

COMMITTEE ON INFRASTRUCTURE

AUGUST 23, 2023

A meeting of the Committee on Infrastructure was held Wednesday, August 23, 2023, at 7:00 p.m. in the Aldermanic Chamber.

The roll call was taken with 4 members of the Committee on Infrastructure present:

Alderman-at-Large Michael B. O'Brien, Sr., Chair
Alderman Richard A. Dowd
Alderman Alex Comeau
Alderman Tyler Gouveia

Members not in Attendance: Alderman Ernest A. Jette

Also in Attendance: Alderman June M. Caron
Alderman Patricia Klee
John Griffin, CFO/Treasurer/Tax Collector
Patti Barry, Deputy Tax Collector
Tim Cummings, Administrative Services Director

ROLL CALL

Chairman O'Brien

Alderman Jette is on vacation so he does has an approved absence for this evening. I hope he's having a good time. I'm sure he's got some good weather.

PUBLIC COMMENT

Michael Duran

Thank you. My name is Michael Duran and I live on 14 Massasoit Road Nashua, New Hampshire 03063. My property - my and my wife's property is right at the end of Massasoit and it is it is right where the road ends. I live with there with my wife, my three kids, our dogs, and we enjoy it out there. So this comment is in regard to Deerwood Drive. First, I actually was not notified about the Board of Aldermen meeting regarding this matter and I am an abutter. So that's the first concern but I know about it now and hopefully I can be there at the next meeting.

I think that there's things that the city should be aware of when considering this matter. Namely, the end of the road provides parking and access to a large parcel called the "northwest sanctuary". That sanctuary was actually created by the City of Nashua, I believe, roughly 20 years ago along with the LCHIP which is the Land Community Heritage Investment Corporation of New Hampshire which preserves properties. The deed in that particular instance is very important because it conveys rights not only to the City of Nashua, to LCHIP, but also to the members of the public for access to that parcel. That parcel is used by not just me. I mean I live there, right there but it's used by all sorts of people from the City of Nashua to do a number of things - to hike, to walk, to hunt. It's one of the few properties around where that allows public hunting. I think it's great. You see people down there in hunting season. You see families down there hunting sort of like father/son, father/daughter sort of carrying on that tradition. I think it's very important that the City of Nashua consider...

Alderman Comeau

30 seconds

Michael Duran

First of all the restrictions in the deed that I think probably bind what Nashua can do and cannot do there but also just the general use of that sanctuary by all sorts of people who did not get noticed who have a vested interest in that property. I'll also just point out that I believe the proposal requires no parking signs to be posted and that would completely limit the

public's access and it would be contrary to the deed that Nashua agreed to. So I encourage you to look at those materials. Thank you so much for your time.

Chairman O'Brien

Thank you. I would like to say to members of the committee this is on the agenda. To our good folks that have a concern on this particular matter but it was tabled. Do you see the date of tabling?

Alderman Comeau

I believe it was tabled in July.

Alderman Klee

June 28, 2023.

Chairman O'Brien

In conversation with Director Sullivan, we are waiting for a particular information from the FAA and everything. So this particular ordinance is not ready for primetime. I'm sure everybody agrees that we would all like to have, and I'm sure that you know the constituents around, would like to have all the information so that we can make the proper decision. I did allow him to speak because it is in theory on the agenda and appreciate you coming forward.

I think Alderman Gouveia will be charged - I would like to have these good folks briefed when our next meeting is and if you can contact them when it comes up and I'll make sure that between Director Sullivan and everything that you do have the information for that. Okay, folks. I thank you very much for coming this evening. Thank you.

COMMUNICATIONS

From: Sam Durfee, Planning Director

Re: Referral from the Board of Aldermen on Proposed Petition – L Deerwood Drive, Lot H – Sheet 103

There being no objection, Chairman O'Brien accepted the communication and placed it on file.

Chairman O'Brien

What I would like to do without exception, hope everybody's in agreement, Alderman Caron has sponsored new business ordinance O-23-058 authorizing a stop sign on March Street at the intersection with Dudley Street. Those that have paid attention to the e-mail. We did get an email from Dan Hudson, the City Engineer, and Wayne Husband. It seems to fall within the traffic pattern. The engineers are in agreement with this. So can my Clerk make a motion on it?

Alderman Comeau

Yes so you'd like to do this out order?

