



Approved as amended by the City Council on June 4, 2018

**City Council Special Meeting
April 24, 2018**

Call to Order

Mayor Tony Giunta called the meeting to order in the Downstairs Conference Room, Franklin City Hall at 6:01 p.m.

Council Members In Attendance

Councilor Paul Trudel, Councilor Jo Brown, Councilor Olivia Zink, Councilor Scott Clarenbach, Councilor Vincent Ribas, Councilor George Dzujna, Mayor Tony Giunta

Others in attendance

City Manager Judie Milner, Fire Chief Kevin LaChapelle

Absent

Councilor Steve Barton, Councilor Robert Desrochers Sr., Councilor Heather Moquin

Salute to the Flag was led by City Manager Judie Milner

Agenda Item I.

**Consider Utilization of RSA 155-B:2 Repair or Removal of Hazardous Building
- property location of 74-76 River St.**

City Manager Judie Milner began the session stating that there have been several complaints from neighbors regarding this property. It is owned by HSBC Bank and has been for at least a couple of years now. The neighbors are complaining of odor and other activity going on at the property for at least a year now. It's been a problem for Steve Reale since last June and now the homeless population has moved in. After attempts to get a response from HSBC bank to address these concerns, our attorney, Paul Fitzgerald contacted HSBC to inform them of a fire & police call to the property to address an overdose situation. Milner stated that there the two police officers who entered the property recalled that the place was deplorable. They stated that a room inside the house was being used as a bathroom and one was full of needles. This made one of the police officers very sick but declined medical attention. It was infested with fleas, bed bugs, needles and other items. Per Paul Fitzgerald, the next step is to vote on RSA-155-B and ask the Mayor to sign off so the bank can be directed to demolish the building and if they refuse; the City can demolish it and put a lien on the property.

Chief LaChapelle added that this was a turning point for operations, police officers, and fire. There's no reason for us to be in those buildings but there was a need to address the overdose

situation inside the building. The victim was treated and ended up overdosing at a later date at another location. A message has to be sent on a building like this to commence a tear-down. Even after the doors are screwed shut, they get kicked open.

Steve Reale worked for 6 months to try to get the bank's attention to this problem. City Manager Milner stated that the property is current on its taxes so unfortunately we can't take the building. It's surprising the bank would pay the taxes if they have no interest. Mayor Giunta asked City Manager Milner how long between sign off of the RSA-155 and teardown. Milner replied that the bank has until June 15th, 2018 to respond and address the situation. After June 15th passes, the City will plan to go to Franklin District court and request approval to tear down the building. Milner also informed the group that the additional money held in the demolition line being saved for another property will have to be used for this.

Councilor George Dzujna asked if the money could be recouped later on. City Manager Milner wasn't sure if all or even some of the money could be recouped. Dzujna asked if the City can go after the bank and make them pay. Councilor Clarenbach replied that he believes that the Superior Court Judge has the power to force the bank to pay. Clarenbach stated that we can build a case to the Superior court stating that the property is a hardship for the City. Dzujna added how much of a shame it is that the City has to pay for this rather than the owner. HSBC are not being responsible owners.

Councilor Olivia Zink informed the council that she drove by the property today and although the paperwork says it's unsecured, it looks secured and wondered if the bank has been securing it or has the City been securing it. City Manager Milner stated that our Building and Grounds Foreman, Rocky Marsh, secured the building this time. Chief LaChapelle added that the boards used to keep people out, keep getting kicked in and unless we use steel bars, they will keep kicking in the boards or find other ways to get in. Zink asked if it is in fact the bank's responsibility and although it certainly is, the bank isn't being responsive. Zink shared a picture of the boarded up property and shared it with the group however LaChapelle stated that although it appears to be secured and boarded up from the front, once you walk around the building, you'll see that it's not. Zink asked that if we are stating that the building is unsecured in our documents and what does "unsecured" really mean. Councilor Brown and Milner jointly stated that it means the building can be accessed easily by means of removing boards and or getting in through the back door. Zink then asked for the tax income, which is \$3,000 and also the value of the property, which is \$108,600.

Councilor Zink referred to the RSA-155 laws and it appears that the bank has 20 days to respond once the RSA-155 is filed. Since the paperwork from City Attorney Paul Fitzgerald states the deadline is June 15th, are we giving HSBC more time or should we just give them the required 20 days. Councilor Clarenbach replied stating that the bank has only 20 days to respond and petition back to the City within that timeframe stating reasons that it shouldn't be razed and provide details of how they will act on this problem. The June 15th date that City Attorney Paul Fitzgerald stated is that this needs to be razed (this includes time for action on the City's part) by the June 15th deadline.

Councilor Zink asked when the initial complaint was raised to the bank. City Manager Milner stated that we've been dealing with them since the end of 2016. She continued to mention that

the initial complaint from the Fire Department was in June of 2017 but the neighbors started to complain dating back to late 2016. Zink stated that the Bank, in a sense has been an absentee property owner. Zink then asked if there were other motions in the past regarding this topic for this property and Milner replied that this is the first that she is aware of. Zink then asked if the building is in a historic district and the group responded that it could be since it's so close to downtown.

Councilor Paul Trudel asked for a motion for the Mayor to sign the RSA 155-B on behalf of the City of Franklin regarding 74-76 River Street (Map Lot 000117-000129). Councilor Jo Brown seconded.

Mayor asked for any further discussion on the motion and asked how many other times have we used the RSA 155-B and Clarenbach replied that he believes it was just a couple of times before. Councilor Dzujna asked if there were any problems with utilizing RSA-155B in the past and Clarenbach replied that once the judge issues the court order, there's nothing against the City and owners may be upset at the judge because they issued it but no problems against the City. Mayor Giunta asked if there are any other abandoned homes in the City like this one and Chief LaChapelle replied that there are none known at this time.

Mayor Giunta asked for further discussion. No further discussion.

Motion: Councilor Paul Trudel requested Mayor Giunta to sign RSA 155B, seconded by Councilor Jo Brown. All in favor. Motion passed.

Agenda Item II

Other Business

There was no call for additional business to discuss.

Motion to adjourn was made by Councilor Scott Clarenbach and seconded by Councilor Paul Trudel.

Meeting adjourned at 6:22PM.

Respectfully Submitted,

Audrey Lanzillo