

FINAL

BOARD OF SELECTMEN'S MEETING

June 17, 2013

7:30 P.M. – MUNICIPAL OFFICE BUILDING – HANOVER, NH

The meeting of the Board of Selectmen was called to order at 7:30 p.m. by Chairman Peter Christie. Present were: Peter Christie, Chairman; Athos Rassias, Selectman; Bill Geraghty, Selectman; Nancy Carter, Selectman; Jay Buckey, Selectman; and Julia Griffin, Town Manager.

1. PUBLIC COMMENT.

Chairman Christie asked for any Public Comment. There were no comments from the public.

2. FIRST PUBLIC HEARING TO CONSIDER AND ADOPT A RENTAL HOUSING ORDINANCE FOR THE TOWN OF HANOVER.

Ms. Griffin stated that the updated draft of the Rental Housing Ordinance was distributed on Friday and can be found on the Town's website. She noted that Attorney Laura Spector-Morgan was also present to answer questions. Ms. Griffin mentioned that a couple of the Board's recommended changes were not changed due to the required language per the RSA.

Chairman Christie opened the public hearing and invited Laura Spector-Morgan to approach the Board.

Chairman Christie confirmed with Ms. Spector-Morgan that in paragraph #2 the terms "lease" and "rent" are synonymous in the eyes of the law. Chairman Christie noted some typos in the document. Ms. Spector-Morgan noted that some of the wording was kept in to address non-transient housing and that taking the wording out would broaden the ordinance.

Chairman Christie noted that paragraph #2 defines rental property. Chairman Christie asked whether they needed to add the wording in paragraph #4 which allows for the Town Manager to waive the fines. Ms. Spector-Morgan responded that if it is not included, it could be questioned whether she has the authority to do this but the Board has given her this authority in certain circumstances.

Chairman Christie referred to paragraph #8 and wanted to make sure that although the Town will give notice to both owner and the tenant, it is the owner that is responsible for the safety violations and any other violations. Ms. Spector-Morgan noted that there is wording regarding the amount of time that the *owner* has to fix the problem.

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Chairman Christie referred to paragraph #9 and asked whether they could eliminate the words “complaint based.” Ms. Spector-Morgan was agreeable to removing this wording.

Selectman Carter asked about paragraph #8 and whether they should add the wording “in writing” with regard to a violation discovered during inspection. Ms. Spector-Morgan stated that this was her intention.

Vice Chairman Rassias asked to include the definition of CCRC (Continuing Care Retirement Community) in paragraph #3.

Selectman Geraghty asked about paragraph #6 and the process for an administrative search warrant. Ms. Spector-Morgan stated that the Town can get an administrative search warrant from the District Court or the Superior Court. She recommends the Superior Court and noted that the process moves fairly quickly and it usually takes a day or two to receive the warrant. The Town would indicate why they believe there is a violation at the property and that they were unable to get permission to get access so the Town is asking to inspect between specific hours to collect evidence. The Town would then have to file a return with the court. Ms. Spector-Morgan stated that there may not be a fee to file associated with the warrant.

Chairman Christie asked for comments from the public.

Ann Crow stated that she has been renting houses since 1972 and noted that her concern about the ordinance has more to do with the consideration toward the landlords. She reported that she did have one incident with a renter who had birds in the house and their seeds attracted mice. Ms. Crow reported that the tenant then threatened her with legal action claiming to have access to the Dartmouth legal system and claimed that she was going to report this to Dartmouth counsel and they would be taking up this case.

Ms. Crow stated that this created an uncomfortable situation but ultimately the tenant broke the lease and moved somewhere else. Her concern is that the ordinance addresses the renter’s safety but there isn’t a lot of consideration toward the landlord. She stated that they felt vulnerable and if the Town’s concern is about the rental properties in town, maybe there would be some kind of differentiation between those that are being rented to students and properties that are otherwise rented.

Chairman Christie felt that Ms. Crow’s tenant was bluffing by threatening to bring the Dartmouth legal system into the conversation. Ms. Crow stated that the tenant claimed to have free access to the Dartmouth legal system. Ms. Griffin assured Ms. Crow that Dartmouth would have no jurisdiction over rental housing by a private property owner outside Dartmouth’s campus. Ms. Griffin confirmed with Ms. Crow that her concern surrounds landlords being mistreated by the renters through this ordinance. Ms. Crow felt that there may be some people who are a little crazy in some way and once a tenant moves in, it is very difficult to get them out. Ms. Crow stated that as a landlord, they had no recourse.

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Ms. Griffin stated that the Town can't differentiate between landlords in town and those out of town. With the ordinance in place, if the tenants were attracting mice, the Town could assess what the issue was and determine the cause and support the landlord in a case like that. Ms. Crow stated that once a person starts renting the property, the landlords are stuck with them even when they start to damage the property.

