

MINUTES

BOARD OF MANUFACTURED HOUSING MEETING

Friday, November 13, 2015

10:00 PM

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

The following members were present: Chairman Mark H. Tay, Esquire, Vice-Chair Peter Graves, Secretary Robert Hunt, Esquire, Judy Williams, Lois Parris, Rep. Catherine Cheney, Rep. Franklin Sterling, and Kenneth Dame. Glenn Ritter joined the meeting at approximately 1:00.

Others in attendance included: Rick Wisler, clerk of the Board of Manufactured Housing. Also in attendance were Tom Moughan, David Beaudin, Bernard Dolan, Richard and Diane Burley, Attorney Don Whittum, Attorney Donald Routhier, Burr Phillips, Anne Odell, Bill Hagan, Michael Frigon, Attorney Cindy Beaulac, Attorney Maureen Howard, Jane Healey, Thomas Mongoon, Donna and George Mague.

The meeting was called to order by Chairman Tay at 10:05 p.m.

Approval of Minutes: The September 25, 2015 minutes were reviewed. A motion was made and seconded, and voted unanimously to accept the minutes of the September 25, 2015 meeting.

Complaint Hearing:

Chairman Tay announced the order of hearings will be adjusted to best fit the day's schedule.

Docket No. 16-01: Donna Mague v. Northern Manor Adult Park. The complainant, Donna Mague, was present and not represented by counsel. The respondent, Richard Burley, was present and not represented by counsel.

Chairman Tay explained the hearing process and administered the oath to all parties. The matter proceeded to hearing at which the parties presented testimony and offered exhibits on the Complaint. The Complainant, Donna Mague, alleges the park owner and manager is violating RSA 205-A:2, X (a), (b), (c) and VIII (d) by not being reasonably available or returning calls for needed repairs to park and tenant's yard due to construction. Complainant further alleges violation of RSA 205-A:2, XI for failure to provide updated park rules.

Following testimony and cross examination from both sides, and questions from Board members, Chairman Tay closed the hearing and asked the Board if they wish to deliberate and vote on each hearing's motion(s) after all hearings were complete. The Board unanimously agreed to deliberate and vote on all motions at the end of the day's meeting.

Motion for Reconsideration and Clarification and Rehearing

Docket No. 15-03: Michael Frigon v. Trailer Home Village Co-Operative, Inc. Received from Attorney Beaulac on behalf of Michael Frigon. Due to Tay's recusal and Vice-Chair Graves' absence from the hearing held July 10, 2015 Secretary Hunt presided. Chairman Tay and Vice-Chair Graves left the meeting.

Attorney Beulac filed the Motion for Reconsideration and Clarification requesting the Board to: reconsider the rulings and finding on the non-membership fee as reasonable and properly disclosed; clarify the ruling regarding a "fee" or "rent"; and allow a rehearing on these specific issues if necessary.

Following testimony from both sides and questions from Board members, the Board voted in a split-decision not to reconsider the rulings and finding on the non-membership fee. The Board unanimously voted not to clarify the ruling regarding a "fee" or "rent". The Board unanimously agreed that no action was required for allowing a rehearing as the motion to reconsider the rulings and finding failed.

The Board voted to take a short break.

Complaint Hearings:

Chairman Tay and Vice-Chair Graves returned to the meeting. Board member Ritter joined the meeting. Chairman Tay presided and reconvened the meeting at 1:20.

Docket No. 15-04: Thomas Moughan v. Lamplighter Mobile Home Park. The complainant, Thomas Moughan, was present and not represented by counsel. The respondent, Lamplighter Mobile Home Park, was represented by attorney Donald Routhier.

Chairman Tay administered the oath to all parties. The matter proceeded to hearing at which the parties presented testimony, presented witnesses, and offered exhibits on the Complaint. The Complainant, Thomas Moughan, alleges the park is violating RSA 205-A:2, XI by unreasonably requiring Complainant to clear snow from a "common area" of the roadway assigned by the park as "designated on-street parking". The Complainant asks the Board to determine the reasonableness of the park rule in accordance with RSA-205-A:27, I-a. Complainant further alleges violation of RSA 205-A:2, VII for failure to provide lot boundary markings that may result in shifting maintenance responsibilities from the park to tenant.

Following testimony and cross examination from both sides, and questions from Board members, Chairman Tay closed the hearing.

Docket No. 16-02: Estate of Arden McLean v Cochecho River Cooperative. The complainant, Jane Healey – Administrator for Estate of Arden McLean, was present and represented by attorney Maureen Howard. The respondent, Cochecho River Cooperative was represented by attorney Donald Whittum.

Chairman Tay administered the oath to all parties. The matter proceeded to hearing at which the parties presented testimony, presented witnesses, and offered exhibits on the Complaint. The Complainant, Jane Healey, alleges the Cooperative is violating RSA 205-A:2, IX by assessing the tenant (estate) for water charges resulting from water leak(s) of the underground water system maintained by the Cooperative. Complainant further alleges violation of RSA 205-A:2, VII for failure to provide the Complainant with terms and conditions for utility charges, and RSA 205-A:2, XI for failure to provide the tenant with a copy of the most recent rules and bylaws.

Following testimony and cross examination from both sides, and questions from Board members, Chairman Tay closed the hearing.

Deliberations on Hearings:

Docket No. 16-01: Donna Mague v. Northern Manor Adult Park. After carefully considering all testimony and exhibits, Chairman Tay accepted a motion, and appropriately seconded, that the complainant did not meet the burden of proof on the issues. Unanimously approved, motion carried.

Docket No. 15-04: Thomas Moughan v. Lamplighter Mobile Home Park. After carefully considering all testimony and exhibits, Chairman Tay accepted a motion, and appropriately seconded, finding in favor of the respondent. Unanimously approved, motion carried.

Docket No. 16-02: Estate of Arden McLean v Cochecho River Cooperative. After carefully considering all testimony and exhibits, Chairman Tay accepted a motion, and appropriately seconded, that the assessment is neither reasonable nor substantiated and the water charges assessed by the Cooperative are unreasonable. Unanimously approved, motion carried.

Other Business:

Chairman Tay asked the board clerk to review the scheduling of meetings in relation to the time line of complaints, and the possibility of a sub-committee to conduct initial complaint reviews, and report back to the board with recommendations, if any.

Adjournment at 5:45.