

COMMITTEE ON LANDS & BUILDINGS

October 17, 2023 at 5:30 PM

Chairman Long called the meeting to order.

The Clerk called the roll.

Present: Aldermen Long, Fajardo, Levasseur, T. Sapienza, Trisciani

Messrs.: T. Clougherty, P. Chiesa, R. Gagne

1. Communication from Brenda Masewic Adams, Tax Collector requesting permission to dispose of property located at 1080 Montgomery Street through a real estate broker.

*On motion of **Alderman Levasseur**, duly seconded by **Alderman Sapienza**, it was voted to deem the property surplus and dispose of it through a real estate broker.*

2. Communication from the Tax Collector requesting that eight tax-deeded properties be deemed surplus and disposed of through public auction.

Matthew Normand, City Clerk, stated I want to note that the Tax Collector, Planning Director, and Assessors have all agreed with the surplus determination.

Chairman Long stated it is actually seven deeded properties. One owner has already bought the property so it is seven deeded properties.

*On motion of **Alderman Trisciani**, duly seconded by **Alderman Fajardo** it was voted to deem the properties surplus and dispose of them through public auction. **Alderman Levasseur** abstained from voting on the property located on Goffstown Road.*

3. Communication from Fuss & O'Neill requesting approval of a revocable license for landscaping planters to be placed at their multi-family developments located on Chestnut and Merrimack Streets.

***Alderman Sapienza** moved to approve.*

***Alderman Trisciani** duly seconded the motion.*

Chairman Long stated in the letter they say that the revocable license says that the city will maintain them. I want to clarify that is not the case. In the agreement when you read through it, that is not the case. I want to make sure we are not going by the letter but by the agreement.

Tim Clougherty, Public Works Director, stated in reviewing the license with staff, the license represents that maintenance will be the responsibility of the building owners but I don't believe the license actually says that. It says the responsibility for maintenance is not the City's, but it doesn't actually identify who would be responsible for maintenance and I think that should be clarified. In addition, there are some strips of vegetation

represented on the attachment. I don't have the full set of plans so it is unclear to me exactly where those strips are going to be at the back of the sidewalk and I want to make sure that is also recognized as part of a maintenance agreement.

Chairman Long asked if we give them approval, would they need to go to you to be assured that they are doing what the intent of the Board was or are they on their own?

City Clerk Normand stated you could approve this subject to the final approval of the Department of Public Works Director.

Alderman Levasseur offered an amendment to the motion to approve subject to final approval of the Department of Public Works Director.

Alderman Sapienza stated I appreciate it being a revocable license because if there are problems, we just revoke the license. I don't anticipate problems for that reason. That's why I think a revocable license is a good way to go. We should do that more rather than easements or various other giveaways that this Board likes to do.

Chairman Long asked Mr. Clougherty, are you also asking that the license states that the owners are responsible for the maintenance.

Mr. Clougherty responded yes, but if the Committee takes action that the final license be subject to approval by the Public Works Director, then we can make sure that is taken care of as well.

Alderman Fajardo duly seconded the amended motion.

Chairman Long called for a vote. There being none opposed, the motion carried.

4. Communication from Atty. Laura Dodge of McLane Middleton requesting that property located on Laydon Street (Tax Map 252, Lot 30) be declared surplus and that the Mayor be authorized to execute a Release Deed for said parcel.

City Clerk Normand stated the Planning Department, Tax Collector, and the Assessors agreed to the surplus determination and the Solicitor recommends that this be conveyed for just cost.

Chairman Long stated I was going to ask the Solicitor. Isn't this best going for a quick title?

Peter Chiesa, Deputy City Solicitor, stated it is certainly an option and that topic came up many months ago when the issue first arose. However, the applicant has chosen to go this route because quieting the title can be quite expensive and take a lot of time.

Chairman Long stated I am uncomfortable that we don't have, or the deed doesn't show, where the city may have quitclaim to the owners. They paid taxes on it since 1984 according to the Assessor and according to the attorney in the letter it's been since the 1950s. What was your recommendation?

Mr. Chiesa responded the policy states that it is up to this Committee to make a recommendation but if we were to convey them anything, it would be with a deed without covenants meaning we are not saying that we own it or don't own it. We just basically take the risk that the deed is fine.

Chairman Long asked Mr. Gagne, are you okay with that if we went that route that Attorney Chiesa just mentioned.

Robert Gagne, Board of Assessors Chair, responded we have been treating this property as though they already own it for three decades at least now. The issue came up based on their attorney, not ours. The just cause, I think, is because they have been paying taxes on it for at least three decades, it is land-locked and there is only one other owner that would have an interest in this parcel. The question is, is it fair to offer to either abutter when one of them has been paying taxes for thirty plus years?

Chairman Long stated isn't our policy that if we did this we have to go out to bid for the highest price.

Mr. Chiesa replied you could sell it directly to one person as long as it is for just cause and in the best interest of the city.

*On motion of **Alderman Trisciani**, duly seconded by **Alderman Fajardo**, it was voted to declare the property on Laydon Street surplus and to authorize the Mayor to execute a Release Deed for said parcel.*

5. Communication from Jeff Belanger, Director of Planning & Community Development, recommending an amendment to the Master Development Agreement between the City and the Lansing Melbourne Group, LLC for the development of Pearl Street and Hartnett Parking Lots.

Alderman Levasseur moved to approve the amendment.

Alderman Trisciani duly seconded the motion.

Chairman Long stated my understanding from Atty. Cronin is that this has to do with finances. This has nothing to do with finances correct? This is just articulating better between the city and LMG.

Alderman Levasseur stated they are working on the TIF.

Chairman Long stated that is another thing that we have to approve.

Chairman Long called for a vote. *There being none opposed, the motion carried.*

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

A True Record. Attest.

A handwritten signature in black ink, appearing to read "Matthew Normand". The signature is fluid and cursive, with a long horizontal stroke at the end.

Clerk of Committee