

## REPORT OF THE HUMAN AFFAIRS COMMITTEE

FEBRUARY 10, 2004

A meeting of the Human Affairs Committee was held Tuesday, February 10, 2004 at 6:52 p.m. in the Aldermanic Chamber.

Chairman Lori Cardin presided.

Members of the Committee present: Alderman Marc W. Plamondon, Vice Chair  
Alderman Kevin E. Gage, arriving at 6:56 p.m.  
Alderman David D. Lozeau

Members not in Attendance: Alderman-at-Large James R. Tollner

Also in Attendance: Alderman Robert G. Shaw, Jr.  
Alderman-at-Large David W. Deane  
Alderman-at-Large Brian S. McCarthy  
Alderman Richard LaRose  
Alderman Kathryn D. Vitale  
Kathy Hersh, Director, Community Development Division

COMMUNICATIONS – None

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS

### **R-04-09**

Endorsers: Alderman-at-Large James R. Tollner  
Alderman Marc W. Plamondon  
Alderman Lori Cardin

### **AMENDING THE FISCAL YEAR 2002 COMMUNITY DEVELOPMENT BLOCK GRANT TO ADD A STUDY OF THE POTENTIAL RE-USES OF THE SAINT FRANCIS XAVIER CHURCH**

#### Kathy Hersh

The Mayor formed a task force to focus on the St. Francis Xavier Church and the possible re-uses of that church. That committee has been meeting on a regular basis, monthly. Alderman Tollner and Alderman Gage are both on that committee. As we have gone through the building and met with various people, we have come to realize that we really need some professional assistance to help us to understand all of the opportunities for the reuse of the building and what the feasibility are of those uses from a marketing standpoint, the costs and things like that. We would like to engage Stu Pats who is an economic adviser. He was the economic person on the downtown master plan team with Urban Designs Associates. He did the marketing analysis for the downtown master plan. He would be a good person from our standpoint because he is already up to speed on Nashua. He's done a lot of analyses on our marketability as a community. What we would like to do is engage him. The cost of the contract would be \$12,000. We have \$2,000 that the city has already committed from the city budget previously – 3 or 4 months ago. We have \$2,000 from the National Trust for Historic Preservation. We

would like to have the Board vote to take \$8,000 from the Community Development Block Grant to complete the \$12,000.

We also are very fortunate to have Butch Razack who is an architect who focuses on churches offer his services pro bono to assist us in this endeavor to look at the future possible reuses of this church. I do want to thank him publicly for his assistance on this.

Alderman Plamondon

The study costs \$12,000. They have \$2,000; and they want \$8,000. Where's the delta of the other \$2,000?

Kathy Hersh

There's \$2,000 from the National Trust for Historic Preservation. It's a grant. Then there's \$2,000 that the Board of Aldermen previously committed last fall towards this re-use study.

Alderman Plamondon

Are these funds to come out of contingency?

Kathy Hersh

Yes. I just checked with Paul. There's about \$110,000 in contingency right now.

Chair Cardin

For the record, Alderman Gage has joined us.

Alderman LaRose

We know that there's a group that is trying to save that church. They claim that they have raised a considerable amount of money, but not what they had thought they were going to raise. How does that play in with what we are trying to do here?

Kathy Hersh

They are two different and separate efforts. My understanding is that the foundation is pursuing the acquisition of the church to continue to use it as a religious facility as well as other uses. Our understanding from the Diocese is that is not something that the Diocese will look favorably upon. We're kind of caught in the middle. If they were successful, that would be great. The goal is to reuse that church so we don't lose that church. The goal is to be able to have the ability to invest in that church so it doesn't decay, and we don't end up losing that absolutely beautiful historic church that represents the nickels, dimes and pennies of people a hundred years ago. We don't want to lose that beautiful building. It's part of our history and our heritage. Whatever reuse would be great. We, as a city, are trying to make sure that we don't lose an opportunity here.

Alderman Lozeau

I had the opportunity to speak with Randy Wilbert. I'm surprised nobody is here to speak against this. I was told there would be. Randy claims that they are having a hard time raising money because of the city showing such a strong interest in the building. I asked myself why are we rushing into this. Shouldn't we wait it out and see what the St. Francis committee is doing? It's not like the wrecking ball is moving down the street. I agree I wouldn't want to lose the building, but I don't understand what the rush is.

