

Utility Appeals Board
August 12, 2020
Virtual Meeting via Zoom Platform
Draft Minutes

In attendance:

Representing the Board:

Councilor Brent Todd, Deputy City Manager Carlos Baía, Tom Arnold

Absent: Beth Campbell

Representing the Staff:

Adam Clark, Teresa Segalini, Donna Muir

Meeting called to order at 4:10 p.m.

1. Reading of Instructions & Roll Call Attendance

Mr. Baía read the instructions in accordance with Governor Sununu’s Emergency Order #12 pursuant to Executive Order 2020-04. Councilor Todd took roll call attendance. The three Board members announced their attendance and stated that they were alone on the Zoom call.

2. Approval of the Minutes from November 1, 2018

Councilor Todd explained that the draft minutes are posted and made available to the public in accordance with the statutory requirement. As such, the draft minutes in question have been available to the public since 2018. What is being asked this evening is to approve them to remove them from “draft” status.

Councilor Todd moved approval. Mr. Arnold seconded. Motion passed unanimously. A roll call vote was taken, 3-0 in favor of approving the minutes.

3. Case 2020-001: 29-31.5 Washington Street (Appeal by Richard and Sarah Bragg)

Councilor Todd prefaced this item by stating that he knew Mr. and Mrs. Bragg who had been neighbors of his from several years ago. However, there was no conflict of interest and therefore he would participate in the deliberation.

Councilor Todd opened the hearing. Mr. and Mrs. Bragg explained that they had been approached by their neighbor in early 2020 about possibly buying his property at 29-31.5 Washington Street which abuts the Bragg’s home. In February, they toured the property and subsequently agreed to the purchase. Upon the onset of the COVID-19 pandemic and its restrictions, they were unable to have the property inspected prior to closing, despite preferring to have the inspection done. At closing on May 5, 2020 they noticed in the closing statement that the seller had a \$1900+ liability to the City for water/sewer billing which was paid as part of the closing transaction. The Braggs were concerned about this and contacted the Water division shortly after closing. At that time, the City had not yet received confirmation that the Braggs were the new owners as such they could not release details to them. The Board noted that based on the account record, the spike in water usage began in the last few months before the sale.

Mr. and Mrs. Bragg did not enter the property to inspect anything until three weeks had passed since their closing. At that time they noticed that the water meter was spinning very rapidly indicating significant water usage. They ultimately discovered that a toilet lever in one of the four units was defective and the water usage stemmed from that. By this point, the water usage had been significant leading them to their current appeal.

Councilor Todd noted the board has very little flexibility to grant most appeals. Ultimately, he noted, the water was provided by the City water utility and used by the property through no fault of the City's equipment. Mr. Arnold stated that as a landlord himself, he knows that he needs to monitor his property to ensure that situations such as these don't happen. When they do, he realizes that they are his responsibility.

Mr. Baía noted that at one point the Braggs alluded to a potential COVID-19 quarantine in one of the units and they seemed to imply that it may have led them to delay an assessment of their new holdings after closing. Mr. Bragg mentioned that at closing a remark was made about a faulty smoke detector that hadn't been repaired by the seller due to the tenant in the unit in question having to quarantine. Mr. Baía asked if the Braggs could produce any document that would attest to this quarantine and support the notion that this was a reason for their delay in addressing the water issue. The Braggs acknowledged that the remark was made to them third hand and they had no corroboration and it was unlikely they could secure this from the tenant.

Based upon the evidence and testimony presented, the Board concluded that there were no grounds to grant the appeal.

Councilor Todd moved to deny the appeal. Mr. Baía seconded the motion. Motion passed unanimously.

A roll call vote was taken, 3-0 in favor of denying the appeal.

4. Other Business

Nothing for this item was presented.

5. Adjournment

Meeting adjourned at 5:12 p.m. Motion passed unanimously. A roll call vote was taken, 3-0 in favor of adjourning the meeting.

Respectfully submitted,

Carlos P. Baía