

Nashua Business and Industrial Development Authority

Meeting Minutes October 27, 2009

1. Opening:

The regular meeting of the Nashua Business and Industrial Development Authority was called to order at 8: 35am on October 27, 2009 in Room 208 by Chairman Jack Tulley

Present: Chairman Jack Tulley, Vice Chair Don Zizzi, Carl Andrade, Brad Vear, Dean Jackson, Mark Prolman, Hollis (Buzz) Harrington, Stephen Michon, John Stabile, Donnalee Lozeau, David Fredette

Absent: Brian McCarthy

Other Attendees: Tom Galligani, Julie Walker, Jason Haviland

2. Approval of Meeting Minutes of September 25, 2009.

MOTION TO APPROVE MADE BY BUZZ HARRINGTON. MOTION SECONDED BY CARL ANDRADE AND APPROVED UNANIMOUSLY.

Chairman Tulley asked that an email from Tom Galligani sent to the committee members on October 15, 2009 be entered into the record.

Chairman Tulley introduced a potential new appointment to the committee, Jason Haviland, who is attending as a guest.

3. Bridge Street Project:

Ryan Porter and Yvette Mongal from Renaissance Downtown provided an update on concept plan workshop via an online meeting. They presented a list of goals and possible site plans. Discussion regarding traffic concerns, rental/purchase concerns and expansion took place. They explained that the plans assume participation by the Bonnette's and inclusion of their parcel into the Concept Plan. It was noted that the Concept Plan, as it's now being developed would allow for the possibility of development without inclusion of the Bonnette parcel. The BIDA membership commented on various aspects of the drawings, including a request to show boat slips on the Nashua River,

Public Works Director Leon Kenison, City Engineer Steve Dookran, CSO Storm Water Engineer Amy Gill gave presentation regarding the relocation of the CSO on the Bridge Street property. S. Dookran gave brief history of the process so far, and the possibility of another feasibility study to move the facility, currently planned for the former Johns Manville property. Four locations will be studied, including moving the facility slightly to the north, 17 Jackson Street, the PSNH facility on Bridge Street and near CSO #6. BIDA members raised concerns regarding the cost of the study and the results. Discussion regarding funding and locations took place. BIDA will continue to work with the Engineering department on this part of the project. Renaissance requested an amendment to the preferred developer agreement signed in May. They are seeking an extension of the "Initial Period" so that it now coincides with the time the

Concept Plan needs to be approved.

MOTION BY VICE CHAIR ZIZZI TO APPROVE THE AMENDMENT, BACKDATING THE EFFECTIVE DATE TO OCTOBER 18, 2009. MOTION SECONDED BY CHAIRMAN TULLEY AND APPROVED UNANIMOUSLY.

MOTION BY C. ANDRADE TO APPROVE THE REVISED CONSULTANT ROSTER. MOTION WAS SECONDED BY B. HARRINGTON AND APPROVED UNANIMOUSLY.

MOTION BY C. ANDRADE TO USE \$20,000.00 FROM BIDA FUNDS FOR FEASIBILITY STUDY FOR CSO RELOCATION. MOTION SECONDED BY VICE CHAIR ZIZZI.
DISCUSSION

C. Andrade noted his opposition to BIDA using 40% of their budget without the possibility of more funds coming in. T. Galligani noted that this is what the funding is for and should be used. It was noted that the BIDA funds were lent to them by the City. The funds will need to be paid back from the proceeds of the sale of the property.

C. ANDRADE RESCINDED THE MOTION.

MOTION BY B. VEAR TO SPLIT THE COST OF THE CSO RELOCATION FEASIBILITY STUDY WITH RENAISSANCE, \$10,000.00 EACH, AND IF RENAISSANCE WILL NOT FUND THE STUDY, THE BIDA WILL FUND THE ENTIRE STUDY IN THE AMOUNT UP TO \$20,000. MOTION SECONDED BY J. STABILE AND APPROVED UNANIMOUSLY.

4. Mohawk Tannery

Mayor Lozeau updated the committee on the history of the City's involvement with the site. Stated that she had formed a group made of people from the abutting neighborhood, City officials, EPA, DES to talk about this site and its safety concerns. Requested that the BIDA reconsider the letter regarding the urgency to clean up the site to the Board of Aldermen. Reiterated that the BIDA is an advisory committee. Reminded the committee that the city does not own this site. C. Andrade expressed concern that nothing is happening with the site. Mayor Lozeau assured the committee that the parcel is one of her top priorities and she is working hard on finding a solution. Noted that building demolition was estimated at \$385,000, a cost the City doesn't currently have budgeted.

