

OFFICE OF THE
TOWN ADMINISTRATOR
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APPROVED

May 15, 2013

INCORPORATED
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**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL NON-PUBLIC SESSION
MAY 1, 2013 6:30 P.M.
COUNCIL CHAMBERS**

PRESENT: Council Chairman Gary Levy, Council Vice Chairman John Bentley, Councilor Dan Wright, Councilor Larry Pickering, Councilor Ed Carmichael

Town Administrator Steve Fournier, Town Clerk/Tax Collector Becky Benvenuti

EXCUSED: Councilor Phil Nazzaro, Councilor Dale Pike

Council Chairman Levy opened the meeting at 6:30 p.m. Council Vice Chairman Bentley moved to enter non-public session under RSA 91-A: 3 II, c, d, e. Councilor Carmichael seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 5 – 0.

Ms. Benvenuti distributed an updated copy of the 2010 tax liens, including a column listing property type. Both the Kellermans and Prices had redeemed their properties. She had concerns with 2 properties. Mr. Fleming was waiting for his mother's estate to be settled, and hoped to redeem his property before the May 15th deeding date. Mr. Guinta had been promised a loan from a personal acquaintance, and hoped to redeem his property by May 15th. There were 4 mobile homes on the list for which Ms. Benvenuti had prepared deed waivers as it was not advantageous for the town to own the properties and pay lot rent to the park owners. She said that it was the Council's decision to sign or not sign the waivers. If the money owed is paid by 2:00 p.m. on May 15, 2013, the waivers are destroyed. The owners of the homes are not made aware of the waivers. If the money owed is not received by the deadline, the lien stays on the property, but the town does not own it then; it has the authority to change that decision at any time in the future. She believed that all of those on the list would pay before the deadline, with the exception of the owner of the 1.7 acre, land-locked parcel on Newfield line.

Council Vice Chairman Bentley said if they sign the waivers, the home owner can continue to live on the property and not pay taxes. Town Administrator Fournier said that was true and if they sign the waiver, they cannot have the sheriff go in and take the property, but if they don't sign the sheriff can go in, and the town would have to pay lot rent to the park owner. Town Administrator Fournier clarified that the park owner owns the lot, while the person on the lien list owns the mobile home, and would continue to own it if the Council signs the waivers. Often the home owner also is behind in lot rent. Sometimes a park owner will approach the town and ask if property taxes are owed, and request that the town take the deed and waive the fees, so he can remove the tenant, purchase the home for taxes owed, destroy the mobile home and replace it with a new home and a tenant who will pay rent and taxes. Ms. Benvenuti said that could happen even if they sign the waivers. Council Chairman Levy asked if there would be a way for the town to get past taxes owed from the park owner before her re-rents the space to another mobile home owner. Town Administrator Fournier said they could require that, but he would not recommend it, as the town was not getting any taxes at this point, and if the park owner is able to re-rent the lot, they would get taxes from the new mobile home owner.

The town is owed approximately between \$5,000 and \$6,000 in taxes and fees on the 4 mobile homes. He said the park owner would want to rent the lot, but it seemed like he was getting a free ride and while he would be able to collect lot rent, the town would still not collect the taxes. Town Administrator Fournier said he understood that, but the town was not getting paid either way. Councilor Carmichael asked if the town could approach the park owner and ask if the mobile home owner was behind in lot rent. Town Administrator Fournier said he was not sure if this was possible because it was a private transaction between 2 individuals. He recommended that they waived the deeds, and Ms. Benvenuti added that if they took the deeds they would lose all their negotiating advantage. Council Chairman Levy said he was not looking to deed the properties, but to find a way for the town to collect money owed before the park owner re-leases the property. In reference to Town Administrator Fournier's point that the town was not getting money either way, he said that also the park owner was not getting money owed and he wanted to provide some incentive for the park owner to settle with the town. Town Administrator Fournier said that sometimes the park owner is collecting lot rent. Council Chairman Levy said, and Ms. Benvenuti agreed that the town has no leverage with mobile homes.

Ms. Benvenuti added that there are many on the list that are "frequent fliers", but characteristically pay at the last minute, and Town Administrator Fournier said this was common in other communities where he had worked. Council Chairman Levy stepped out of the room. Council Vice Chairman Bentley moved to sign the waivers, and Councilor Pickering seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 4 – 0. The town will be deeded the 1.7 acre land-locked parcel, as the owner intended for that to happen. The 4 Councilors who voted signed the waivers, and Ms. Benvenuti left the meeting at 6:45.

Town Administrator Fournier said he had information about the town's position on settling the tax abatement for condos on Lita Lane owned by Mr. Gargiulo. He said the town had received the appraisals and they came in higher than they expected. The independent appraiser said Mr. Gargiulo had created an adverse market himself by buying all the condos cheaply, and the Town Attorney recommended they not agree to the proposed settlement. The property values had dropped, but not as significantly as the owner thought. Council Chairman Levy rejoined the meeting. The town had been hoping to settle out of court based on each condo's average appraisal of approximately \$149,000. Mr. Gargiulo had thought each condo was worth approximately \$120,000, but the new appraisals came in at about \$160,000. The town will be re-working the figures.

Town Administrator Fournier said that the other issue he needed to cover was the request by "Kelly" to allow access to her property through the parking lot behind Town Hall so that she could satisfy the parking requirements of adding a small apartment on the third floor of her house. She had preferred that to leasing 2 parking spaces. Town Administrator Fournier said that looking into the request for a license had uncovered more complications than he expected. A license to enter town land would be easier to repeal if necessary than an easement, but even a license would incur engineering, surveying and legal costs, which he thought the property owner rather than the town should have to pay. He said he would have to look at deeds as the Archdiocese also has access to this property because of the abutting church. Council Chairman Levy asked if the town had spaces it could lease to her, and although there are spaces, she preferred access. He asked if the Council would want to lease spaces to her. Councilor Wright said that Kelly had come to them with a problem and presented some solutions for which he gave her credit. He said he had no problem leasing spaces to her.

Council Chairman Levy said that although that might not be a problem now, it might be in the future if the town needed to use the property differently and had to revoke the lease. Town Administrator

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Fournier said she preferred access , and thought the Council could look at the license option, but with the stipulation that she come up with the proposal and cover all associated costs. Council Chairman Levy asked what would happen if the town needed to revoke the license and Town Administrator Fournier replied that she would not be able to rent the apartment and language to that effect would be in the license. He said his concern was that having a license would open a can of worms. Council Vice Chairman Bentley said although he agreed with Councilor Wright on crediting her with proposing possible solutions, he felt this involved too many complications and put both the town and the property owner in a bad position. Town Administrator Fournier had met with the property owner and shown her possible spaces for rent, but she said that this was not the tenant's preference. Councilor Pickering pointed out that the property owner knew the constraints before purchasing the property. Council Chairman Levy asked if the Council would want to lease parking spots. Any parking for apartments has to be within a certain number of feet from the property. Councilor Pickering asked if access to the property could be from South Street if some grading were done. Town Administrator Fournier said that the property owner preferred access through the Town Hall parking lot. The consensus of the Council was not to pursue this and to explain their reasons to the property owner.

Council Vice Chairman Bentley moved to leave non-public session and Councilor Pickering seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 5 – 0 and the Council stood in recess at 6:55 until the 7:00 Business meeting.

Respectfully submitted,

Ellen Adlington, Recording Secretary