Chairman O'Brien

Yes, we'll take this out of order.

NEW BUSINESS – ORDINANCES

O-23-058

Endorsers: Alderman June M. Caron
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Melbourne Moran, Jr.
Alderman Richard A. Dowd
Alderman-at-Large Lori Wilshire

AUTHORIZING A STOP SIGN ON MARCH STREET AT ITS INTERSECTION WITH DUDLEY STREET

MOTION BY ALDERMAN COMEAU TO RECOMMEND FINAL PASSAGEON THE QUESTIONAlderman Caron

Yes, thank you and thank you Mr. Chairman and Committee for allowing me to go ahead of your new business. So this request came in about three months ago concerning traffic problems on March and Dudley Street. As we know, that's near the Sunset Heights School so we have a lot of walkers there. Evidently, there's been a few car accidents over there and people aren't paying attention to the pedestrians that are walking. So I agreed to for the legislation provided traffic with an agreement and it fell within all the State Statues. As you stated Mr. Chairman, Dan Hudson and Wayne Husband said that it falls within that parameter. So because we have a lot of traffic lately, people don't seem to pay attention as much as they should. So if we can add that sign at March and Dudley Street and this helps and makes it safer for those children who are walking to Sunset Heights safer, then I would ask that you approve this stop sign at that site.

Chairman O'Brien

Thank you Alderman Caron.

Alderman Caron

Thank you.

Chairman O'Brien

Any other discussion of members of the committee or not Committee members on this? Seeing none, I'll close the discussion and call for the vote.

MOTION CARRIED

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONSChairman O'Brien

Next on the agenda is something that is extremely rare. What that is that looking at property that is in arrears. Fortunately, we don't do this this often but it needs to be done, I guess, unfortunately. How can we reward somebody who has done their diligence and paid their property taxes? By truly enforcing the rules that we all live by is the fair way and I think that would be best. So we're gonna break down the individual property as it comes up. We'll call for a vote on the property. With us this evening is our Tax Collector Patti Barry and CFO Griffin. Mr. Cummings do you also want to come up with this? No. Okay. I will call forward Tax Collector Barry and Mr. Griffin if you would.

Will one of you want to start an introduction on this – well first let's get a recommendation.

R-23-143

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman John Sullivan
Alderman Patricia Klee
Alderman Thomas Lopez
Alderman Richard A. Dowd
Alderman Tyler Gouveia
Alderwoman-at-Large Gloria Timmons

AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED AT 14 MEADOW LANE**MOTION BY ALDERMAN COMEAU TO RECOMMEND FINAL PASSAGE**ON THE QUESTION

John Griffin, CFO/Treasurer/Tax Collector

To my left is Patti Barry. She's the Deputy Treasurer/Deputy Tax Collector. Very instrumental on moving this forward.

As far as preliminary remarks, Patti's identified certain parcels that unfortunately, as you mentioned, have slipped into significant delinquencies. Historically, we took kind of a soft approach and especially with COVID we couldn't aggressively take properties. But basically, we've identified as you recall a series of parcels that some we asked for waiver. That's where we requested the Board of Aldermen actually waive the deeding. And others, the Board didn't waiver so we have to deed.

What's interesting is you start with a pile of properties and you end up with a few because some of the folks actually want to enter into payment plans, some of them we've deeded and they want to buy it back. So it is a good mechanism to get folks to pay as much as they can towards maintaining their properties. We do have several more on the pipeline and Miss Barry and I have learned a great deal. Everybody's got a story. A lot of crying. A lot of issues that were taking place over the last decade. It's the right thing to do as you've said Mr. Chairman and it's not done lightly. We work with folks.

We're gonna present five parcels that are ready for auction. As you know, a lot of the laws are under the benefit of the former property owner and others so things could happen still. If you need any more detail on that, there's always kind of a second and third chance. So with that, Mr. Chairman, I would I would start the presentation and Miss Barry can take over from here. Thank you.

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Thank you for seeing us tonight. As John said, back in April we took 12 properties by tax deed. Tonight we have five that we are looking to auction. The anticipated auction date we have scheduled right now tentatively for October 14th. It will be held here at City Hall in the auditorium. It will be conducted by Jay SJ Auctions. So Jim St. Jean who is - he does a lot of the auctions for municipalities in New Hampshire. So as part of his services, he will do all of the advertising and that advertising will include area publications. So the New Hampshire Sunday News, Union Leader, Nashua Telegraph, and the Lowell Sun. He will provide an eblast brochure to approximately 18,000 email recipients on an auction list. They will be mailing printed brochures to the abutters of these properties as well as posting a notice that each of the properties, and then we'll also put something on the website with these flyers that he'll create. This is all at no cost to the city. So it's a great thing for us to do.