Kathy Hersh

The city's task force has been in place for a number of months. I would say it started in June, maybe earlier. We are probably 6 to 8 months into our work at trying to look at alternatives. We went to Portland, Maine and Berlin and other places to look at other reuses of churches. One of the things that has happened is the city is now taxing that part of the church that is not being used. The diocese is anxious to get some finality to this. That's why we are moving forward. It's not like we're rushing this. We've been moving along at a pace. But certainly if we were to be rushing this, we would have done this six months ago.

Alderman Lozeau

Do we have communications with the committee that is trying to preserve it as a church?

Kathy Hersh

They are more than welcome to come to the meetings. There's been some communication.

Chair Cardin

I'm surprised as you are, Alderman Lozeau, that there is no one here to speak on this. My understanding is the Diocese is not interested in re-opening this as a catholic church. I think you were here at the last meeting when we had discussion on this. It's an opportunity that the city has. We're not buying the building; we're just looking at money to fund the re-use. It would be a lost opportunity if we didn't move forward in my opinion. I don't think we're rushing into anything. This has been ongoing for some time. I'm going to support this. I'm in favor of at least looking at what the opportunities might be.

Alderman Gage

As another member, along with Mrs. Hersh, of the Mayor's Task Force that was put together to look into this, I certainly think that I have had – and the church being in my ward – a lot of citizens attend these meetings. On Friday mornings, you'll have generally the same group that will come – about ten people or so. They come every month. They would always as former parishioners of St. Francis see it open again. There's somebody sitting here now that has spoken to the Auxiliary Bishop. There is no mind in Manchester at the Diocese, along with speaking to the Chancellor of the Diocese, that this will open as a Roman Catholic Church, as a Lutheran Church or anybody's church. It will no longer be a church. I think looking at the alternatives for it in case the foundation can't raise the funds that they need to raise is a safety net to make sure that nothing unwarranted occurs to that building. Thank you.

Alderman Deane

You made a comment pertaining to the fact that the city wasn't going to purchase the building. The concerns were about the use of the facility. If the group that's out pounding doing a fundraising effort to try to purchase the building, and they aren't successful then obviously either the city would purchase it or there may be another amenity or business that would want to purchase it. This study is to look at uses other than worship for that building. Am I correct in assuming that?

Chair Cardin

Yes.

Alderman Deane

I believe there's probably somewhere, and its conveyed in the deed, that the way the Catholic Church worked was that no other denomination can perform religious worship in that building. It's probably done for the purpose where they don't want another church coming in and taking over. Let's face the fact: it's a business. It's a money-making entity. They downsized due to the parishioners that were available and the amount of money it was costing to operate the facility. If they fundraiser is not successful in gaining enough dollars to purchase the building from the Diocese, has there been any conversation within the group that Alderman Gage and Alderman Tollner is on about the city moving forward and looking to purchase that building from the Diocese?

Kathy Hersh

That's still out there. That's a possibility. It depends on what the uses are. It depends on what is recommended. It is certainly part of the consideration. There's been a lot of sympathy with the position that the foundation has taken that this was built to be a religious facility and that is really what it should be. If you read the minutes, you will that there is a lot of sympathy on this committee for that stance. It is not at all that this committee is saying that this should not be a religious facility. This is a religious facility. However, we're operating under the responsibility of finding a reuse for this that would be in the public good that is not a religious use.

Chair Cardin

I agree with that. It is not the city saying that you can't have a church in there. It's the diocese that is saying that. The people who own the building. It's not our call. I just want that to be clear. It's not us saying that you can't have a different denomination in that facility.

Alderman Deane

I agree with the parishioners that went there that it's a church. I'm still wrestling with the fact that you are going to hire someone to come in and look at the facility and see what else can be done with it. What are we going to do at that point - when we find out that we can use it for something other than a church and market it to the outside? I'm confused why this is going on. If the city doesn't have an interest in purchasing it, and the Diocese is going to sell it, why would we market some sort of development plan of the use of that facility when in turn we don't own it to begin with?

Kathy Hersh

We went to a number of other churches to take a look at how those other churches have been reused. For example, there's one that is a Franco American Heritage Center. There's another one that is an Irish Heritage Center. There's another one that has become a theatre. There are opportunities out there to preserve this building and keep the historic integrity of this building and have a use that is good for the community that isn't necessarily owned by the city. If there was going to be a Franco American Heritage Center I wouldn't suspect that would be owned by the city. But there maybe partnerships; there maybe abilities to access other funds to do that; there maybe groups out there that might come forward and be interested in doing that. What we are trying to do is find all of those other things that it could be and then look at how we can foster that to preserve that building.

