

COMMITTEE ON LANDS & BUILDINGS

October 15, 2024 at 5:30 PM

Chairman Levasseur called the meeting to order.

The Clerk called the roll.

Present: Aldermen Levasseur, Vincent, Thomas, Long, Goonan

Messrs.: P. Chiesa, J. Nazaka, D. Muller, T. Clougherty, M. Gomez

1. Communication from Cronin, Bisson & Zalinsky on behalf of 32 Jane Street, LLC requesting approval of a revocable license to allow for the continued encroachment of existing granite steps onto a portion of Jane Street.

Alderman Long moved to approve. **Alderman Vincent** duly seconded the motion.

Matthew Normand, City Clerk, asked does the Deputy Solicitor want to weigh in on the revocable license.

Peter Chiesa, Deputy Solicitor, stated there was some language that was changed in Paragraph 5 to what our typical language is. This is a revocable license and typically includes language that is different than what you have in Paragraph 5 meaning that the city can revoke the license for any reason whatsoever. We actually don't even need a reason. What is included in the license you have states that the city can only revoke the license if there is an eminent harm or potential harm to the public welfare. We just wanted to point that out. If you want to go with the proposed language, that is fine. We just wanted to point out that it is not the standard revocable license you will see such as in the next item coming up.

Chairman Levasseur asked if anyone representing 32 Jane Street LLC has a problem with that.

Dan Muller, Cronin, Bisson & Zalinsky, stated just to be clear, the language and that requested change was pointed out this afternoon and a revised form was sent with the language that was suggested by the Solicitor this afternoon so that is not an issue. It has already been changed.

Chairman Levasseur asked so is the language different than what we have in our packet.

Atty. Muller answered yes it is different. The language you have in paragraph 5 has been changed and sent over this afternoon.

Alderman Long amended his motion to change paragraph #5 to what the Solicitor suggested. **Alderman Vincent** duly seconded the motion as amended. Chairman Levasseur called for a vote. There being none opposed, the motion carried.

2. Communication from Stone River Architects on behalf of Republic Brewing Company LLC requesting approval of a revocable license to allow for the construction of a new entry walkway at 72 Old Granite Street.

Chairman Levasseur stated I received a call from the Highway Department to table this request. Tim, would you like to come up to see if there is a way we can work this out? I will also have one of the people from Stone River Architects come forward.

Tim Clougherty, Public Works Director, stated I did call you today. After conferring with internal staff, we don't have enough information to understand how applicable codes will be met through the construction of this ramp at this point in time. I am confident that we are going to be able to reach some mutual agreement but absent having an understanding of what that final product may be, I don't think it is in the city's best interest to approve this revocable license at this point in time.

Alderman Long asked could we approve this contingent on an agreement between DPW and Stone River.

Mr. Clougherty answered you can do that but usually when you say that you approve subject to DPW approval, we have some idea of what the outcome is going to be. At this point in time, we don't have that idea.

Chairman Levasseur asked before we hear from the representative from Stone River, is this a time sensitive issue. In other words, if this was approved tonight and went to the full Board, when is the expectation that this would be done?

Tony Nazaka, Stone River Architects, replied it is time sensitive. Currently they have a temporary CO which they need for the Health Department to start getting ready for the public. They can start that tomorrow. There is a two-week period of brewing beer and they are hoping to open on November 1.

Chairman Levasseur stated I read what you guys wrote very carefully. I am not an architect and I certainly don't know exactly what Highway is looking for but I agree with Alderman Long that since we don't have another meeting until November 19 and I assume they want to be open for the biggest night out which is Thanksgiving...is there any way Tim that we can expedite this? I saw the drawings but I am not an experienced ramp builder. Is there a way we can move this along so they don't have to wait until 11/19?

Mr. Clougherty responded we don't have an objection to that provided that the authority for approval falls on us and our engineering expertise.

Alderman Long moved to approve the revocable license contingent upon approval from the Department of Public Works and if not approved the applicant has the right to come back to this committee for an appeal. **Alderman Vincent** duly seconded the motion. Chairman Levasseur called for a vote. There being none opposed, the motion carried.

Chairman Levasseur stated this will give you an opportunity to get with them and see if you can get that done quicker. If they approve it, you will be all set and you won't have to come back here. If they don't approve it, you have the ability to come back here again.

Mr. Nazaka asked for clarification, does that mean it can be open to the public...

