

COMMITTEE ON LANDS AND BUILDINGS

March 18, 2013

5:15 p.m.

Chairman Osborne called the meeting to order.

The Clerk called the roll.

Present: Aldermen Osborne, Ludwig, Craig, Levasseur

Alderman Shaw arrived late

Mssrs: T. Arnold, B. Gagne, L. LaFreniere

Chairman Osborne addressed item 3 of the agenda:

3. Communication from Mayor Gatsas requesting that the purchase and sale for the Granite Street lot (TM 692-11) be approved; that the property be deemed surplus to City needs and further determined that a direct sale is in the best interest of the City and the authorized means of disposition for this parcel.

(Note: A purchase and sale agreement is attached.)

Alderman Levasseur moved that the purchase and sale agreement for the Granite Street lot (TM 692-11) be approved; that the property be deemed surplus to City needs and further determined that a direct sale is in the best interest of the City and the authorized means of disposition of this parcel. The motion was duly seconded by Alderman Craig.

Mr. Thomas Arnold, Deputy City Solicitor, stated the surplus property ordinance requires an opinion from the assessors that I don't see included on the agenda.

Chairman Osborne asked we didn't get to that, right? Mr. Gagne, let's get this over with, I guess. Let's deem it surplus and do what we have to do.

Mr. Robert Gagne, Chairman of the Board of Assessors, stated it had already been deemed surplus at one point, for a different transfer and we had done an analysis for that. We had done it with the parcel next door. I didn't repair a report for tonight, but I did review my documents for last time and our assessment on this parcel, I believe it \$142,000 so a purchase price of \$155,000 seems to be pretty reasonable considering the assessment.

Chairman Osborne stated it is in line.

Mr. Gagne stated sure, I would say it is in line certainly.

Chairman Osborne asked this still takes precedent or does one take precedent over the other? You said it was deemed surplus on a different situation. Will this still hold up with this situation here?

Mr. Gagne replied yes, it would. I believe it would.

Chairman Osborne asked city solicitor, you have no problem with that?

Mr. Arnold replied not once he has issued that report, no.

Alderman Craig stated I was pleased to see the closing date of July 1, 2013. That was very good to see. Thank you.

Mayor Gatsas stated it is wonderful that you can sell a piece of property twice and recognize the revenue twice.

Chairman Osborne called for a vote on the motion that the purchase and sale agreement for the Granite Street lot (TM 692-11) be approved; that the property be deemed surplus to City needs and further determined that a direct sale is in the best interest of the City and the authorized means of disposition of this parcel. The motion carried with Alderman Ludwig voting in opposition.

TABLED ITEMS

4. Communication from Leon LaFreniere, Planning and Community Development Director, requesting that the committee deem properties at 167, 187 and 189 Lake Avenue and 120 Spruce Street surplus and consider selling the properties to Families in Transition.
(Note: Tabled 2/19/2013. Communication from the Assessor is attached.)

On motion of Alderman Craig, duly seconded by Alderman Shaw, it was voted to remove this item from the table.

Mr. Leon LaFreniere, Director of Planning and Community Development, stated I think when this matter was last before this committee there was some confusion about the request insofar as we were looking for authorization to proceed to formalize a purchase and sale agreement for your subsequent review. There was concern about the assessors having looked at the value of the property. They have since done that and I believe that information is in your packet so we would once again ask for your consideration to authorize this process to proceed and a purchase and sale be drafted for this property.

Alderman Levasseur moved that properties at 167, 187, 189 Lake Avenue and 120 Spruce Street be deemed surplus; the Planning and Community Development Director be authorized to move forward with drafting a purchase and sale agreement with Families in Transition; and determine that a direct sale is in the best interest of the City and the authorized means of disposition for this parcel. The motion was duly seconded by Alderman Shaw.

Chairman Osborne stated so with the two follow up here, this gives the whole story?

Mr. LaFreniere stated well one of those follow ups is actually for a previous time, for Granite Street. The other follow up was for this property, but in the main agenda I think you will find the information from the assessors regarding the value.

Chairman Osborne asked so what do you need to move this along?

Mr. LaFreniere replied I would request, should the committee find it appropriate, that the property be declared surplus and that it be in the best interest of the City to transfer the property to Families in Transition.

Chairman Osborne called for a vote on the motion. The motion carried with Chairman Osborne voting in opposition.

Mayor Gatsas asked Mr. Chairman, will you send those to the board tomorrow evening?

Chairman Osborne stated well send them right along to the board, yes.

5. Status report on the Adam Curtis Skate Park presented by James DeStefano.
(Note: Retabled 1/15/2013; Originally tabled 11/19/2012)

This item remained on the table.

