, with minimal parking, is going to have a lower value to it. And I believe the Assessor has put that at \$150 a foot now. So in just a simple calculation, in Newmarket where we have done a mid-rise, though it is a converted mill, it's still a mid-rise, it has no covered parking, it's on a river in a town with generally lower real estate values in Manchester. We sold those for \$200 per square foot. So if you simply look at square foot values in the market, I would think that with covered parking and a better city, we would get at least \$200 per residential square foot in Manchester versus clearly substandard retail in this section of probably \$150 per square foot. So if you simplify it that way, without lots of complicating factors, I wouldn't be doing this project if I can't sell stuff for somewhere around \$200 a square foot. It wouldn't work. So we have to assume, and we've done as much research as you can generally do to establish market feasibility, and I'm willing to take the risk and that's why I'm here. So I think that's a pretty simple way to look at the way I came to this thing. That 12,000 square feet of retail is going to be dead and is just going to drag on this.

Alderman Gatsas asked Mr. Chinburg, when did this light go off that it would behoove you to bring 12 more units instead of the retail forward? Maybe when I asked you about how somebody was going to get down there if you were closing the gate.

Mr. Chinburg answered well frankly, I came into this deal sometime around October or November. I've been here for four months. I'm the first guy to put up a letter of credit, I'm putting up the most of this development project overall, I'm sticking my neck out there. When I came in Mr. Catapano said we're stuck with a 30,000 foot requirement because of the resizing of the baseball stadium and how much you need for residential, we only have a 9,000 foot pad left over there. That means 18,000 feet of retail, so Chinburg you've got to take 12,000 of it. So I said fine. I'll see if I can make it work. So I signed up, put up my letter, we started thinking about it, and realized it's a stupid idea. So yes, the light went off.

Chairman Lopez stated at this time I'll entertain a motion...

Alderman Gatsas interjected Mr. Chairman. I'm not completed yet. I know you want me to be done quickly, because I'm almost at 141 questions now.

Chairman Lopez stated go ahead Alderman, as it pertains to the subject.

Alderman Gatsas asked are you familiar Mr. Chinburg with Park Place?

Mr. Chinburg answered I believe that it was one of the comps in the market analysis we did and we considered it to be an inferior comp.

Alderman Gatsas asked because of location?

Mr. Chinburg answered quality construction, location, the amenities that we're going to offer.

Alderman Smith stated I'd just like to make one point. This will add to our tax base, am I correct? Okay. And I'm sure Eric [Chinburg] will track tenants now, there will be more visibility, more space, parking, and so forth? Is that correct Eric? Okay. And we have a higher value, no matter what. Right? In other words, it's a win situation? We are going to receive more bang for our buck? Am I correct?

Mr. Chinburg answered yes.

Alderman Smith moved to recommend that in the riverfront development project 12,000 square feet of retail space be replaced with twelve (12) additional housing units and also to recommend authorizing the Mayor to execute all appropriate documents. Alderman DeVries duly seconded the motion.

Alderman Guinta asked Steve, the assessed value that we have right now? How long has it been at this number?

Mr. Hamilton answered well this was calculated on February 13th.

Alderman Guinta asked and prior to that was it the same?

Mr. Hamilton answered February 2nd.

Alderman Guinta stated I'm trying to get an idea of how long it has been this number.

Mr. Hamilton asked the per unit cost?

Alderman Guinta answered not the cost, the valuation.

Mr. Hamilton asked the per unit value?

Alderman Guinta answered yes.

Mr. Hamilton stated for the townhouse and the garden style have remained the same.

Alderman Guinta asked throughout this entire...?

Mr. Hamilton answered at least since November.

Alderman Guinta asked does everyone understand that?

Chairman Lopez called for a vote on the motion and the motion carried.

Chairman Lopez stated I'll leave the City Solicitor and Kevin Clougherty to answer that question.

Mr. Clougherty stated depending on which path the project ultimately takes, whether it's the deed path or the lease path, it would I believe the master lease and perhaps the development agreement.

Alderman Guinta asked for clarification. The agreement right now requires a minimum of how many retail square feet Kevin?

Chairman Lopez answered 30,000.

Alderman Guinta asked so are we going to reduce it to be a minimum of 18,000 or are we going to...?

Deputy City Clerk Johnson answered yes.

Chairman Lopez stated as of this date Alderman, yes to 18,000.

Alderman Guinta asked so we're authorizing the Mayor to reduce it to 18,000 as a minimum?

Chairman Lopez answered that's correct.

Alderman Gatsas asked will we be receiving the documents the Mayor executes? Have there been any other documents that the Mayor has executed with any of the changes we've made?

Mr. Clougherty answered it is my understanding that he hasn't executed other changes, Alderman. That was the point, that there are documents, leases that have been prepared by the parties but they have not been signed by the Mayor, so they are still from the City's perspective in somewhat of a draft until we can get over the hurdle of is it going to be a purchase or a lease. But certainly whenever any documents are signed by the Mayor they come to the Board.

Alderman Gatsas stated I would like to see the document Mr. Chairman that the Mayor is going to execute before he executes it to make sure that that was what our understanding was.

Chairman Lopez stated and I think that that can be arranged. If we get through this process we have another Board meeting before they go to the Planning Board and they still...

Alderman Gatsas asked we have a Board meeting when?

Chairman Lopez answered the first of March. They don't go to the Planning Board until March 11th.

Alderman Gatsas asked don't you think that we with some of the other things that have happened in the last day or two, you don't think that this committee should be meeting sooner? I hope you would say we should be.

Chairman Lopez replied I don't think so at this time unless staff is going to bring some stuff in moving forward. This is one problem that needed to be addressed and that's what we did tonight and I want to thank the committee for doing that. At the same time, Mr. Chinburg, if you instruct your staff please on the first of March we'd like to see the slide presentation and the final plans of your development given to the City Assessors reflecting these new 12 residentials, if the full Board approves it. The same thing that you're going to send to the Planning Board, we would like to see in a presentation by Mr. Duval, I think that was his name. That would be on the first and make sure the City Assessor's get that so they can certify the valuation because the Planning Board doesn't do that.

Alderman Gatsas stated Mr. Chairman I think it's relevant that we have a meeting sooner than then to discuss the situation that's happened out there.

Chairman Lopez stated I'll take that under advisement.

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

A True Record. Attest.

Clerk of Committee