So as part of these resolutions, it's required by New Hampshire RSA 80:80 to seek approval from the Board. So that's what we're doing tonight. If you're ready, we can go through each property.

Chairman O'Brien

The way our itinerary has been broken down, I think what we'll do is we'll handle each one property. We'll come up with this, we'll vote on it, and everything else.

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Right.

Chairman O'Brien

So I will now open it up for discussion but can I ask the big question first? I see on your presentation, I don't see the date that this one into arrears. How many years in arrears has this property?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

So this property is back to 2007

Chairman O'Brien

2007. So therefore, they've had a grace period for quite a long time.

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Quite a long time.

Alderman Dowd

Two things. One, what's the time of the auction? I see the date but what time is it?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Well it's tentative right now. I don't have a time yet.

Alderman Dowd

Okay. The other thing is we go through these properties can you tell us whether somebody is actually living in the property at this time?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Yes. So this property is currently occupied but I've been told that they are moving out. Most of the properties are occupied and the auctioneer says that that's standard practice that we now auction occupied properties.

Chairman O'Brien

Further questions?

Alderman Klee

Thank you, Mr. Chairman. Just for the general public, when we talk about auctioning I know we discuss this in other meetings when we talk about auction, the city can't take more than what's owed to them plus fees. Correct?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Correct.

Alderman Klee

So just again for the public, what happens to the rest of the money if it's over and above that?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

So it is turned back over to the homeowner. In some of these instances, they're estates so we would file an interpleader with the courts, and turn the money over to the court, and they would disseminate who gets what of the proceeds.

Alderman Klee

And if they have a mortgage, do we give it to the lender or does it go to the person whose name is...?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

None of these properties on tonight's agenda have mortgages.

Alderman Klee

Okay, thank you.

Patti Barry, Deputy Treasurer/Deputy Tax Collector

In most cases when you get to this point of deeding if there is a mortgage, the mortgage will usually pay and protect their interest.

Alderman Klee

Okay. Thank you.

MOTION CARRIED

R-23-144

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman John Sullivan
Alderman Patricia Klee
Alderman Thomas Lopez
Alderman Richard A. Dowd
Alderman Tyler Gouveia
Alderdwoman-at-Large Gloria Timmons

AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED AT 17 JACKSON STREET

MOTION BY ALDERMAN COMEAU TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman O'Brien

Miss Barry could you bring us up to date on that and particularly how long has that been in arrears?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

So this one is all the way back to 2002. Quite a hefty amount that is owed to the city - 539. This is going to be one of those situations that they owe this city more than what the market value is. So it'll be interesting to see how this one turns out. This is not easily accessible. There is a utility company that has a gate across this property so you cannot gain access to it. We have talked about this with the auctioneer and because of this and L Bridge Street which is one of the other resolutions on here, we figured it would be best to auction both together because they are both would have to have an easement from the utility company. The other property is a vacant lot that's kind of off to the right and kind of in front of it so it's best to auction both together. Both properties are all the way back to 2002. This also has outstanding wastewater from 2002 to 2014 I believe it is.

Chairman O'Brien

All right. Would I be correct when you say the utilities this is smack in the middle of the gas yard?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Yes.

Alderman Comeau

Yes, thank you Mr. Chair. So you mentioned that they owe more than the property is currently valued at. If the sale price and auction is less than what is owed to the city does the remaining balance just end up getting kind of written off?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Yes.

Alderman Comeau

Thank you.

MOTION CARRIED

R-23-145

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.

Alderman John Sullivan
Alderman Patricia Klee
Alderman Thomas Lopez
Alderman Richard A. Dowd
Alderman Tyler Gouveia
Alderwoman-at-Large Gloria Timmons

AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED AT 19 NEW SEARLES ROAD

MOTION BY ALDERMAN COMEAU TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Patti Barry, Deputy Treasurer/Deputy Tax Collector

This one they owe back to 2012. So this, if you recall, this was a house that had a fire in it. It has been abandoned this whole time. A lot of interest in it. So I would imagine that, you know, the auction would go much more than what the market value is. Let's hope. But again, this would be a situation - this was an estate so this is one that proceeds above what the city is entitled to would be turned over to the court so that they can do the research on any heirs.