6. Report of the Committee on Lands and Buildings:

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that the communication from Constantine Scrivanos on behalf of the Dunkin' Donuts Store located at 921 Beech Street to purchase City owned parcel 271-2 be approved with the following stipulations:

- the property be deemed surplus;
- the applicant submit a Lot Line Adjustment plan to the Planning Board for approval;
- the applicant maintains an existing 12 foot buffer; and
- no building expansion be allowed within the parcel

(Unanimous vote with the exception of Aldermen Ludwig and Osborne who voted in opposition)

(Note: Tabled 11/19/2012; Referred back to the Committee on Lands and Buildings by the Board of Mayor and Aldermen on 10/02/2012)

Mayor Gatsas stated just as information, Mr. Chairman, you have an item on the agenda that is on the table, item 6. My understanding is that the owner or the perspective buyer is getting an appraisal completed this week so you should have something before your committee sometime next week.

Chairman Osborne stated it has been hanging here since November of last year. I asked that question.

This item remained on the table.

Alderman Craig stated both of these items that we discussed tonight were about surplus properties. I'm wondering, Mr. LaFreniere, if you could come forward? I believe that there are properties within the city that have been deeded back to the City that we could potentially be receiving taxes on if we put them up for sale. We have done that in the time that I have been on the board. I was wondering if your department could take a look at that to determine how many properties are available for potential sale.

Mr. LaFreniere stated I'm aware of that analysis having been done in the past. I can certainly put together what we can on that and bring it forward. There will be other departments that will be involved because some of these properties are under the stewardship of various departments. That is certainly something that we can take a look at with the tax collector and develop a listing of properties.

Alderman Craig stated to the city solicitor; it is my understanding that there have been some properties, at least one or two, that have been deemed surplus that have exceeded the purchase and sale agreement and have not been sold. What do you do in that situation? Do you put them up for sale again or do you just hold them?

Mr. Arnold replied it depends on what type of property you are talking about. Typically, I have dealt with tax deeded properties in the past that we have put out for auction and for various reasons have not gone to closing. Typically, what I will do in that case is, if there are more than one bidder and the successful high bidder does not close for some reason, I may come back with the committee with the next highest bid and ask the committee if it is willing to accept that. If it doesn't close and there were no other bidders, then typically I would notify the committee and we would put it back out to auction sometime in the future.

Alderman Craig asked can you do me a favor and check into that, because like I said, I believe there are one or two that have not come back to the committee that have been sitting for a few months?

Mr. Arnold replied I can check on that. I'm only aware of one, but that is relying on my memory.

Alderman Craig stated just to clarify, Leon, I meant private properties to put up for auction.

Alderman Shaw stated I have a question for Mr. LaFreniere. We have several properties around the city that have been destroyed by fire. They sit and sit and sit. Are there time limits that owners of these properties have to either tear those buildings down? How does that work? There are three or four really large buildings that have been ravaged by fire and they are still just sitting. I just wondered what the city can do about that.

Mr. LaFreniere stated much of it depends on the individual circumstance of the property. Essentially, if a property can be made secure from entry and is structurally sound there is little that we can do directly to order a property to be repaired or taken down. If the building is structurally compromised or if it forms a hazard then we can pursue that. We have a number of properties where we are in various stages of enforcement on that are in that condition. Ultimately, if we have a non-responsive owner then I would bring a request to the Board of Mayor and Aldermen to go through a statutory process, RSA 155 (B), to have the court declare the property to be hazardous and dilapidated and then at that point, if the owner is still non-responsive then we can petition to have authorization to take the properties down and put a lien on the property. That, in a nutshell, is our process. The individual properties that you may be referencing, I can certainly take a look

at for you, to tell you what the specific enforcement action is currently, but we do have a number of properties that are vacant and secure and we have a number of properties that we are working through enforcement procedures on as we speak.

Alderman Shaw stated this is not a follow up; it is a different subject. Some time back, I had a few calls from people complaining about bank owned properties that are not cared for; the lawns get high, the trees are overgrowing the properties and things like that. I had asked if the City could do anything. Someone in your department had mentioned, maybe it was you, that there could be laws through Concord that would help the City to have more say in what to do with those properties. I had been wanted to ask you for a long time if there is any kind of legislation that could be put forward in Concord that could change that law or alter that law? It is something that I would like you to look into. If there is anything that I can do it help in that respect because that time of year is coming again and people are going to be calling about this property that has been bank owned for three years, they don't take care of the lawns, they don't do anything so I just thought that if there was something that could be done to give the City more teeth in these situations you could let me know.

Mr. LaFreniere stated we can certainly take a look at that.

Chairman Osborne stated Leon, why she is on that subject, I know that basically there is a lot of real estate out there that does belong to banks and they are in limbo and so on and so forth so it is very difficult, but as far as the upkeep of the properties it is a tough situation, there is no doubt about that. I had a few calls with trees and it hanging over the next property and really there is not too much that you can do about that either. It is just one of those things that nature takes it course. In a lot of cases out there, Alderman Shaw, for the calls that I got anyways, I find it to be more of a civil matter than it is a City problem. This is

another thing too that you have to look at when they call you to find out exactly what is the problem because it could be civic and they have to take it on their own to court, rather than rely on the City to do it for them. That's all I have to say.

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

A True Record. Attest.

A handwritten signature in cursive script that reads "Heather Freeman".

Clerk of Committee