Alderman Deane

That's fine, but you could do that with any facility in the city that's up for sale. In the long run, what's the plan – to dictate to whoever the owner may be after the Diocese sells the building with what they should be doing with it? I have some real issues with this. I don't understand why we are doing this. I understand it's a beautiful historic building. I know it costs somewhere in the vicinity of \$60,000 to construct it. It was built by immigrants. It's a beautiful facility. It was built as a church. Now we're going out looking at what other possible uses that facility could be used for down the road, but the city doesn't own it. It would be like going across the street to the Odd Fellows Building if the Odd Fellows vacated. We don't own the building, but going in there and doing a study of that facility saying we could use this for this, this and that. Are we going to market this building to prospective buyers even though we don't have any ownership of it? That's where I am confused.

Alderman Plamondon

For the interest of trying to preserve this historic architectural icon in our city – it's a marble – and as was stated, the Diocese is adamant it will not be for any other religious purpose whatsoever, and in interest of continuing discussion, I'll move to recommend final passage to the full Board.

**MOTION BY ALDERMAN PLAMONDON TO RECOMMEND FINAL PASSAGE**ON THE QUESTIONAlderman Vitale

It is too bad the Diocese is not seeing fit to keep this a church. It's a beautiful building. You look at that building and everybody is always going to remember it as a church. Even long term, I'm surprised the church hasn't looked to maybe keep it in mind, long term, to re-open it. If we look at different uses of this building, are we going to then go to the church and ask if they would market it and sell it in such a way to meet how we're looking at using the building? Are we suggesting to the Diocese that they sell to somebody to meet the needs that we're going to explore?

Kathy Hersh

We've been working with the Diocese on this from day one. From day one, the Diocese has gotten in touch with the city and said this is where they were going with these three churches. They recognize that the city may have some interest in them. They want to work with the city. In particular, St. Francis Xavier Church is the one where there has been most concern and most outcry about. The church has been part of all those discussion, as far as the re-use of it. In fact, they had St. Casimir on the market and they have sold St. Casimir. They have not put St. Francis on the market. They are waiting for us. We've asked them for the opportunity to be able to come back to them by June 30<sup>th</sup>. We've asked them for up to June 30<sup>th</sup> in order to be able to try and come up with some re-use that's good for the community; that works. Certainly, we're working in partnership with the Diocese.

Alderman McCarthy

To respond to Alderman Deane's comment, I think in the general case I'd agree with you with free market real estate transactions, but they have a set of goals that have to do with the profitability of the exchange to both sides. If what we want to do is to protect the building, it maybe that we have to figure out how to make that advantageous to somebody. The most advantageous thing for both parties in an arm's length real estate transaction might well be to knock the building down and put up an aluminum-fronted drug store. And that's exactly what I think we're trying to avoid by finding out what some uses are, trying to pair up someone who can make a reuse of the building as it stands and keep its architectural grandeur with the Diocese that wants to sell the building.

Alderman Deane

I couldn't agree with you more, Alderman McCarthy. I don't want to see anything happen to that facility either. It's a beautiful building. It was built by the parishioners. If you went back and did a title search on that and actually looked at the history of when that facility was constructed, I was told it built somewhere in the vicinity of a cost of \$60,000. If you look at the donated labor and materials from the parishioners and if you go back and look at the land, it would be interesting to see who used to own that land. I'm just wrestling with the fact that the church is probably interested in getting rid of that facility regardless of its historic significance to us or to the parishioners because right now, it's a burden to them financially because of the taxes they are paying on it. I think it is nice that they have given the committee an opportunity – a long period of time – to look at alternatives. But, it seems as though what we're trying to do is put constraints on the use of that facility. If we don't own it outright, we really can't do that. It would be nice for the city to purchase it and keep it as is, but then you have the other group who is interested in purchasing it as well. The Diocese owns it and they just want to get rid of it. As for the use after the fact, unless the land use ordinances are changed and somebody comes in and buys it, whatever that property is zoned for, they have the right to do it unless legislation is filed where that building cannot be taken down. I think that would be a legal battle and a half where we are putting restrictions on certain parcels in the city.

Alderman Lozeau

I would feel a lot better if the Diocese had said they are going to get rid of the building, which I don't believe they said. I would feel better if the St. Francis people who are working on it, weren't working on it. But, they are and they tell me that the city's interest is jeopardizing their fundraising efforts. I couldn't support the motion that's on the floor, not until I know more.

