

**Minutes of the Board of Assessors
Meeting of April 15, 2021**

An online meeting of the Board of Assessors was held via Zoom on Thursday, April 15, 2021. The meeting was called to order at 9:00 AM by Chair Daniel Hansberry

Members Present:

Daniel Hansberry

Robert Earley

Paul Bergeron

Assessing Staff Present:

Greg Turgiss

Lindsay Monaghan

Amanda Mazerolle

Doug Dame

Richard Vincent

Mike Mandile

Other City of Nashua Staff Present:

Administrative Services Director Kimberly Kleiner

Deputy Corporation Counsel Celia Leonard

Mr. Hansberry

I will call the meeting of the Nashua Board of Assessors to order at 9:00 AM on Thursday, April 15, 2021. I would ask everyone to bear with me because I'm obliged to read a fairly lengthy opening statement.

Good morning and welcome to the April 15, 2021 meeting of the Board of Assessors. As Chair of the Board of Assessors, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

We are utilizing Zoom through the City's IT Department for this electronic meeting. All members of the Board of Assessors have the ability to communicate contemporaneously during

this meeting through this platform, and the public has access to contemporaneously listen in to this meeting through dialing the following number 929-205-6099, once again that number is 929-205-6099 and using meeting ID number 822-4878-5345, once again that meeting ID number is 822-4878-534 and password of 989839; once again the password is 989839. The Public may also view this meeting on Comcast Channel 16.

b) Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, through Public Postings. Instructions have also been provided on the City of Nashua's website at nashuanh.gov and publicly noticed at City Hall and the Nashua Public Library.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.

If anybody has a problem accessing the meeting via phone or Channel 16, please call 603-821-2049—once again that number is 603-821-2049-- and they will help you connect.

d) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting via the methods mentioned above, the meeting will be adjourned and rescheduled. Please note that all the votes that are taken during this meeting shall be done by roll call vote.

Let's start the meeting by taking a roll call attendance. When each member states their presence, the reason they're not able to attend the meeting in person, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-To-Know Law. So I will now call the roll. Mr. Earley?

Mr. Earley

This is Robert Earley, a member of the Board of Assessors. I am following the Governor's executive order and joining the meeting remotely from home. There is no one here in the room with me.

Mr. Hansberry

Mr. Bergeron?

Mr. Bergeron

This is Paul Bergeron, a member of the Board of Assessors. I too am following the Governor's order and joining the meeting remotely from home. There is no one here in the room with me.

Mr. Hansberry

And I'm Daniel Hansberry, a member of the Board of Assessors. I'm following the Governor's order and joining the meeting remotely, and there is no one present in the room with me. First order of business is the minutes. Is there a motion to waive the reading of the public meeting minutes of the meeting of April 1, 2021, accept them and place them on file?

Mr. Earley

So moved.

Mr. Hansberry

Is there a second?

Mr. Bergeron

I'll second.

Mr. Hansberry

Are there any errors or corrections?

Mr. Earley

Mr. Chairman?

Mr. Hansberry

Mr. Earley?

Mr. Hansberry

I was wondering about the minutes of our meeting on April 5 to—

Mr. Hansberry

I ran that by legal, and they said they're... inaudible... I noticed that on the agenda myself.

Mr. Earley

Okay. No other questions.

Mr. Hansberry

Seeing none, I will call the roll, and the motion is to waive the reading of the minutes of the public session of April 1, 2021, accept them and place them on file. Mr. Earley?

Mr. Earley

Yes.

Mr. Hansberry

Mr. Bergeron?

Mr. Bergeron

Yes.

Mr. Hansberry

Mr. Hansberry, yes. Motion is adopted. Is there a motion to waive the reading of the non-public meeting minutes of the meeting of the Board of Assessors which was held on April 1, 2021, accept them and place them on file?

Mr. Earley

So moved.

Mr. Hansberry

Is there a second?

Mr. Bergeron

I'll second.

Mr. Hansberry

Are there any errors or corrections? Seeing none, I will call the roll. Mr. Earley?

Mr. Earley

Yes.

Mr. Hansberry

Mr. Bergeron?

Mr. Bergeron

Yes.

Mr. Hansberry

Mr. Hansberry, yes. Motion is adopted. At this time, I'd like to recognize Richard Vincent, who has some comments he'd like to make to the Board. Mr. Vincent?

