

**Minutes of the Board of Assessors  
Meeting of May 12, 2005**

A meeting of the Board of Assessors was held on Thursday, May 12, 2005 in Room 208 at City Hall. Chair, Marylou Blaisdell, called the meeting to order at 4:30 PM.

**Members Present**

Marylou Blaisdell            Dominic D'Antoni                            Kevin Moriarty

**Assessing Staff Present**

Douglas Dame                    Jeanne Dunfey                            Robert Lakeman                            Angelo Marino  
Cheryl Walley                    Elaine Wier

**Minutes of the Meeting:**

**MOTION BY** Dominic D'Antoni to accept the minutes of the meeting held April 14, 2005.

**SECONDED BY** Kevin Moriarty.

**MOTION CARRIED** unanimously.

**Abatement Requests Presented:**

See attached printout for approvals/denials.

The Board members referred to a letter submitted by Dr. Mohammed Atae asking the Board members to forgive the late filing for a 2005 disabled exemption application for the property at 12 Radcliffe Drive.

After a brief discussion by the Board of Assessors, the following motion was made:

**MOTION BY** Marylou Blaisdell to deny the 2005 disabled exemption application submitted for 12 Radcliffe Drive, due to untimely filing.

**SECONDED BY** Dominic D'Antoni.

**MOTION CARRIED** unanimously.

**Appointments: 5:00 – Mr. Timothy Arel, Coburn Woods Manager with Evergreen Management, Regarding 2004 Abatement Filed for 111 Coburn Woods Assn. on Acct #38565**

At 4:50 several members of the public arrived along with a representative from the Nashua Telegraph. They were present for Mr. Arel's appointment regarding the 2004 abatement filed on the land account for Coburn Woods (Acct. #38565).

At 5:00 Chair Marylou Blaisdell announced that Mr. Arel is not here. The representative from the Nashua Telegraph informed the Board that Mr. Arel advised him that he would not be here. Chair Blaisdell pointed out that in his confirmation letter for today's meeting, Mr. Arel was informed he must call if he is unable to make this appointment. She stated she does not know why there has been no phone call letting the Board know he would not be here.

At that time, the Chair was handed a note advising that Attorney John Cronin will be arriving about 10 minutes late. The Board was not informed Attorney Cronin was planning to represent Mr. Arel for this appointment. Mr. Arel requested the appointment. According to the Board's procedures, Mr. Arel has the responsibility to speak on behalf of what was filed for this appointment and he is not here.

The confirmation letter, which was sent to Mr. Arel notifying him with the meeting time and location, also outlined what documents the Board can consider, which is the information we have been supplied, and no new information can be presented tonight. He was also advised that this is an informational meeting only. We would not make any judgment on this because this is the first time we have received this information and the first time we would have the opportunity to listen to Mr. Arel. Information we have received is why Mr. Arel, as representative for 111 Coburn Woods Association, disagrees with the assessment of the land.

Chair Blaisdell stated she knows everyone in the room has an opinion on this, but the person who should speak for the group is Mr. Arel. She clarified that the Board is cognizant of the issues and how it impacts all of those present, but as

individual home owners of Coburn Woods they have the opportunity to file individual abatements on their own property and can call the Assessing Department staff to explain that procedure. She continued by saying that what Mr. Arel is coming to the Board to discuss is the land value that has changed.

Mr. Leo Brunk, President of 111 Coburn Woods Association, introduced himself and stated that everyone here is here because of the land value abatement and some of them have also put in a personal abatement for their units but that is not for the land. Chief Assessor Angelo Marino stated that the legal issue here is that the Association does not own the land, therefore, the Association cannot file for an abatement on the land; this is why Mr. Arel filed on behalf of the owner. They are the payer of the tax bill.

Chair Marylou Blaisdell informed Mr. Brunk that another appointment is scheduled for 5:30 PM and noted that these people's time is valuable. Chair Blaisdell then said the Board would permit Mr. Brunk to be the sole speaker at this meeting for the organization at this point. She repeated that the Board is here not to make any decision, as the City has not given us a report and the Board does not have all the information. She said that at this time, neither Mr. Arel nor Atty. Cronin is present, so therefore the floor would be opened up to Mr. Brunk to make any points on behalf of the Association. Mr. Brunk was then provided a copy of the paperwork submitted for this appointment.

After briefly reviewing the paperwork, Mr. Brunk stated that the biggest problem is they believe the land is not worth the assessed value.

At this point, 5:15 PM, Attorney Cronin arrived. Chair Blaisdell explained to Attorney Cronin the procedure of the Board as stated above. She explained that Mr. Arel, the person scheduled to speak, is not here nor did he inform the office that he was not coming, so what the Board has done is opened it up to Mr. Brunk who is President of the organization.