Alderman Plamondon

The way I'm looking at it is by funding this in effect we're kind of helping this other committee. If their efforts fall by the wayside, and what we hear from the Diocese it will, then at least we'll be in a position to suggest from an intelligent point of view other solutions to this problem. The problem is we cannot re-make history. This particular structure, a religious institution, and it will always be recognized as, is part of our history. That's why I support this. Money is tight. It's from our CDBG contingency money. I think it is a good fit. I don't think we would be doing due justice to the neighborhood on French Hill. I don't think we'd be doing just justice to our French Canadian heritage that built it. I certainly don't think we'd be doing justice to the City of Nashua without being in a position to intelligently come forward with alternative solutions to this. That's why I support it. Thank you.

Alderman Lozeau

But you're assuming that the parish is saying they want to get rid of the building. I can't assume that because there is a committee still working on it to restore it as a church. I don't think the wrecking ball is driving down the street. I don't think we're going to lose it. All I want to do is take a step back and give them a chance to work out their fundraising efforts and get an answer from the Diocese.

Alderman Deane

Director Hersh stated that there was a timeline. Is June 30<sup>th</sup> the Diocese's timeline?

Kathy Hersh

That's my understanding of what the Mayor has conveyed to the Diocese. We have asked for that amount of time in order to be able to look into some of these re-uses. The completion of the contract would take about three months.

Alderman Deane

What would stop the Diocese from selling it on July 1<sup>st</sup> and having the thing torn down July 2<sup>nd</sup>?

Kathy Hersh

Nothing.

Alderman LaRose

St. Casmir is a very historic building. St. Casmir was actually the first Catholic church built in Nashua. It was a St. Patrick's. When we're talking historic places, we're talking more than one place.

**MOTION CARRIED**

NEW BUSINESS – ORDINANCES - None

HELD IN COMMITTEE

**MOTION BY ALDERMAN PLAMONDON TO TAKE FROM THE TABLE R-04-05  
MOTION CARRIED**

**R-04-05**

Endorsers: Mayor Bernard A. Streeter  
Alderman Lori Cardin  
Alderman-at-Large James R. Tollner  
Alderman Marc W. Plamondon

**RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$63,125 OBTAINED  
FROM THE DEPARTMENT OF JUSTICE, STATE OF NEW HAMPSHIRE, INTO  
SPECIAL REVENUE ACCOUNT 331-6294 "DOMESTIC VIOLENCE UNIT 03 FUNDS"**

**MOTION BY ALDERMAN PLAMONDON TO RECOMMEND FINAL PASSAGE**

ON THE QUESTION

Chair Cardin

There were some concerns in the committee about the matching funds or the stability of the position if it were not fully funded. Can you address those?

Chief Gross, NPD

Any specific financial questions, Karen Smith, our Financial Supervisor is here for that. We have some information based on the questions you asked last time. Before we start, I thought I'd address it. It's important to understand that this is an extremely vital operation that goes on in the agency. Regardless of approval of funding, which I sincerely hope you do approve because it takes care of a lot of extra funding in our budget, we cannot remove at least the police officer from this program. It's that important. Even more important is our advocate civilian person, who works almost primarily off of this grant. We are actually covering those funds right now for her salary since the end of January when last year's grant ran out.

To give you an example, in Manchester in handling a similar amount of cases, they have six individuals – advocates and police officers. We are seriously understaffed in this regard. We were just speaking with someone before the meeting this evening who long-range was quite concerned about the fact that we can't even handle what we currently have. I think it is important for the committee to know that if we don't get the funding tonight, obviously our

advocate would no longer be with us. That's the only advocate we have. The police officer, however, who does more or less the final investigations on well over 1,000 cases a year would still remain with us. We're not going to release the officer from our employ or from the position of doing these investigations. The grants can become confusing as far as how they are done financially and where the money comes from, but that individual works for us. He has before and he will after if we take him out of this position. But we will continue the position one way or another. The money that we are asking for you to approve right now is money that will supplement what we will have to do regardless. There is money that the city does provide which Karen can explain in more detail as part of these grants. It's a very small amount.

Initially when we enter these grants, we make an assumption that they will last for 1, 2 or maybe 3 years. This has gone on for seven years. We have done very well by these grants for this program. It's our understanding that it will continue for another year after this, based on what we were told just recently. We're hoping that you support this and that we keep the program going. We know we're going to be dealing with some tough issues this year. We know we're not going to be increasing the number of people. We surely need the two we have to at least continue doing the minimal amount of work in this domestic violence area.

