



**TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL NON-PUBLIC SESSION, RSA 91-A 3 II
APRIL 3, 2013 6:30 pm
TOWN COUNCIL CHAMBERS**

APPROVED

April 17, 2013

PRESENT:

Council Chairman Gary Levy, Council Vice Chairman John Bentley, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor Larry Pickering, Councilor Dale Pike (on speaker phone), Councilor Ed Carmichael

Town Administrator Steve Fournier

Tax Collector Becky Benvenuti

Council Chairman Levy called the meeting to order at 6:30 p.m. The Council did not have an objection to Councilor Pike participating by speaker phone, and Councilor Pike stated that he had no one with him.

Councilor Nazzaro moved to enter non-public session under RSA 91-A: 2 II-c, matters which could affect reputation. Council Vice Chairman Bentley seconded. Town Administrator Fournier polled the Council. Motion carried unanimously, 7 – 0.

Tax Collector Benvenuti gave a brief overview of the process of deeding property to the town for non-payment of taxes or water/sewer bills. Liens are executed and recorded at the registry of Deeds office in April for the previous year's unpaid amounts. Mortgagees are notified by certified mail within 45 days. Two years after a lien is executed, if payment has not been met, the town must be offered deed to the property with 30 days notice to the owner and mortgagee. In the meantime, the Tax Collector attempts to speak with owners and mortgagees to assess the situation. The town can refuse to accept the deed to the property if there are environmental or liability/lien concerns. However, refusal cannot be to solely benefit the taxpayer. If the town takes a property, the deed is recorded, and if there is a tenant, the town is subject to landlord/tenant obligations. The former property owner has 3 years to redeem the property subject to paying past due amounts, additional costs and fees paid by the town. If the town sells the property, it must provide 90 days written notice to the former owner, and sell by sealed bid or public auction. Any excess proceeds the town receives within the 3 year period must be returned to the original owner.

Ms. Benvenuti shared a list of 17 properties that will be subject to deeding on May 15th. Wesley T. Moore, Jr. had informed her that he intended to allow his property, 41 Newfield Line, to be deeded to the town. This is a 1.7 acre triangular parcel with no access. In New Hampshire, a mortgage is extinguished if a town takes a property. The last 5 listings on the chart were properties on which attorneys had advised the town to take no action. Three involved an owner in bankruptcy, and 2 were subject to 2 estates and IRS liens. Ms. Benvenuti had underlined the word "hopes" for 3 properties which she felt were of concern. She asked to return to the Council at the first meeting in May to relate updated information and payments. At that time, she could ask for waivers, although she did not feel any of the properties were desirable for the town. Town Administrator Fournier asked for property types included in the list, but said he did not need the information at this meeting. Ms. Benvenuti said

that Michael Fleming's property at 202 Grant Road was a single family house. The properties at 31 Beech Street are storage units. She will provide the rest of the information later. She said that historically, the Council had taken a position to treat all taxpayers equally.

Council Chairman Levy asked if any properties had exceeded the 3 year time frame. Ms. Benvenuti said there had been one in August, because the mortgage company had expanded and not responded to notification and did not redeem the property. Councilor Nazzaro said that previously they had discussed the disadvantages of deeding mobile homes to the town and decided that it was not in the best interest of the town to accept such properties.

Councilor Nazzaro moved to not accept deeding of 180 Yale Street. Council Vice Chairman Bentley seconded.

Discussion: The property is a mobile home and is held in 2 estates by a relative. The property also has an IRS lien, and outstanding lot payment rent, water and sewer bills. The town's tax lien takes precedence over other debts/liens. Ms. Benvenuti said that the town would incur legal fees if accepting the property that would far outweigh its value. She added that mobile homes depreciate in value, and since this home is in a park, the land is not owned by the estate. Town Administrator Fournier said it would be less expensive to condemn the property and tear it down so that the park owner could have another tenant and produce more tax revenue for the town. He added that the town was in the business of taxing not renting. Council Chairman Levy said the space has value and the park owner can replace the home. He asked if the town could be compensated by the park owner for any costs it incurred. Town Administrator Fournier said there could be no compensation because the mobile home was the property of the previous owner, who leased the land, and the town could not be compensated by the land owner. He said the town also should not take the deed because it would incur monthly lot rent expenses. If the town does not accept the property, it remains in the estates and continues to incur interest penalties. Ms. Benvenuti said the park owner wanted to work with the IRS and had shown a willingness to work with the town. Councilor Wright said the town would incur liability if accepting the property.

Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0.

Ms. Benvenuti asked for signatures on the deed waiver. She left the room before the next subject was addressed.

Councilor Carmichael asked for an update on the condo on Bass Street. Town Administrator Fournier said the town now owned the property. An eviction notice had been sent to Sandy Allen earlier in the week. Ms. Allen had come before the Council a year earlier to present her case. The Council had attempted to work with Ms. Allen. She had made an offer on the property, but the offer was lower than the town could accept, and she had not made a counter offer or paid rent to the town in 3 years or paid any fees.

Councilor Nazzaro moved to leave non-public session. Council Vice Chairman Bentley seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 7 – 0. The Council entered a five-minute recess at 7:00 p.m.

Respectfully submitted,

Ellen Adlington,