MOTION BY J. STABILE TO RESCIND THE MOTION OF WRITING A LETTER TO THE BOA REGARDING THE TANNERY AND GO FORWARD WITH THEIR RECOMMENDATIONS OF WHAT COULD BE DONE WITH THIS SITE. MOTION WAS SECONDED BY D. JACKSON AND APPROVED UNANIMOUSLY.

Vice Chair Zizzi questioned the authority of the BIDA, and what is expected of the membership. Mayor Lozeau reiterated her expectation that she is seeking advice and recommendations about the potential for development on underutilized sites in the city. Any action on potential projects would need authorization from the Mayor and the Board of Aldermen, such as what took place with the Bridge Street parcels. J. Stabile mentioned the committee could possibly fix up the Tannery site through volunteer work for minimal money. Mayor Lozeau noted she would look into that and get a document together for the BIDA clarifying their authority and responsibilities, listed under RSA 162G.

5. BIDA Hiring Policy

T. Galligani presented the committee with a draft proposal for a policy on consultant hiring. Document stated goals, strategy and implementation of the policy which will be added to future RFPs and other BIDA solicitations.

Adjournment:

Meeting was adjourned at 10:30am by Chairman Tulley. The next general meeting will be at 3:30pm on November 18, 2009 in Room 208.

Minutes submitted by:

Julie Walker

Galligani, Thomas

From: Galligani, Thomas
Sent: Thursday, October 15, 2009 2:29 PM
To: Bolton, Steven; Bradley T. Vear (brad@vear.biz); Buzz Harrington; Carl Andrade (andrade_c_01@yahoo.com); Cloutier, Brenda; Dean Jackson (dejack5@comcast.net); Don Zizzi (donzizzi@comcast.net); Fredette, David; Jack Tulley; jstable@stablecompanies.com; Lozeau, Donnalee; Mark Prolman (mark.prolman@prolmanrealty.com); McCarthyB@nashuanh.gov; Robert E. Myers Ph.D. (remyers@dwc.edu); Stephen Michon; Walker, Julie
Subject: BIDA: Renaissance Agreement Amendment request

Greetings,

I received a request from Renaissance to amend our agreement. They are seeking to extend the "initial period" of our agreement to coincide with the deadline on which the Concept Plan must be approved by the BIDA.

As you may recall, our agreement with Renaissance called for an "initial period" where by they could conduct environmental testing and solidify agreements with adjacent property owners (60 days originally then extended once by another 90 days). They feel as though they are making solid progress with the Bonnette Family and think that it is prudent to expand the Concept Plan to include the Bonnette property. They also want to wait on mobilizing their environmental testing contractor until an agreement is reached, so as not to test the City sites and then have to test the Bonnette sites later. This would also allow them to focus their testing efforts based upon the design developed in the Concept Plan.

I think that this is a reasonable request as it does not push back our most critical deadline, our approval of the Concept Plan. They are committed to this project at this point.

As the BIDA does not meet before the "initial period" is set to expire (next Monday the 19th), they need some help.

Please indicate your thoughts, by sending an email to me directly, with either:

- "YES," if you believe that the BIDA should grant the extension and authorize the BIDA Chairman and the Mayor to sign the agreement; or
- "NO," if you believe that the BIDA should not grant the extension

Thank you.

Thomas F. Galligani, Jr.
Economic Development Director

t/ 603.589.3260
f/ 603.549.3450
e/ Galligani@nashuanh.gov

Office of the Mayor
City Hall
229 Main Street / PO Box 2019
Nashua, NH 03061-2019

www.nashuanh.gov



City wide framework of connected districts



Plan Framework (Alt A): Preliminary study of a roundabout to facilitate access into the site from East Hollis Street, while maintaining bypass lanes to access the bridge.

Bridge Street Development Concept Planning
Nashua NH

Proposed Consultant List:

Land Planning and Architecture – **PREVIOUSLY APPROVED**

Lead:

Urban Design Associates
707 Grant Street Pittsburgh, PA. 15219
Gulf Tower, 31st Floor
(412) 263-5200

Support:

Landworks Collaborative
91 Prescott Street
Worcester, MA 01605
(508) 770-0660

Engineering – We have agreed upon a preliminary division of engineering responsibilities

Hayner/Swanson, Inc.
3 Congress St.
Nashua, NH 03062-3301
(603) 883-2057

McFarland Johnson
53 Regional Drive
Concord, NH 03301-8500
(603) 225-2978

Economic and Market Analysis

Randall Gross Development Economics
2311 Connecticut Ave., NW,
Suite 206
Washington, DC 20008
(202) 332-7433