Attorney Cronin stated that regarding that procedure, it is usually recognized that they would have the opportunity to speak on behalf of the organization. Chair Blaisdell clarified for Attorney Cronin that the person who requests to speak is whom the Board expects to speak, and the Board must be told that the attorney will represent as well. Attorney Cronin said they would make a note of this.

Mr. Brunk stated with regards to the assessment that prior to 2004, the assessment was \$1.6M and the land was re-assessed for 2004 at \$10 M, which would be a decent value if the "condo association was not on it". He stated that they have a 99-year lease so when they pay the fee on that land area, they are paying what that owner would pay as an annuity. Chair Blaisdell asked if he means if the "condominiums were not on the land". Mr. Brunk stated that is what he means. They cannot sell the land and tear down the condos and put up a shopping center. The woman who had owned the land passed away and they are now negotiating with the heirs and hope to buy it for \$1.6M to \$1.8M. They looked at information on other condos and some owned the land and some did not, and the tax rate was the same. Chair Blaisdell clarified that the tax rate is the same for every property owner in Nashua. Attorney Cronin said it is the assessments that are similar. He stated that the Coburn Woods situation is unique, so it is a challenge for an Assessor to value it. He said in doing a reval, no matter how good you are, you get trailing information. Coburn Woods doesn't really fit into that model, where they will have a proportional share of the land as a common interest. We tried to ask some questions of the Assessing staff of how that works, and feel if you look at the statute the assessment should be what a buyer would pay for that land as of April 1 of the tax year and if he was a buyer he would be purchasing it with the lease in place and if it wasn't for that long-term lease, what would it be worth. He said he looked at cap rates. With a good investment the cap rate goes down and with a risky investment the cap rate goes up. He stated that as of 2004 an 8% cap rate would be acceptable. The buyer would get the benefits of the lease. If this cap rate were applied it would be worth \$1.875 M. He said he thinks it is invalid to look at this property and say let's value this as if the units did not exist. If it was empty then, yes, maybe this would be acceptable, but with the units on it, no, it is not worth the assessment. Attorney Cronin concluded by stating he thinks they made their points and he didn't want to go into any more detail and belabor the Board.

Chair Blaisdell said the Board appreciates the comments, and said from this point, the City will be given an opportunity to present their case because the Board must hear both sides before a decision is rendered. She asked Chief Assessor Angelo Marino if the Assessing Office would be ready to present their case in a month. Chief Assessor Angelo Marino said it is possible; we have looked at the lease and briefly talked about it. We have not had an opportunity to work further on it due to the workload. We are just finishing up the building permits.

Chair Blaisdell advised Attorney Cronin and Mr. Brunk that the Board would let them know when this meeting will occur so they can listen to the presentation by the City. This will probably be the last meeting in June or the first meeting in July. Chair Blaisdell said she is sorry for not having more points to discuss, but perhaps Mr. Arel had made them aware of the situation.

Attorney Cronin stated that they were given more of an audience than was anticipated and said if there is anything they would like from the Association, they would be happy to get it. Chair Blaisdell stated we will need a release signed by Mr. Arel authorizing Attorney Cronin to be the contact and this should be forwarded to the Assessing Department to Cheryl Walley's attention. Attorney Cronin agreed to provide this. The Board thanked the group and the group then left the meeting.

**5:30 – Mr. Theodore Sullivan, 14 Metropolitan Avenue, regarding 2004 abatement filed on land accounts at 7 & 9 Overhill Avenue (Accts #32602 and 32600)**

Mr. Sullivan did not attend this appointment nor did he advise the Board of his inability to attend. After a brief discussion regarding the abatements, the Board made the following motion:

**MOTION BY** Dominic D'Antoni to deny the 2004 abatement filed on the two lots of land located at 7 & 9 Overhill Avenue (Accounts #32502 and 32600 respectively) because the taxpayer failed to show disproportionality.

**SECONDED BY** Kevin Moriarty.

**MOTION CARRIED** unanimously.

Chief Assessor Angelo Marino advised the Board that Ms. Elaine Wier, one of our Residential Appraisers, will be leaving the employ of the City of Nashua. He told the Board they will be advertising for recruiting purposes and will need to wait until hiring freeze is lifted to actually hire for this position.

**MOTION BY** Marylou Blaisdell to adjourn at 5:50 PM.

**SECONDED BY** Kevin Moriarty.

**MOTION CARRIED** unanimously.

Transcribed by Cheryl Walley, Department Coordinator