Alderman Levasseur interjected once DPW approves it, you will be all set.

Alderman Long stated my understanding is if DPW approves it, it will go to the full Board so you will be all set. If there is an issue, then you will have to come back here on the 19th.

Mr. Nazaka asked so if DPW approves the plan, it could be open to the public sans the public entry.

Chairman Levasseur stated this could go to the full Board tonight and then if DPW approves it, they won't have to wait until 11/19. We are really flexible here and you have to give us some credit. This is government trying to help you guys open.

Alderman Long stated so if DPW approves it, you don't have to come back here but if there is an issue then you will have to come back and that will be on 11/19.

Chairman Levasseur stated the reason you would come back is to appeal their decision.

Mr. Clougherty stated I just want to make sure that it is clear that DPW does not control certificates of occupancy or have the ability to grant somebody the authority to operate a business.

Chairman Levasseur stated this is just one part of the approval process. Once you get their approval, you still have to go through licensing and Planning and everything else. It may not happen but at least we are giving you the opportunity. So this will go to the full Board tonight for a vote and hopefully it passes and then you can work quickly and diligently with our mastermind from the Highway Department and his crew. Thank you Tim.

3. Communication from Mark Gomez, Chief of Parks, Recreation & Cemetery, regarding a request from the Manchester NH Veterans Council to install a monument honoring veterans of recent conflicts at Veterans Memorial Park.

*On motion of **Alderman Vincent**, duly seconded by **Alderman Long**, it was voted approve.*

4. Communication from Alderman Morgan requesting that the soccer field at Livingston Park be named after Chris Laberge, a long-time coach at Central High School.

Alderman Long asked have we done the research on whether or not it has been named before for somebody. I am not sure where about the Gatsas field. I know we had an

issue a few years ago when part of it wanted to be named for somebody and it was rejected. Can you give us an update?

Mark Gomez, Parks, Recreation & Cemetery Chief, answered this particular field does not have a name. I don't believe the proposal would be in conflict with the current name of the athletic complex where the track and field is, which is the Gatsas Athletic Complex.

Alderman Long asked so you don't believe it is a conflict with the Gatsas Athletic field.

Mr. Gomez replied I do not.

Alderman Barry asked did Joe O'Neil's name come up for the track and it was shot down because it was the Gatsas Complex. Isn't that whole area the Gatsas Complex including the soccer field?

Mr. Gomez responded to the best of my knowledge the Gatsas Complex name refers to the area with the track and the field that is inside of that. This predates me but what I have been told is there was a proposal at one time to name the track itself after Joe O'Neil. The cross-country course at Derryfield Park was just named after Joe O'Neil. At the time, it was considered to be a conflict to name the track itself after Mr. O'Neil and that didn't move forward.

Alderman Barry asked do you know for sure. When you go by and you see the big sign which is beautiful, it says Gatsas Complex.

Mr. Gomez stated the field we are talking about is part of Livingston Park but it is not part of the Gatsas Complex.

Alderman Barry replied but the sign itself says Gatsas Complex which isn't over where the track is. It is actually in front of the soccer field.

Mr. Gomez stated you are correct. It is facing the road.

Alderman Barry stated I just think we should make sure before we go forward. Chris Laberge did a lot for Central soccer and he does deserve it but we tried to do this a couple of years ago and it was shot down because that area was the Gatsas Complex.

Alderman Long stated I haven't had the opportunity to look at the Joe O'Neil issue but I believe the case was that it was everything and the Gatsas Complex wasn't just the track and the field there. I would like to look into that more. I don't want to approve this and then find out that it was a different story for Mr. O'Neil, which we didn't approve.

Chairman Levasseur asked on the issue of the park, is the soccer field in the back which is different than where Livingston Park is. I thought Livingston and the track were the Gatsas Complex. Does it actually go even further to where the baseball park is and in the field in the back that we are talking about renaming? I saw a picture of it but it did not look like it was part of the Gatsas Complex.

Mr. Gomez stated I believe the proposal from Alderman Morgan is to just name the soccer field that is essentially part of the Livingston Park baseball field, it is the outfield, after Mr. Laberge. There are a number of other baseball diamonds within Livingston Park which is home to North Little League. There are also tennis courts and Dorrs Pond and the pond house. We installed Bridget's Garden a couple of years ago. There are a lot of different elements to that park and I think the proposal from Alderman Morgan applies just to that outfield/soccer field area in the baseball diamond.