Mr. Vincent

Good morning. I apologize; we have some drilling up above us, first or second floor, so you may hear the drilling in the background. So I'll make this as brief as possible. What I've included in the packet is the quarterly report that went to the Board of Tax and Land Appeals on the revaluation. Included in that report are the updates I've received every two weeks from Vision Technologies. SO on the latest report in the packet, Vision is approximately 75% complete on the initial inspections for residential properties. And there are 25605 improved residential properties being measured, so that's 75%. And on the commercial properties, 1964 properties they've inspected roughly 791 of those for 40%. And I've also included minutes from the March 18 meeting, when Vision met with the Board of Assessors and discussed the project status. And then the last item I included was the Assessing Department Monitor. And that was being done monthly originally and is now being switched to a quarterly report due to time constraints. So that was the last item that I included in the report to the BTLA. Are there any questions?

Mr. Hansberry

Questions for Mr. Vincent?

Mr. Earley

Mr. Chairman?

Mr. Hansberry

Mr. Earley?

Mr. Earley

Mr. Vincent, the Vision report shows 233 full refusals. Is that refusing to allow people to come on the property? I know we're not trying to do interior inspections at this time. IS that they won't even let them come on the property?

Mr. Vincent

Yes, I believe that's a full refusal. We do have some residents who call us or e-mail us and say, we don't want anyone on the property. It's probably—I'm sure there were also some refusals at the door. SO when the Vision data collector knocks on the door, they'll let the data collector know they don't want anybody there.

Mr. Earley

Do we have any recourse on that?

Mr. Vincent

No. That's the property owner's right to refuse any inspection at all.

Mr. Earley

Can we do a measurement from the sidewalk, or...?

Mr. Vincent

Well, we can do a review—not a measurement, but a review from the sidewalk to make sure that the general information is correct. We can look at the sketch and look at the house or the building, look at the outbuildings from the street to make sure that what's on the card is reasonably correct to the best of our ability from the street.

Mr. Earley

That's the only question I had.

Mr. Hansberry

Other questions for Mr. Vincent?

Mr. Bergeron

I have none.

Mr. Hansberry

Mr. Vincent, I'm in a ward that they're currently doing, so they will ring my doorbell before they do anything on the property, correct?

Mr. Vincent

I believe that's correct. That's typical practice.

Mr. Hansberry

Okay. And just to reiterate what's been said at prior meetings, they will have both an ID badge and they have some kind of document that proves their legitimacy to be on the property? Is that correct? So they would have two forms of information that you can ask for from the employee of Vision, correct?

Mr. Vincent

Correct. They'll have an introduction letter from our office and their ID.

Mr. Hansberry

Okay. And then just one more question on the data that you handed out. There's 25,605 residential properties, 1964 commercial/industrial properties. And in addition to those, there's somewhere between 1000 and 2000 tax exempt properties in the city, correct, because the total number approaches—what is it, around 29 or 30,000, correct, for total properties?

Mr. Vincent

Correct.

Mr. Hansberry

Just out of curiosity, do you have that actual total number of properties for the city, included the tax exempt?

Mr. Vincent

I had that open before the meeting and then I closed it. If you bear with me, I can get to it quickly.

Mr. Hansberry

I'll give you moment to find that; we can move on. So at this time I'd like to recognize Lindsay Monaghan, who has some solar exemption requests that she's going to present. Ms. Monaghan?

Ms. Monaghan

Good morning. This morning I have six solar exemptions with a recommendation of approval.

Mr. Hansberry

Are there any questions for Ms. Monaghan?

Mr. Earley

No.

Mr. Bergeron

No.

Mr. Hansberry

Is there a motion to grant the solar exemptions as presented per the attached list?

Mr. Earley

So moved.

Mr. Hansberry

Is there a second?

Mr. Bergeron

I'll second.

Mr. Hansberry

I will call the roll. Mr. Earley?

Mr. Earley

Yes.

Mr. Hansberry

Mr. Bergeron?

Mr. Bergeron

Yes.

Mr. Hansberry

Mr. Hansberry, yes. Motion is adopted. Does that conclude your report, Ms. Monaghan?

Ms. Monaghan

It does, thank you.

Mr. Hansberry

Thank you. At this time, I would recognize Amanda Mazerolle, who has some exemptions and credits that she is going to present. Ms. Mazerolle?