Hilary Pridgen stated that she has a rental property at 30 Etna Road and wanted to share her view as a landlord. She noted that she had a tenant for 3 years that paid his rent on time most of the time and then he wanted his girlfriend and their daughter to move in to this one bedroom house. The tenant caused problems at the property by not cleaning. They had problems with mice and she stated that she had to replace the stove because the mice were in the stove. In addition to purchasing the new stove, she had pest control come. The tenant then filed a complaint with the Town. She reported that the Town did an inspection and she felt very vulnerable. She stated that they made improvements to this property which was being rented for \$1,150/month. She felt that there was no recourse as a landlord. The tenant decided that he would only pay \$800/month. The Town made some recommendations which were taken care of but she finds that the ordinance protects the tenant and not the landlord. She stated that she is a responsible landlord.

Doug Deaett asked a question about how the Town determines which properties are rented and what the minimum time is that classifies a property as transient vs. rental. If he owns two properties and lives in one for 6 months and then lives in another for 6 months, would he have to inform the Town? Chairman Christie stated that he would need to tell the Town which house he is renting. Mr. Deaett asked if this was all defined in the ordinance and stated that he didn't have time to read the ordinance.

Chairman Christie read paragraph #2 which provides the definition of a rental property: "Rental properties shall include any property which includes a suite of one or more rooms located within a single building rented by the owner to one or more individuals living in common for non-transient residential purposes." Ms. Griffin noted that there will be a one page registration form so that the Town has some information about the property and if people fail to register, there is a fine involved. The challenge would be to determine every rental unit in town over the first couple of years of implementation of this ordinance.

Mr. Deaett asked if this applies to condominiums. Ms. Griffin stated that if an owner is renting it to somebody else, then it applies. Mr. Deaett then asked if there is minimum length of time that qualifies a property as transient. Judy Brotman, Zoning Administrator, consulted with Ms. Spector-Morgan and advised that the zoning ordinance defines it as 30 days.

Ms. Deaett asked about the administrative search warrant after an owner refuses admission to the house for the inspection and what the process is after that. He asked if the warrant is delivered to both the tenant and the landlord or just the landlord and what is the process if the landlord still refuses the inspection.

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Ms. Spector-Morgan stated that the Town's inspector (Ryan Borkowski) and possibly a police officer would serve the warrant and the tenant would be required to allow the Town to inspect. Notice is provided to both the owner and the tenant. The tenant on site would be required to allow the Town to inspect and if they refused, the Town would go back to the court to get a further order and come with additional officers.

Mr. Deaett asked how the Town would obtain the names of the tenants for the warrant. Ms. Spector-Morgan stated that the Town may know them because they are the people complaining, sometimes they will list unnamed tenants and sometimes the neighbors know. Ms. Griffin stated that the Town typically receives complaints from two sources; the tenants themselves or the neighbors who are concerned about violations.

Mr. Deaett stated that they are also talking about inspecting all of the properties. Ms. Griffin stated that they originally discussed an inspection program but they backed away from that and are just requiring registration of each rental property.

Mr. Deaett asked what the Town would be looking for in an inspection; whether there is a checklist of things or are they only inspecting for the issue that is being complained about. Ms. Griffin stated that there is a checklist of items that they look for and the inspectors may see other violations of local ordinance or State Law. The Town has an obligation to take enforcement action and ensure that the problem is resolved. The Town would then send a detailed letter to the property owner with the improvements that need to be made with a timeframe to implement them. Mr. Deaett asked if the inspection also covers law enforcement issues such as drug paraphernalia or alcohol that minors might be using.

Ryan Borkowski, Building Inspector, stated that he is not there to look for those things but if it is obvious to him and he sees it, he has an obligation to report it to the appropriate authorities. Mr. Deaett stated that if the police are part of the inspection, then they will also pick up on illegal activity. Ms. Griffin stated that police are not typically involved in an inspection. She noted that most inspections include Ryan Borkowski, Jerry Frankenfield (Fire Inspector) and Roger Bradley (Fire Chief). Ms. Griffin stated that they are looking for life safety code violations and not drug paraphernalia. Mr. Deaett expressed his concerns regarding civil liberties. Ms. Griffin stated that the Town's interest lies with whether the properties are safe, habitable and properly maintained.

Hilary Pridgen asked if the Town would be doing anything to protect the landlord in the event that a tenant stops paying rent. Ms. Griffin stated that typically if the landlord is in a situation where the tenant refuses to pay, the Town needs to make sure that the property is up to code but it is up to the landlord to decide whether to hire a lawyer to deal with the failure to pay rent.

Ms. Pridgen is aware that if the tenant hasn't paid rent for a certain amount of time, they can be evicted. She asked if the Town enforces an eviction. Ms. Griffin stated that the County Sheriff's Department is involved in the eviction process. Ms. Griffin stated that

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if there was a legal dispute about the condition of the property, the Town could show the results of an inspection but they could not arbitrate between the landlord and the tenant.