Alderman Barry stated it is the baseball field that they want to name for Chris Laberge but keep in mind that the baseball field is already named the Min Valavane field. So the outfield would be named for someone and the infield would be named for someone else. It is the Min Valavane field right now the way it is.

Chairman Levasseur stated Alderman Morgan has just arrived. There is a concern that the actual area that you want to name is controlled by the Gatsas family for the donation they made. Is that accurate or not?

Alderman Morgan responded I don't know about that. I would have to ask Mr. Gomez. I can talk about what Alderman Barry talked about. The diamond is named after Min Valavane. That is fact. We are talking about the outfield, which is a soccer field. It is a totally different part of the complex.

Chairman Levasseur asked do we have to do some more investigation into this or are you comfortable with it not being part of the Gatsas Complex.

Mr. Gomez answered we can certainly go back and take a look. I am not aware of any documents that show it to be part of the Gatsas Complex but I could be wrong about that. We can go back and look.

*On motion of **Alderman Long**, duly seconded by **Alderman Thomas**, it was voted to table the item.*

5. Communication from Alderman Morgan requesting that the soccer field at Sheridan-Emmett Park be named after Thamba Mbungu.

Alderman Long stated I would like to table because the police case isn't closed. I have full confidence that what everyone wrote about him is true, however, there has been an open case since 2021 and I am not sure what that says. I want to be secure that there is nothing negative about Mr. Mbungu.

Chairman Levasseur stated I see some family members here. Would someone like to come forward and speak to that? Is there a case outstanding? Is there still an investigation or has it been closed? You can come to the microphone. I hate to put you on the spot but I know you guys are here for your brother.

Mambi Mbungu stated as far as we know, the case is closed. We don't have any information. They told us it is closed but you are saying it is still ongoing.

Chairman Levasseur asked do you know who was doing the investigation. Was it Manchester police or state police?

Mr. Mbungu responded my brother was talking to them so I am not really sure.

Chairman Levasseur asked how do you feel about this soccer field being named after your brother?

Mr. Mbungu responded that would be the best thing not just for me but for the community.

Yusef Juma stated obviously the death of Thamba Mbungu affected all of the youth, specially the soccer family in Manchester. Everybody who plays soccer has been affected by Thamba because he was a good brother, a good teammate and a good citizen of Manchester. He played for GPS, Seacoast, Revolution, Central High School and Hillside Middle School. He also volunteered for a couple of programs like Braingate and the Safari Youth Club coaching and helping tutor students. Every soccer player and every student in Manchester was affected by this so to honor him and naming a field or park after him would be something that every citizen of Manchester who plays soccer will be very proud of.

Alderman Long stated historically I brag about the immigrants who are successful in the City of Manchester. That is something Manchester needs to brag about. I have no doubt about the love of this man and all that he did since coming to Manchester. However, my understanding is there is a case still open on what happened to him and I would just like to know that the case is closed before we move forward with this. At the very least, it can be brought up again on 11/19 after we do some more research. I would like to table this until I know the case is closed.

Alderman Morgan stated we don't need any more investigation. We know what happened. This is going to be open potentially forever. This has an immediate impact on the community. If you go down there you see it. It is amazing; the kids. Thamba was a good soul and a person who I had a chance to ref a few times and Chris Laberge his head coach raved about what an inspiration he was to the community. I think by doing this, it is going to be very important for that community to bring them together. We can have an immediate impact versus waiting...similar to the Denise Roberts situation hopefully we find something out but it could go on forever. To wait doesn't make any sense. We are not going to have any more information on the 19th than we have right now. I encourage you to pass this.

Alderman Long moved to table. There was no second.

Alderman Vincent moved to approve. Alderman Thomas duly seconded the motion. Chairman Levasseur called for a vote. The motion carried with Alderman Long abstaining.

6. Communication from David Saindon, Project Executive, LeftField, on behalf of the Manchester School District requesting the following:
- 1) Approval to construct a new school on the Sheridan-Emmett Park land, which requires a partial release and quitclaim deed.
 - 2) Approval to abate and demolish the existing Beech Street Elementary School and build a park with amenities on the site in coordination with the Department of Public Works.
- (Note: Said abatement, demolition and site restoration for park use will be funded from the Priority One project.)*

David Saindon, Project Executive, LeftField stated I am here representing the school district. With me is Mr. Rice and Ms. Soucy. I will let them introduce themselves.