Chairman O'Brien

And I don't see it here on your list but is this tied in with another property that did also have a fire in the same neighborhood?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

It's not tied into it but it is the same owner - well family member who perished in the second fire.

Chairman O'Brien

Yes it is a sad situation. Okay but that's not on the docket for tonight.

Patti Barry, Deputy Treasurer/Deputy Tax Collector

No.

Chairman O'Brien

Very good. Further discussion by Committee members or anybody on 19 New Searles Road? Seeing none, the Chair will call for a vote.

MOTION CARRIED

R-23-146

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman John Sullivan
Alderman Patricia Klee
Alderman Thomas Lopez
Alderman Richard A. Dowd
Alderman Tyler Gouveia
Alderwoman-at-Large Gloria Timmons

AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED AT 115-117 WEST HOLLIS STREET

MOTION BY ALDERMAN COMEAU TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Okay. So this property owes back to 2009. It is a two family. This resident has reached out to the Mayor's office but I have not heard anything more from that. That was a few weeks ago. So all of these properties they have received their 90 day right of repurchase letter which is required before auctioning. That deadline was August 4th to notify the city of their intent to repurchase. There's specific guidelines that they must follow. So this owner had reached out to the Mayor's office right before that deadline August 2nd or 3rd but I have not heard from them since. I have not heard directly from them so that is why I am keeping this on the agenda and requesting because by the time October 14th comes if we have not heard from her, we will move forward. So, again, hopefully we do hear from her if she's watching tonight. I would like to still request approval for this so we can move forward with it. This is also an estate. Any proceeds above what the city is entitled to will be turned over to a court as well.

Chairman O'Brien

Okay.

Alderman Comeau

Thank you, Mr. Chair. So with a situation like this, I probably should ask you this before we cast a bunch of votes earlier but if the owner reaches out and makes an arrangement between now and October 14th, you can decide not to go ahead with the auction?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Yes.

Alderman Comeau

Okay. Thank you.

Alderman Klee

I just have a quick question. I didn't hear what year was this back in arrears?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

2009

Alderman Klee

Is that because the owners, or the original owners, or deeded owners have passed and is that what it is and just has gone to a family member. Okay. Thank you.

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Yeah they never opened a probate case so it has been in the estate this whole time.

Alderman Klee

Thank you.

Chairman O'Brien

Let's hope the Committee vote will help them make a decision on which is what the intention is. Okay further discussion on the property located at 115 to 117 West Hollis Street? Seeing no further discussion, the Chair will call for a vote.

MOTION CARRIED

R-23-147

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman John Sullivan

Alderman Patricia Klee
Alderman Richard A. Dowd
Alderman Tyler Gouveia
Alderswoman-at-Large Gloria Timmons

AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED AT L BRIDGE STREET

MOTION BY ALDERMAN COMEAU TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Again, this is the same as the 17 Jackson Street. They owed back to 2002. Incidentally, this was a business that dissolved many, many years ago and has just been sitting there abandoned this whole time. So again, the hope is to auction this along with 17 Jackson Street as a package deal.

Chairman O'Brien

Okay. I think we got it but does anybody have additional questions?

Alderman Dowd

Just out of curiosity did you say that these lots are not accessible because of the gate from the gas company? I think this picture had cars in front of it. I wondered how they get in there.

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Yeah so it's directly behind the Nashua Farmers Exchange and that access road has a gate across it from the utility company. So, you know, when we drive by checking on the properties, we can't gain access to it either.

Alderman Dowd

So if we sell the property, is the gas company going to allow access to it or do we think the gas company is going to buy it?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

That is the understanding is that they are planning on bidding.

Chairman O'Brien

That would work out well.

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Right.

Chairman O'Brien

But coming from my routes on the Fire Department if that was a residential structure without access, seems a little - not the way to do business.

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Buy the cost of material.

Chairman O'Brien

Firemen don't destroy anything. We don't break windows or anything else like that. It's a myth. All right. Further discussion on the property that is located at L Bridge Street? Seeing none, the Chair will call for a vote.