Ms. Mazerolle

Good morning. Today I have ten veterans' credits I would like to recommend for approval.

Mr. Hansberry

Are there any questions for Ms. Mazerolle?

Mr. Earley

No.

Mr. Hansberry

Is there a motion to grant the veterans' credits per the attached list?

Mr. Earley

So moved.

Mr. Hansberry

Is there a second?

Mr. Bergeron

I'll second that.

Mr. Hansberry

Is there any discussion? Seeing none, I will call the roll. Mr. Earley?

Mr. Earley

Yes.

Mr. Hansberry

Mr. Bergeron?

Mr. Bergeron

Yes.

Mr. Hansberry

Mr. Hansberry, yes. Motion is adopted. Ms. Mazerolle?

Ms. Mazerolle

And that last one I have are two veterans' credits I need to recommend for denial per reasons stated in the packet.

Mr. Hansberry

Are there any questions for Ms. Mazerolle on that?

Mr. Earley

No.

Mr. Hansberry

Is there a motion to deny the veterans' credits as presented per the attached list?

Mr. Earley

So moved.

Mr. Hansberry

Is there a second?

Mr. Bergeron

I'll second that.

Mr. Hansberry

Is there any discussion? Seeing none, I will call the roll. Mr. Earley?

Mr. Earley

Yes.

Mr. Hansberry

Mr. Bergeron?

Mr. Bergeron

Yes.

Mr. Hansberry

Mr. Hansberry, yes. Motion is adopted. Does that conclude your report, Ms. Mazerolle?

Ms. Mazerolle

It does. Thank you for your time.

Mr. Hansberry

Thank you very much. At this time I would recognize Mr. Mandile, who has an abatement recommendation for the Board. Mr. Mandile?

Mr. Mandile

Thank you, Mr. Chairman. Yes, I have an abatement for 6 Kendall Way, and the taxpayer bases their request on data errors. The city recommends approval.

Mr. Hansberry

Questions for Mr. Mandile?

Mr. Earley

No.

Mr. Hansberry

Where's Kendall Way? What part of the city is that in, Mr. Mandile?

Mr. Mandile

It's in the southwest part of the city up off of Ridge Road. That area. Very close to the Dunstable line.

Mr. Hansberry

Okay, thank you. Is there a motion to approve the assessment reduction for the property located at 6 Kendall Way from \$539,000 to \$522,500?

Mr. Earley

So moved.

Mr. Hansberry

Is there a second?

Mr. Bergeron

I'll second.

Mr. Hansberry

I will call the roll. Mr. Earley?

Mr. Earley

Yes.

Mr. Hansberry

Mr. Bergeron?

Mr. Bergeron

Yes.

Mr. Hansberry

Mr. Hansberry, yes. Motion is adopted. Does that conclude your report, Mr. Mandile?

Mr. Mandile

Yes, it does. Thank you.

Mr. Hansberry

Okay, thank you. Okay, at this time I would recognize Mr. Greg Turgiss, who has an in-house correction for us. Mr. Greg Turgiss, good morning, welcome.

Mr. Turgiss

Good morning, Board, thank you. What I have for you this morning is an in-house correction for a property the City purchased on February 12, 2021, and the in-house correction is for the prorated tax amount from the time they purchased it until March 31 of 2021.

Mr. Hansberry

Okay, so this is not—so this is not the assessment. I thought that was awfully small for the assessment. It's the tax—I should say, the prorated tax?

Mr. Turgiss

Correct.

Mr. Hansberry

Okay, let me change that. I thought that kind of jumped off—is that for the new middle school? Is that what's happening with that property?

Mr. Turgiss

That is my understanding, yes.

Mr. Hansberry

Okay. Other questions for Mr. Greg Turgiss?

Mr. Bergeron

No.

Mr. Earley

No.

Mr. Hansberry

Okay. Is there a motion to approve the prorated tax in the amount of \$585.02 for the property located at 36 Buckmeadow Rd.?

Mr. Earley

So moved.

Mr. Hansberry

Is there a second?

Mr. Bergeron

I'll second.

Mr. Hansberry

Is there any discussion? Seeing none, I will call the roll. Mr. Earley?

Mr. Earley

Yes.

Mr. Hansberry

Mr. Bergeron?