Matt Rice stated I am an architect with SMMA.

Jennifer Soucy stated I am also an architect with SMMA.

Alderman Vincent stated the plot of land that the school is currently on, that is where the new park will go if I understand correct.

Mr. Saindon responded correct.

Alderman Vincent asked is it the same size lot or a much smaller lot. I am not an architect and I don't know by pictures. I can see the red lines but am I to understand that the small box is where the new park will go?

Mr. Saindon answered as far as the exact size, I am going to defer to Mr. Rice.

Mr. Rice stated I think where the confusion is on the diagram you see it says structured play. There are only two portions that we are showing on that diagram sort of shifting across, which are representative of the exact same size of the elements we are taking away at the current Sheridan-Emmett park. That will be the basketball courts and the structured play area. The rest of the area for the field space that we were just talking about in the prior item is not shown in those respective rectangles that are on the page.

Alderman Vincent asked when you say the lots, there are two separate lots. Where Beech Street is now is two separate lots. The school is on a lot and the rest of it going down past that field is a secondary lot. I want an understanding of this because my main concern is that we are taking away a park and we are not going to be putting another park up very quickly to replace that park. I want to make sure that is known and everybody understands that the size of the park will either be the same or smaller or bigger. If we shift the school over and we do this, there are two lots that are going to be affected. Are you saying that both of those lots will essentially be in play for whatever new park is created?

Mr. Rice replied we do think that they are generally the same size when you are combining those two parcels; the one that is currently in the upper left-hand corner that the majority of the existing Beech Street School is on and then the larger parcel as well that expands out.

Alderman Vincent responded it doesn't look like it but you are the architect.

Chairman Levasseur stated you guys are very creative. I have to give you some credit. So where you have the two darkened areas at Beech Street School, that is the park area but you are also incorporating the trade-off with two little areas of park on the second lot across the street. Is that where you come up with similar or the same square footage? It is certainly not the same square footage if you put the park where Beech Street School sits. Are you basically saying same square footage because you are adding a couple of park spots on the new school property?

Mr. Rice stated the darker blocks on the existing Beech Street site that are getting shifted over are on the basketball courts and the structured play area. There is additional space beyond those as well that will contribute to getting it to a similar size.

Chairman Levasseur stated it is not black out and that is what the problem is.

Mr. Saindon stated to the right of the structured play that is identified, that is the existing field that the Bears use as a practice field. That would remain as a field.

Alderman Vincent stated I don't see it. I am looking at the colored photo which is pretty cut and dry on what the lot sizes are. This is one lot here and this is one lot and this is one lot. All I am trying to get at is if this size is going to be the same as what we have now? To me, it is going to overlap lots. Lot 70-35 and Lot 68-A-2 are two separate lots. I am just curious if they are going to overlap this park because it is going to take Lot 70-35 and I can anticipate that but it is going to be cutting into this other lot?

Mr. Rice answered yes it would. It would extend into Lot 68-A-2.

Alderman Vincent stated I talked to the Superintendent and I understand that the intent is possibly to keep the basketball courts as long as we can where they stand until the time comes that we need to cut in there to build the school. This is time without a park and without basketball courts. Is it confirmed that the school district will fund the new park when it is built?

Mr. Saindon replied it is confirmed that the school district, as part of the \$306 million Priority I budget, will fund replicating the existing basketball courts and playground area that is being commandeered by moving across the street.

Alderman Vincent asked it is going to have to be the same correct.

Mr. Rice stated it is going to be an improvement over what the current conditions are.

Alderman Vincent replied I get that but dimension wise we are not going to short change the area of this play space correct.

Mr. Rice answered no. It is the intent to maintain the square footage.

Chairman Levasseur asked what about the track that goes around the Sheridan-Emmet Field. Is one going to be added to the current Beech Street school property? I could use lot numbers if it makes it easier.

Mr. Saindon stated I can't comment about replicating the track that goes around the existing park. I do know that we will work with DPW to implement whatever we can in conjunction with them.

Alderman Vincent stated if everything goes as planned and all of this takes place and the old Beech Street school gets torn down and the new park gets built up...I am not going to ask you for timeframes because I am sure you don't have them but I am curious to know is the city going to be responsible for the demolition or is that also in the \$306 million?

Mr. Saindon responded that is correct.