Vice Chairman Rassias MOVED to Set a 2nd Public Hearing on Monday, July 1st to Consider and Adopt a Rental Housing Ordinance for the Town of Hanover. Selectman Buckey SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO SET A 2nd PUBLIC HEARING ON MONDAY, JULY 1ST TO CONSIDER AND ADOPT A RENTAL HOUSING ORDINANCE FOR THE TOWN OF HANOVER.

Chairman Christie thanked everyone for their input and closed the public hearing.

3. PUBLIC HEARING TO CONSIDER AND APPROVE THE PROPOSED FY 2013-2014 RATE AND FEE SCHEDULE.

Selectman Carter opened the public hearing to discuss the Rate and Fee Schedule.

Ms. Griffin stated that she sent the Board an updated Rate and Fee Schedule and it was posted to the Town's website which included some minor adjustments. She noted that Roger Bradley, Fire Chief, was present to answer any questions related to the Ambulance Fund. She noted that Vicki Smith, Ryan Borkowski and Judy Brotman were present to answer questions regarding the substantial changes to the Planning and Zoning rates and fees.

Ms. Griffin stated that they updated the parking fees to include recommendations regarding parking meter rate increases and the addition of 25 new parking spaces in addition to the experimental program allowing parking in the Parking Garage for \$2.00 targeting employees.

Chairman Christie stated that the Board had a lengthy work session at the last meeting and he would now like to hear from the public relative to the revised Rate and Fee Schedule.

David Dostal, Chair of the Bike & Pedestrian Committee, noted that he previously submitted a letter to the Board on behalf of the Committee. Mr. Dostal provided an overview of the Committee's goals for the benefit of the audience. He stated that the Bike & Pedestrian Committee works to improve facilities for those who get around on bicycle or on foot all throughout Town and surrounding communities when possible. As part of their work, they are asking the Select Board to consider the role of bicycles and pedestrians as it relates to the parking fee. He noted that part of the parking fund supports Advance Transit which has a common theme of finding ways to get people into downtown without taking up parking spaces. Mr. Dostal noted that anyone who parks a car downtown becomes a pedestrian the minute they get out of their car; better walking facilities would encourage people to use lots that might be further from the congested center of Town. He noted that bicyclists and walkers do not place a burden on the parking

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system but bicycles would still need to be parked downtown so part of the role of the Parking Fund might be to encourage better and possibly covered bicycle parking. The Committee is raising this issue in the context of this discussion so that everyone will consider bicycle and pedestrian usage as it relates to the Parking Fund and not with any specific request but just to keep it in mind.

John Ruth, Hanover resident, stated that he was looking at the parking fees and noted that his general observation is that if the goal is to get people off the streets, the fees for the parking garage should be less expensive than the meters on the street.

Ms. Griffin stated that one reason that the parking structure is not the least expensive option is that it's an expensive facility to maintain and within the Parking Fund budget there is a division which helps to defray the cost of maintaining that structure and it is balanced with the revenue created there. She stated that the intention was never to make it the least expensive place to park but to eliminate the concern over getting a ticket and not having to worry about a time limit on a parking space. The Town encourages people to park there because it is a ticket free garage and although it may cost more, but technically it's not legal to meter feed. She stated that the balancing act is the goal to get people off the street and to use the facility.

Mr. Ruth stated that to use the 10 hour meters behind Ledyard Bank, it costs \$3.00 for 10 hours but if they park in the parking garage it would cost \$15. He understands the goal to have the garage cover its expenses but he felt that it didn't make sense for the person looking for parking. Ms. Griffin stated that the parking lot on Maple Street was specifically priced with the more financially constrained downtown employees in mind. There was a lot of discussion about whether it was the Town's responsibility to provide affordable parking for employees. Ms. Griffin noted that this is the same with School Street and the parking deck behind Bank of America. She noted that there were discussions about raising the rates for these lots but this is not part of the discussion. Mr. Ruth stated that if they want to encourage people to park in the garage, they should lower the fees.

Mr. Deaett, Bike & Pedestrian Committee, thanked Betsy McClain and Patrick O'Neill for reviewing the proposal with their Committee. He stated that part of their motivation for participating in the discussion surrounds some financial constraints to pay for a plow and personnel to maintain additional sidewalks in addition to looking at multiple use facilities to accommodate bicyclists and pedestrian traffic. He stated that there is about \$1.5 to \$2 million/year that is part of the Parking Fund which goes to the Parking Facility and Advance Transit. He noted that about \$100,000 goes toward Advance Transit's fixed route system and then another \$100,000 for the downtown shuttle. Over a 5 year period there is \$1 million spent moving people by transit. He views the parking system as not primarily about parking vehicles in spaces but rather moving people in and out of Town. He noted that this does address automobile parking, Advance Transit and the Committee would like it to address the bike & pedestrian systems. Mr. Deaett suggested some kind of percentage or surcharge on the parking system that would be used for bike & pedestrian facilities.