MOTION CARRIED

Chairman O'Brien

That seems for us...

Alderman Gouveia

Mr. Chairman I do have a question while we have our staff here. I remember in the first when we were going over these, we talked about properties at 62 Tanglewood and 96 Lock Street. Could I just ask why that wasn't proposed legislation or is there new developments in that that kind of change the circumstances with those properties?

Patti Barry, Deputy Treasurer/Deputy Tax Collector

They paid the years that they were required to pay. They will be on the next group though.

Alderman Gouveia

Excellent. Thank you.

Patti Barry, Deputy Treasurer/Deputy Tax Collector

You're welcome.

Chairman O'Brien

At this point, the Committee would like to thank you Mr. Griffin and to you Miss Barry for coming forward and bringing your due diligence to our attention on this. Hopefully some amends will be made.

Patti Barry, Deputy Treasurer/Deputy Tax Collector

Thank you very much.

Chairman O'Brien

So hopefully we will see hope for the best. We thank you for coming.

TABLED IN COMMITTEE

Chairman O'Brien

All right. What we have next is a motion that has been tabled in the Committee and that is the Petition on L Deerwood Drive, Lot H-103. It seems like as I mentioned additional information so we can come to an accurate decision needs to be made. So my recommendation is to keep that on the table.

- L Deerwood Drive – Lot H-103

GENERAL DISCUSSION

Chairman O'Brien

Okay. I would like to say ladies and gentlemen, this is a very difficult - usually this is the first time in my eight years that we had to go through this. Alderman Dowd you're an old salt. I don't know how many times but it is extremely rare and I thank you for your due diligence, and your attention, and to our staff that brought it to our attention. It worked out very well. So I thank everybody.

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN - None

ADJOURNMENT

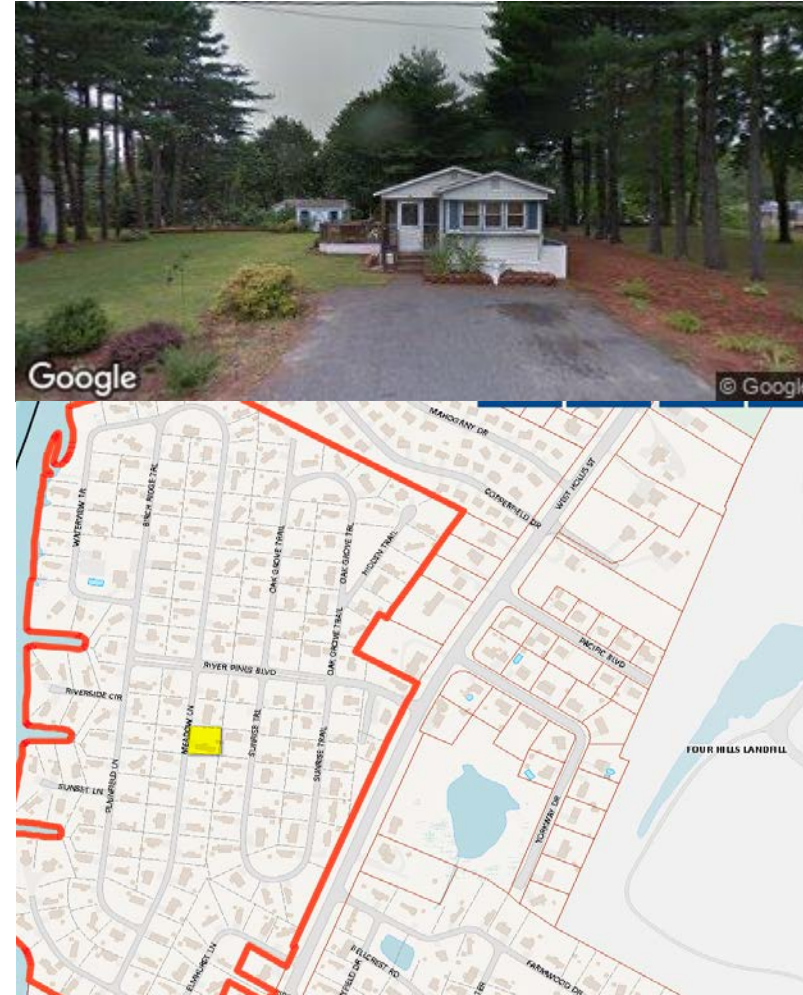
**MOTION BY ALDERMAN GOUVEIA TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 7:30 p.m.