Alderman Vincent asked so that will all happen simultaneously and once the school is torn down the new park will be built or are you pushing that out.

Mr. Saindon stated the game plan is to commence construction operations in the summer of next year. It is going to take roughly two years to build the new school. After the new school is constructed, we will move the students from the old school to the new school and then do the abatement and demolition of the existing school.

Alderman Vincent asked so we could be looking at 3+ years before we see another park in that area.

Mr. Saindon answered yes if not sooner and hopefully sooner.

Chairman Levasseur stated we are running out of time. Unfortunately, we were not given a copy of the Amoskeag deed in time for the meeting. As an attorney who has dealt with other city parks and understands Amoskeag Industries methods and madness and the whole purpose of all the park land they gave, I really would like to see that and read it before I accept any votes going forward. We will have another meeting on this but we will give you more time.

Alderman E. Sapienza stated I would hope that the full Board or any committees wouldn't approve anything that the BOSC or administration puts forward until we know what the plan is including high schools, etc. They need to show their hand. We were told at the joint meeting 11 months ago that we were going to find out in March what the plan was for the high schools and we still don't know. For all means, go ahead and show your hand and show us what the plan is. Jim O'Connell himself says he is getting tired of hearing what the plan is for the high schools, as am I.

Chairman Levasseur stated unfortunately this Board has not been given a lot of information since we were sworn in in January. We have heard rumors that Beech Street, once it was torn down that land was going to be used for a high school. We have never been told it wasn't. I guess we are going to assume that it is not since you are going to have to make a deal with Amoskeag Industries for a one-to-one park. Before I

go forward with anything, I want to see that deed and I want to make sure that the one-to-one is the same square footage. You guys are including where the Bears play. I don't know if that is an Amoskeag Industry park.

Mr. Saindon responded it is.

Chairman Levasseur stated but it has already been given to the city so it is not a trade of a one-to-one. That is already a park. You are taking away a massive square footage of park here across the street and creating a much smaller space. I want to be comfortable after I read the deed as to what that legality is.

Mr. Saindon stated I could have sworn I provided the draft deed.

Chairman Levasseur stated it is not in our agenda.

Mr. Saindon stated I do know that Mr. Chiesa was working on amending it with Amoskeag.

Chairman Levasseur asked who was drafting the deed.

Peter Chiesa, Deputy Solicitor, stated I can answer that. I did an initial draft and sent it to Amoskeag. They came back with a much different version. It was reviewed with a sub-committee of the school district and comments were made about the various things you are speaking about like who would be responsible for demolishing the old school and whatnot. Another draft came back and was sent to Amoskeag. They requested a survey which was sent to them. What they would like to do is update the deed to include a meets and bounds description that would more particularly describe the premises being preserved.

Chairman Levasseur stated I would like to read the original charter from Amoskeag Industries and also it is kind of interesting that...why is the school district making decisions about city land in sub-committees. These are city properties. They are not the property of the school district. If anyone is going to be doing any investigation or speaking with Amoskeag Industries, it should have been this Board and not the school district entering into negotiations for those properties. They don't even own the school buildings and have to come to us for demolition. The actual taking away of a park in an area that we are taking away from where there is really not much to do in that area and that park is a major place for all of those kids to go is a big deal. Any negotiations should have come through this Board. Any possible taking away of a park shouldn't be going through the school district. They don't own anything. We do. You guys have done it backwards and now we are here learning about all of this now. We still don't know whether or not there is going to be a high school put there or what the third plan is. We have been in the dark since the beginning and we are making decisions based on what the school district wants and what they are forcing down our throats and I don't think we need to stop the project but we need to slow it down.

Alderman Vincent moved to table. **Alderman Thomas** duly seconded the motion. Chairman Levasseur called for a vote. Aldermen Long and Goonan voted nay. Chairman Levasseur broke the tie and the item was tabled.

TABLED ITEM

7. Communication from the family of Inspector William Moher, a police officer who died in the line of duty on July 3, 1921, requesting that the city find a fitting way to honor his memory.
(Note: City staff from Planning, Police and DPW have been asked to bring forward recommendations.)

This item remained on the table.

*There being no further business, on motion of **Alderman Long**, duly seconded by **Alderman Thomas**, it was voted to adjourn.*

A True Record. Attest.

A handwritten signature in black ink, appearing to read "Matthew Normand". The signature is fluid and cursive, with a long horizontal stroke at the end.

Clerk of Committee