Mr. Bergeron

Yes.

Mr. Hansberry

Mr. Hansberry, yes. Motion is adopted. Thank you—does that conclude your report, Mr. Turgiss?

Mr. Turgiss

It does, thank you.

Mr. Hansberry

Is there any unfinished business to come before the Board? Okay, so public comment is next on the agenda. I would just remind members of the public that there is a five-minute limit to public comment. Is there anyone signed up to speak, Director Kleiner?

Ms. Kleiner

There are two citizens who are attending the meeting.

Mr. Hansberry

Do either of them want to address the Board, do you know?

Ms. Ortolano

Yes. This is Laurie Ortolano.

Mr. Hansberry

And could you state your address, please?

Ms. Ortolano

It's 41 Berkeley St. I'm looking at the clock; it's about 9:17. Just a couple of things I want to go through. At the meeting on March 18, Ms. Colquhoun read a statement into the record, and she made the comment that if the legal office was advising the Board not to comply with the law, as a matter of transparency please provide the public with information on this. She was referring to some issues regarding compliance with RSAs, and I wanted to say that Attorney Bolton was pretty set off by this and became pretty aggressive in commenting to this. And his response—his response to this was, "What you just heard in regards to my office and my personal activities—not a word of it was true. I've never advised this Board or the Assessing Department not to follow the law." First of all, attorney-client privilege doesn't even require him to say that. But he took this so personal—all she said was if the legal office. She didn't accuse anyone. And Attorney Bolton in my opinion embodies the absolute worst character a citizen would want to see in a municipal lawyer. And most likely he would take this to be a compliment, but it shouldn't be about destroying the character of our citizens. Rather he should simply just address the misunderstanding and the issues itself. It's so personal for him; he's like a rabid dog, and all he wants to do is fight all the time. And I'd like to see that change. And Ms. Colquhoun deserves the same respect I do when it comes to getting answers. Everyone does. The other issue is non-public minutes. I can't find where you are releasing, when you do release non-public minutes, that they're put in the record. So I can't track hiring, I can't track settlements. I've brought this up before, I've asked Attorney Leonard to help me find settlement agreements, to direct me to the minutes. She refuses to do so. I'm going to make a suggestion and I'm going to talk to Rick

Vincent about posting non-public minutes. But I don't think we're in compliance with the law, and it's too hard for the public to dig them out and find them. I just want to be able to track settlement issues and hiring, and I'm unable to do that. So the other thing is, at the March 18 meeting, I did ask the city to provide me with the permit data that was being given to Vision, a permit report. Mr. Vincent said that was going to Vision appraisal, I would imagine for the April 1 inventory date. I would like to see that report. That's something I've always been interested in, and I didn't want to make you run a separate one—you're already running it for them, so just provide it to me. The other thing is qualified sales. I had an issue come up at my abatement appeal, and it was regarding the qualification of the sale at 45 Berkeley Street. And my abatement and my appeal was- the appraiser didn't use 45 Berkeley St. because it was, in his opinion, not an arm's length transaction and not a qualified sale. And this concerned me a great deal, because Nashua has used it as a qualified sale through like six different levels of review. The DRA included it in the ratio study as qualified. The city submitted the data to the DRA as qualified. KRT used it in a sales grid—the only one they did—as qualified. Gary Turgiss used it as qualified on the abatement for my neighbor at 39 Berkeley St. And Rex Norman approved it, so. And I know the issue with that house and the sale, and I have talked to the selling agent, who said that she told the city-hired appraiser it was in fact an arms-length transaction. So, you know, it affects my property assessment, the qualification of these sales and how they're used. If one appraiser hired on one side by the city says it's not qualified, and everyone else in the city calls it qualified to reduce the level of assessment of my neighbor's property, it affects me. And I want that addressed. I mean, I really want to understand what's happening here with qualified sales. And I did ask Gary Turgiss for a response on that, and I feel I'm entitled to that. I've asked twice about the abatement at 39 Berkeley St, particularly when I only had a 2019 appeal. It affects my level of assessment, and you know, it's important to me. I should be able to look at other assessments in comparison to mine and make the argument. The other thing is, Mr. Vincent in his town, Lebanon, allows a citizen to comment on any abatement that's being approved, sort of like what the Zoning Board does in the meetings. And I would like to ask MR. Vincent to change the bylaws and make the recommendation that you allow that to happen in Nashua. I think that's perfect. It's so open and transparent, and it treats the abatements with the respect and the understanding that we're all in this together, and we all get to comment on this information. So please consider making that change to the bylaws; I love what they do up in Lebanon. Yes, thank you very much. I'm all set.