Alderman Alex Comeau, Committee Clerk

Resolution #R-23-143 14 Meadow Lane

- Map/Lot: 0000D/00139
- Lot Size: n/a (Jensen's Park)
- Assessment: \$74,400
- Est. Market Value: \$80,000
- Park Rent: \$471/month
- Outstanding Taxes/Fees as of anticipated 10/14/23 auction date: \$49,583.38



Resolution #R-23-144

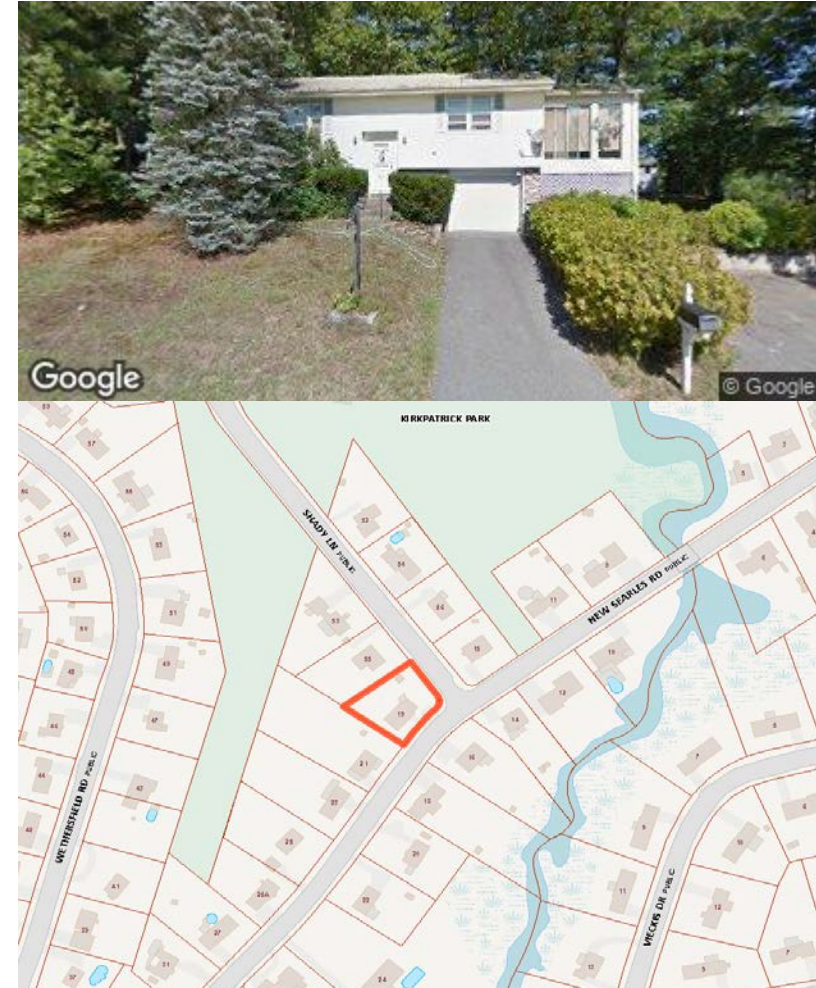
17 Jackson Street

- Map/Lot: 0039/00027
- Lot Size: 0.80 acres
- Assessment: \$419,900
- Est. Market Value: \$450,000
- Outstanding Tax/Fees as of 10/14/23 Auction Date: \$539,726.96



Resolution #R-23-145 19 New Searles Road

- Map/Lot: 0000B/00620
- Lot size: 0.28 acres
- Assessment: \$132,600
- Est. Market Value: \$142,000
- Outstanding Tax/Fees as of anticipated 10/14/23 auction: \$87,916.66



Resolution #R-23-146

115-117 West Hollis Street

- Map/Lot: 0085/00015
- Lot size: 0.28 acres
- Assessment: \$443,600
- Estimated Market Value: \$475,000
- Outstanding Tax/Fees as of 10/14/23: \$211,036.60



Resolution #R-23-147

L Bridge Street

- Map/Lot: 0039/00034
- Lot Size: 0.24 acres
- Assessment: \$57,500
- Est. Market Value: \$62,000
- Outstanding Taxes/fees as of 10/14/23: \$68,779.12

