

MINUTES

BOARD OF MANUFACTURED HOUSING MEETING

Friday, November 3, 2017

1:00 PM

Legislative Office Building, Room 107
33 North State Street, Concord, NH 03301

The following members were present: Chair Mark Tay, Esq., Secretary Rob Hunt Esq., Rep. Thomas Laware, Kenneth Dame, Lois Parris, and Adam Gidley. Rep. Franklin Sterling joined the meeting at 1:30.

Not in attendance: Judy Williams

Others in attendance included: Rick Wisler - clerk of the Board of Manufactured Housing. Also in attendance were: David Estes, Jerry Devorss, Ruth Devorss, Judy Estes, Thomas Morgan, H. St.Peter, Daniel Hartley, Joseph Roy, Peter Parrino, Bob Peterillo, Matt Burrows, Chris Monroe, Glenn Gidley

The meeting was called to order by Chair Mark Tay at 1:20 p.m.

1. Approval of Minutes: The August 4, 2017 minutes were reviewed. Board member Rob Hunt moved to approve the minutes. Board member Adam Gidley seconded and the Board voted unanimously to accept the minutes of the August 4, 2017 meeting. Chair Mark Tay abstained.

2. Approval of Decision for docket 17-17 Raymond Tunstall v. Jensen's, Inc. of Nashua. Action was tabled to the next meeting.

3. Complaint Hearing docket 17-14: Peter Parrino v. Mobile Courts, Inc. Chair Tay informed the audience that he and board member Adam Gidley were recused from the case. The remaining number of members was not sufficient to establish a quorum, therefore, the hearing was continued to the next meeting.

4. Complaint docket 17-12 Muriel Day v. Paradise Ridge MHP. The Board reviewed the certified copy of new rules presented by the Respondent. It was noted the new rules addressed the Board's concerns as the "Important Notice Required By Law" is no longer edited. Board member Lois Parris moved to dismiss the amended complaint. Board member Kenneth Dame seconded, the motion passed unanimously. Chair Tay will draft the decision.

5. New Complaint threshold review docket 18-02 Estes v. Pine Gardens Manufactured Homes. Board member Rob Hunt recused himself from the review. Chair Tay addressed the audience and explained the threshold review process.

1:30 Board member Rep. Franklin Sterling joined the meeting.

Following a review of the complaint, the Board determined the matter was within their jurisdiction pursuant to RSA 205-A:2, VIII(d). Because the cited RSA did not match the citation in the RSA, Chair Tay asked the complainant if they wished to amend their complaint. The complainant agreed and will file an amended complaint. The respondent asked and was granted the opportunity to file an amended response. Board member Lois Parris moved to schedule a hearing, seconded by Board member Adam Gidley. The motion passed with Board member Rep. Franklin Sterling voting nay.

The meeting was recessed at 1:50.

The meeting was reconvened at 2:00

Late Item: docket 17-15: Fox v. Oriental Gardens MHP. Clerk Rick Wisler presented the board with an email received that morning from the Complainant request a rehearing and, if granted, to be scheduled in late April or May 2018. The Board accepted the filing and a notice will be mailed to all parties that a consideration of the request will be done at a meeting to be scheduled sometime after April 4, 2018.

6. New complaint threshold review and possible hearing docket 18-01 Devorss v. Granite Post Green MHC, LLC. Chair Tay advised all parties of a past professional relationship with the respondent and recused himself from the matter. Secretary Rob Hunt presided.

Chair Tay left the meeting.

Following a review of the complaint Board member Rep. Franklin Sterling moved to accept the complaint. Board member Lois Parris seconded, the motion passed unanimously and the matter proceeded immediately to hearing.

Exhibits from both parties were presented. Both parties stated they had an opportunity to review each other's exhibits and had no objections of their submission.

Presiding Chair Rob Hunt explained the hearing process and administered the oath to all parties. Complainant Jerry Devorss then presented testimony alleging the park violated RSA:205-A:2, VIII (d) and RSA 205-A:2, XI by unreasonably requiring the complainant to sign a Waiver of Homestead form, unreasonably requiring the removal of a third vehicle, unreasonably requiring the removal of a raised garden and other outside installations, and unreasonably restricting the storage of items to a shed.

At the request of the Respondent's attorney, the Board agreed to address each issue separately.

Following testimonies and Board member questions of both parties, Presiding Chair Rob Hunt offered the parties an opportunity to try and resolve the issues. Both parties agreed the issue regarding shed storage was resolved, and agreed to a short recess to try to resolve the outstanding issues.

The meeting was recessed at 3:15.

The meeting was reconvened at 3:27.

The parties agreed to a resolution of the raised garden but could not reach a resolution on the parking or the Homestead form issues. Therefore, the Complainant agreed to withdraw the complaints for items 3 (raised garden) and 4 (shed storage).

After the parties stated they presented all testimony, Presiding Chair Rob Hunt closed the hearing and the Board entered deliberation. After thoroughly discussing all the issues, Board member Rep. Franklin Sterling moved that the requirement for a tenant to sign the Homestead form is unreasonable as applied to this case. Board member Kenneth Dame seconded, the motion passed with Board member Adam Gidley voting nay.

Board member Rep. Franklin Sterling moved the park rule restricting the number of vehicles as applied in this case is unreasonable. Board member Kenneth Dame seconded, the motion passed unanimously.

7. Update on Board positions Clerk Rick Wisler will contact the Governor's office for an update.

Next Meeting: The Board scheduled the next meeting for Friday December 15, 2017, 1:00 at the LOB.

Adjournment: By consensus the Board adjourned the meeting at 4:20 p.m.