Mr. Hansberry

Thank you. And Director Kleiner said there's a second citizen who would like to speak? If that individual could identify themselves and state their address, please?

Ms. Kleiner

It appears as if they're not coming forward, Chair.

Mr. Hansberry

All right, thank you. Three things I'd like comment on. First, I would say that Attorney Bolton is the embodiment of zealous representation when it comes to representing his clients. With settlements—correct me if I'm wrong, Mr. Vincent, but once they're signed, they do become public information, correct? As soon as they're signed, the settlements are available to the public? That information is public information, correct?

Mr. Vincent

I'm not sure; I'll look into that.

Attorney Leonard

If I may, Mr. Chairman?

Mr. Hansberry

Go right ahead.

Attorney Leonard

This is Attorney Celia Leonard. They are public information, and I just want to say that to my knowledge, the city has been and will continue to fully comply with document requests under the Right to Know law from anybody. Settlements or otherwise. And also, to my knowledge, the city is following the law when it comes to sealed non-public minutes. So if there are other questions, I'm happy to ask them—answer them.

Mr. Hansberry

And then the third thing I wanted to comment on. I've stressed this before, but I've stopped saying it at the opening of meetings—the public has to realize that the Board of Assessors is not in charge of personnel. Because the citizen mentioned hiring, but again, we're not in charge of the hiring, retaining, promoting, disciplining, or discharging of personnel. So personnel issues are not going to be discussed by the Board, so there's really no information that would be in any minutes generated by the Board relative to hiring.

Ms. Ortolano

Chairman? Chairman Hansberry?

Mr. Hansberry

I'm sorry, no, the public question and comment period has ended. So, are there any comments by Board members?

Mr. Earley

Mr. Chairman?

Mr. Hansberry

Mr. Earley?

Mr. Earley

Are the non-public minutes made public at some point? Is there a—

Mr. Hansberry

You have to have a motion by the Board to unseal the minutes. So they remain sealed until the Board deems they become public information.

Mr. Earley

That's what I thought, so I'm not sure why Ms. Ortolano is looking for the non-public minutes, but anyway. That's what I thought. Thank you.

Mr. Hansberry

You're welcome. Any other Board member comments? Mr. Bergeron?

Mr. Bergeron

I have none.

Mr. Hansberry

And I have none. Is there a motion to go into non-public for two reasons, first to discuss matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant, pursuant RSA 91-A:3, II(c). Second, under 91-A:3, II(l), for the "consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present."

Mr. Earley

So moved.

Mr. Hansberry

Is there a second?

Mr. Bergeron

I'll second that.

Mr. Hansberry

I will call the roll. Mr. Earley?

Mr. Earley

Yes.

Mr. Hansberry

Mr. Bergeron?

Mr. Bergeron

Yes.

Mr. Hansberry

Mr. Hansberry, yes. Let the record show we've entered non-public session at 9:26 AM. And I will wait for the green light from IT before proceeding.

Mr. Hansberry

All right, is there a motion to seal the minutes of the non-public session because divulgence of the information likely would one, affect adversely the reputation of any person other than a member of this public body and two, render the proposed action ineffective?

Mr. Earley

So moved.

Mr. Hansberry

Is there a second?

Mr. Bergeron

I'll second that.

Mr. Hansberry

I'll call the roll. Mr. Earley?

Mr. Earley

Yes.

Mr. Hansberry

Mr. Bergeron?

Mr. Bergeron

Yes.

Mr. Hansberry

Mr. Hansberry, yes. Okay, so the minutes are sealed. Is there anything else to come before the board? Is there a motion to adjourn?

Mr. Earley

So moved.

Mr. Hansberry

Is there a second?

Mr. Bergeron

I'll second that.

Mr. Hansberry

I'll call the roll. Mr. Earley?

Mr. Earley

Yes.

Mr. Hansberry

Mr. Bergeron?

Mr. Bergeron

Yes.

Mr. Hansberry

Thank you, everyone. Meeting is adjourned at 10:50 AM.

DRAFT