Zimmerman / Volk Associates Inc.
P.O. Box 4907
Clinton, New Jersey 08809
(908) 735-6336

**AMENDMENT TO PREFERRED DEVELOPER AGREEMENT
FOR
SALE OF LAND FOR PRIVATE DEVELOPMENT**

This Amendment to Preferred Developer Agreement for the Sale of Land for Private Redevelopment (“**Amendment**”) is made and entered into effective the 18th day of October, 2009, by and between the **CITY OF NASHUA**, (“**City**”), a New Hampshire municipal corporation , acting by and through its **BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY**, (“**BIDA**”), located at 229 Main Street, Nashua, New Hampshire 03060, and **RENAISSANCE AT NASHUA, LLC**, (“**Developer**”), a New York limited liability company authorized to do business in New Hampshire, with offices at 9 Gerhard Road, Plainview, New York 11803 (collectively, the “**Parties**”).

RECITALS :

- A. The Parties entered into a certain Preferred Developer Agreement for the Sale of Land for Private Development dated May 21, 2009 (the “**Agreement**”).
- B. Paragraph 1.02 of the Agreement allows the Developer to conduct a further environmental investigation of the property by notifying the BIDA within five (5) days after the end of the Intitial Perod, therefore extending the Initial Period for an additional ninety (90) days.
- C. On July 20, 2009, Developer notified the BIDA of its intent to perform a further environmental investigation of the Property, extending the Intitial Period for an additional ninety (90) days, such period extended until October 18, 2009.
- D. Developer and the BIDA recognize that the scope of environmental investigatory work will be impacted by the Concept Plan and the parties wished to harmonize the required scope of environmental investigation with the conception, development and approval of the Concept Plan.

NOW, THEREFORE, in consideration of the foregoing Recitals, and the covenants hereinafter contained, the Parties hereto hereby agree as follows:

1. Capitalized terms utilized herein and not otherwise defined herein shall have the meaning ascribed to them in the Agreement.
2. In order for Developer to complete all environmental investigatory work that is indicated to be necessary or desirable by the Concept Plan as that plan evolves, the Initial Period is hereby extended to the last date by which the Concept Plan must be submitted to the BIDA for Approval. The parties further acknowledge that in order to harmonize necessary environmental investigatory work with the Concept Plan, the concept planning phase contemplated in Article 2, Section 2.02 of the Agreement has commenced notwithstanding that the Initial Period has not ended.
3. Except as herein specifically modified, the Agreement is hereby ratified and confirmed and continued in full force and effect.
4. This Amendment shall become effective upon the full execution and delivery hereof by all parties signatory hereto.

IN WITNESS WHEREOF, the parties hereto have herunto set their hands and seals effective the ____ day of November, 2009.

ATTEST:

**CITY OF NASHUA BUSINESS & INDUSTRIAL
DEVELOPMENT AUTHORITY**

By: _____

Jack Tulley, Chairman

ATTEST:

RENAISSANCE AT NASHUA, LLC

By: _____

Name:

Title:

ATTEST:

CITY OF NASHUA

By: _____
Donnalee Lozeau, Mayor

Nashua Business Industrial Development Authority

Draft Consultant Hiring Policy

Goals:

1. to identify and utilize the high-quality talent located in the Greater Nashua Area in order to assist the Nashua BIDA to reach its goals; and
2. to stimulate the local economy by hiring firms that contribute to the Nashua economy, either firms who maintain a physical presence in the Greater Nashua Area or by maintaining a significant employment base in Greater Nashua.

The BIDA shall endeavor to conduct its business with these goals in mind.

Strategy:

In order to achieve these goals, the BIDA shall:

1. maintain a current list of qualified local professional service firms in disciplines commonly needed by the BIDA to conduct its business. The list will include firms in the fields of surveying, civil engineering, environmental engineering, transportation engineering, site planning, urban design, architecture, economics, construction management and real estate law. Local professional service firm shall mean firms located in Nashua and the towns that border Nashua. If no firms in these fields currently operate locally, the list will include firms based in New Hampshire;
2. notify all firms on the list of qualified local professional services firms of any opportunities generated by the BIDA or firms with which the BIDA is involved in a joint venture or preferred developer arrangement;
3. hire qualified local professional services firms in cases where the qualifications of the local firms is at least equal to that of a similar non-local firm; and
4. all firms hired by the BIDA shall follow the Consultant Hiring Policy when hiring any sub-consultants to work on projects funded, developed or sold by the BIDA.