#### Karen Smith, Financial Supervisor

I do have packets. I do apologize that I wasn't able to get it out to you quicker. I included the budgets from the last two grants. I also have statistics that show the level of crimes that have been committed. I have also included a forecasted budget for the third year. I understand there was a question as to after this grant, what will happen next. We did make contact and estimated \$50,000. It will be reduced from the \$63,000 to \$50,000. This outline shows the percentage. We match 25 percent, then 28 percent. Currently we'd be at 45 percent. Next year, we're anticipating 50 percent. Again, this is a seed grant. It's to get it started. Eventually, we're supposed to continue the program 100 percent.

We have \$28,000 that we need to match to have a complete program. Ten thousand is the contingency. That's the usual amount that we would supply. Because of the reduction in funding, it was reduced 17 percent, plus the position has an in-grade promotion so between benefits and salaries, it has gone up. The \$18,000 we can put in our budget for FY05. We're looking for that funding. Since that budget is not approved yet, we don't know if that is secured. With discussions with the chief, we will continue this program whether the funding is through the budget or we find it within our current level funded budget. So as far as this resolution is concerned, we can't answer if the city is going to provide that \$18,000. But we do know that if worse came to worse, we would continue the program through our current funding.

#### Alderman Deane

I appreciate the information that you brought forward to us. A lot of that was asked for. I think some of the concerns were associated with the fact that when we accept these grants, I don't believe a lot of us understand that there are portions and after awhile we are going to be responsible for paying. When your budget comes forward, if you could identify those positions where they are funded through a grant plus the match that we have to provide, and then forecast out one or two years beyond this current budget ...

Karen Smith

We've forecasted one year.

Alderman Deane

I would just request that when you submit your budget that you put a sideline in to show those positions, plus the forecast beyond it. I would be helpful to everyone on the committee. Thank you.

Alderman Gage

You said something about \$50,000. Are you asking us in this piece of legislation for \$50,000 or \$63,125?

Karen Smith

I'm asking for the \$63,125. In the last minutes that I read, it was requested that we go one more year and anticipate after this current funding what we expect for funding from the Domestic Violence Program. We're pretty sure it's \$50,000. We did get that verbally confirmed. The grant would be reduced from the \$63,000 down to \$50,000. I'm not sure after that how much we would get.

Alderman Gage

One of the things that came up at our last meeting when Officer Levesque was here was the differences between the regular grant positions like this and the cop grants that you had. The cop grants we knew going in each year we're going to pick up more and we had to hold them for so long because if we didn't we were out of that program. That came into discussion a little bit. We've asked this on the budget committee in the past. Are you letting them know that this is a grant position that may or may not be funded down the road. This is a different type of situation in my mind because it's certainly a necessary. I don't have a problem supporting this at all.

Chief Gross

I hope everybody is aware of the fact that when we took advantage of this grant and put this person in this position, we could have chosen not to replace that person. This was an existing position that we moved into the domestic violence area. We haven't replaced it. It's kind of optional. It's not like the Cops More grant where you are actually adding people. We did not add any additional people. Really what you are doing is getting funding to support the individual that we moved in there. That is an option in this particular grant rather than the Cops More that you mentioned. When the grant finally does run out, not like the Cops More - this has been going on longer - we will just continue with the position that was there prior to even beginning.

Alderman Plamondon

Being the ward alderman for the Tree Streets and much of the inner-city, and also the Commander of the Tree Streets Crime Watch, I get the crime watch reports every month. I also represent the highest crime area in the city – the north end of the tree streets. I look at those report every month and by far the greatest number of occurrences are related to domestic

violence. This money is a pittance compared to the need of assisting and addressing domestic violence. Look at some of the numbers that were given to us this evening. Between 01/01/02 and 12/31/02, there's 974 primary victims – 756 are female victims; 203 are male. Sexual assaults, 596; domestic violence, stalking. This is money well spent. I can't say enough for putting money in any area in assisting domestic violence. This has my full support.

Alderman Lozeau

The resolution on the floor is to fund \$18,000 and we net \$63,000? Is that correct?

Chair Cardin

No. The resolution before us is to accept \$63,125 from the Department of Justice.

Alderman Lozeau

Thank you.

Chief Gross

If we are successful, is it possible for this to be brought to the full Board this evening where we have gone beyond the time for the advocate's position for full Board consideration? Is that possible tonight?

Chair Cardin

Yes, it is.

**MOTION CARRIED**

DISCUSSION

POSSIBLE NON-PUBLIC SESSION

ADJOURNMENT

**MOTION BY ALDERMAN PLAMONDON TO ADJOURN  
MOTION CARRIED**

The meeting was declared adjourned at 7:34 p.m.

Alderman Marc W. Plamondon  
Committee Clerk, Pro Tem