

MINUTES

BOARD OF MANUFACTURED HOUSING MEETING

Friday, October 21, 2016

1:00 PM

Legislative Office Building, Room 307
33 North State Street, Concord, NH 03301

The following members were present: Chair Mark Tay, Vice-Chair Peter Graves, Secretary Robert Hunt, Esquire, Lois Parris, Rep. Franklin Sterling, Judy Williams, and Kenneth Dame.

Not in attendance: Glenn Ritter

Others in attendance included: Rick Wisler - clerk of the Board of Manufactured Housing. Also in attendance were: Michael Annese, Peter Parrino, Jean Howe, Attorney Thomas Morgan, Glenn Gidley, Adam Gidley, Belinda and Richard Gleason, Armand Dayton.

The meeting was called to order by Chair Mark Tay at 1:10 p.m.

Approval of Minutes: The September 23, 2016 minutes were reviewed. Board member Williams moved, Board member Dame seconded, voted unanimously to accept the minutes of the September 23, 2016 meeting.

Approval of Board Decision 16-04 Henderson v. Pine Gardens Manufactured Homes. Board members Hunt and Parris were recused from the discussion and subsequent vote. Board member Rep. Sterling moved to approve the decision as written, Vice-Chair Graves seconded. Chair Tay commented the complainant had the burden of proof and failed to prove they were not at fault for the failure of the underground pipe connection. The remaining five board members voted unanimously to approve the decision.

Approval of Board Decision 17-01 Effie Velardo v. Maple Leaf MHP. Chair Tay was recused from the discussion and subsequent vote. Vice-Chair Graves presided. Board member Dame moved to approve the decision as written, Rep. Sterling seconded. The remaining six board members voted unanimously to approve the decision.

Approval of Board Decision 17-02 through 17-08 Jerrilynn King *et al* v. Woodstock Co-Op. Chair Tay again presided. Board member Williams moved to approve the decision as written, Secretary Hunt seconded. The board voted unanimously to approve the decision.

Docket 17-11 Threshold Review: Following board discussion Vice-Chair Graves moved that the issues appeared to be within the board's jurisdiction and should be scheduled for a hearing at their next meeting. Board chair Tay seconded, the board unanimously approved. Chair Tay noted the "Important Notice Required By Law" language required by RSA 205-A:2, XI did not appear in the park rules provided by the complainant or respondent. Chair Tay moved to add an additional potential violation for failure to include the notice in park rules as required by law, Vice-Chair Hunt seconded, the board unanimously approved. The board clerk was asked to add the additional potential violation in bold print on the notice of hearing.

Other Business: Vice-Chair Graves confirmed he is not seeking a re-appointment upon his term's expiration in November. Chair Tay recognized Vice-Chair Graves for his ten years of dedicated service to the Board. Board members expressed their gratitude and appreciation for his insightful input and guidance throughout that time. The board clerk was asked to contact Karen Soucy about the status for a new appointee.

Chair Tay announced his recusal from the two upcoming hearings due to prior business relationships with some parties for each of those cases. Chair Tay left the meeting, Vice-Chair Graves presided.

Complaint Hearing: Docket 17-09 Richard and Belinda Gleason v. Pine Knoll Village.

The complainants, Richard and Belinda Gleason, were present and not represented by counsel but were joined by their witness Armand Dayon. Jean Howe, park owner, was present and represented Pine Knoll Village.

Vice-Chair Graves administered the oath to all parties and explained the hearing process. He further explained that only those issues with the Board's jurisdiction would be heard. The matter proceeded to hearing.

Complainants Belinda and Richard Gleason presented the Board with exhibit 1 (park rules) and exhibit 2 (police report), and presented testimony regarding the complaint alleging the park violated RSA:205-A:2, X(a) and (b) by not being reasonably available to provide emergency repairs for a no-water situation and other issues, and RSA 205-A:2, XI by not providing tenant with replacement park rules. Their witness, Armand Dayon, also presented testimony to support their complaint. Respondent Jean Howe offered testimony denying the allegations.

Following testimonies and Board member questions of both parties and witness, Vice-Chair Graves closed the hearing and opened Board deliberation. After thoroughly discussing all the issues, Vice-Chair Graves commented that the issue involving rules appeared to be a moot point and no action required as the complainants were recently provided with a copy of the rules. Board member Sterling moved that the park was in violation of RSA:205-A:2, X(a) and (b) by not replying to messages in a timely manner, Board member Williams seconded. The Board voted unanimously to approve the motion.

Complaint Hearing: Docket 17-10 Michael Annese (for Anne Annese) v. Mobile Courts, Inc.

On October 20 the Board clerk received a copy of the respondent's Exhibit and Witness List. Just prior to the hearing the complainant advised the clerk he had not received a copy and wished to review it prior to the hearing. Vice-Chair Graves called for a brief recess to allow the complainant an opportunity to review the document.

Following a short recess the Board continued the meeting.

Complainant Michael Annese was present and not represented by counsel, but was joined by his witness Peter Perrino. Glenn Gidley of Mobile Courts, Inc. was present and represented by Attorney Thomas Morgan.

Vice-Chair Graves administered the oath to all parties and explained the hearing process. The Vice-Chair then addressed two issues with attorney Morgan: the failure of the respondent to file a complaint response with the board or complainant in accordance with Man. 402.01; and the failure to timely deliver the Exhibit and Witness List in accordance with Man. 209.03. Following discussion the Vice-Chair determined waiving the requirements would more likely promote the fair, accurate and efficient resolution of issues pending before the board. Responding to questions from the Vice-Chair, complainant Annese confirmed he had completed his review of the documents and did not object to their presentation to the Board. The matter proceeded to hearing.

Vice-Chair Graves made a motion in accordance with RSA 91-A:5, Man 210.04(e) and RSA 91-A:3, II(c) to go into non-public session for the purpose of discussing a matter which, if discussed in public, would likely affect adversely the reputation of a person or persons who is not a member of this body. Secretary Hunt seconded the motion. The Board voted unanimously in favor of the motion. A non-participating audience member, Adam Gidley, left the room.

Upon return to public session, Vice-Chair Graves made a motion to seal the Non-Public Minutes, Secretary Hunt seconded. The Board voted unanimously in favor of the motion.

The Board chose to table action on 17-10 to allow both parties an opportunity to further discuss and hopefully resolve the issue. The parties are to report back to the Board with the outcome of their discussion. At that time the Board will schedule a continuance of the hearing if needed.

Next Meeting: The Board scheduled the next meeting for Monday November 14, 2016, 10:00 at the LOB.

Adjournment: The Board voted to adjourn at 4:05.