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Selectman Buckey asked about zoning permits and whether information is readily accessible if someone wants to find out under what circumstances that a project needs a permit versus something that's a renovation. Ms. Griffin stated that they are fielding questions all the time about whether certain repairs or replacement work would require a permit.

Selectman Buckey felt that a link on the webpage with FAQs would be helpful to inform residents. Mr. Borkowski stated that this information is on the website and there is a link to the State building code. Mr. Buckey noted that he was looking on the website and didn't easily find it and wondered if they could make it simple by having a "Do I need a permit?" link.

Ms. Pridgen stated that there were two things that she was struck with regarding fees. 1) Parking fees are a profit center and because that money can't be applied to the General Fund, money for parking gets spent on new meters that can take a credit card. She would like to see them reduce the fee for parking instead of raising them when she's not sure what they are doing with the money other than spending it on things that don't make sense. She would like to see if the Town could defer the money to other initiatives such as bike trails, etc. but it didn't sound like this was possible at Town Meeting. 2) For citizens that want to come in to ask a question, with this proposed Rate and Fee Schedule they will be billed \$75.00/hour.

Ms. Griffin stated that they are not going to bill someone \$75.00 to ask a couple of questions. This fee was included for projects that require extensive research by staff. Ms. Griffin stated that she would clarify the wording for this item.

Ms. Griffin stated that if the Board approves the Rate and Fee Schedule, they will go into effect July 1, 2013.

Selectman Geraghty asked for clarification about the meters and the credit card issues regarding fees. Ms. Griffin stated that the convenience fees are not included in the schedule but they will provide the Board with more input on that as they go out to bid. She noted that Selectman Buckey wanted to make sure that the Town not absorb the convenience fees so there will be additional discussions.

Selectman Geraghty MOVED to Adopt the FY 2013-2014 Rate and Fee Schedule as Presented. Selectman Carter SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO ADOPT THE FY 2013-2014 RATE AND FEE SCHEDULE AS PRESENTED.

4. APPROVAL OF MINUTES:
- June 3, 2013

Selectman Carter MOVED to Approve the Minutes of June 3, 2013. Vice Chairman Rassias SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF JUNE 3, 2013.

5. ADMINISTRATIVE REPORTS.

Ms. Griffin noted that the landscaping is in at the Etna Library and the Public Works Department is in the process of finalizing the playing field surface and the parking area behind the Etna Fire Station. She noted that Town staff have been working diligently to finish the interior and the Town has saved money by having its staff complete this job. They are getting ready to schedule a ribbon cutting in the near future.

Chairman Christie asked what the long term plan was for reducing on street parking. Ms. Griffin stated that there will be signage but from what they have seen so far, people are not choosing to park on the street. Chairman Christie would like to see them accomplish this without signage.

The Board discussed upcoming Board of Selectmen meeting dates and decided to meet on July 1st and August 5th.

Ms. Griffin reported that they are working on a minor improvement to Thompson Terrace. Hank Tenney would like to add a small shaded pavilion on Thompson Terrace. He has received a donation of \$7,500 which is about half of the cost to construct the proposed pavilion. It could be located between the restrooms and the playground. Town crews may build this although they may not have time this summer.

Ms. Griffin reported that there is a proposal to erect downtown street directory signs which have been designed by Steve Arkwright of Hartford Sign. The Downtown Marketing Association (DMA) which previously existed has \$14,000 in remaining funds and she noted that the businesses on Allen Street and South Street have asked for directory signs at the beginning of both streets. There is a marketing committee of the Hanover Business Council which consists of Chamber members and people that were active in the DMA that came up with the design in consultation with Mr. Arkwright. There is enough money to purchase at least 2 signs. She noted that Mr. Arkwright is also working on a kiosk with a map that would be a directory to all of the businesses. The project is underway in collaboration with the Chamber and the businesses. Each of the signs could be updated with new businesses as they come in, etc. This is designed for the pedestrians. There could also be an orientation map kiosk as people come out from the parking garage to Lebanon Street to show where all of the businesses are located. She just wanted the Board to know about this project. Selectman Carter felt that people are noticing the P for the Parking Garage and that listing all of the businesses will be helpful for visitors from out of town.

Ms. Griffin reported that she and Selectman Buckey and Chairman Christie attended the Hanover Finance Committee meeting today. She noted that this week is the committee of conference in the State legislature and Town Managers and Finance Directors around the

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State are watching to see what the House and the Senate agree to. She noted that the State budget is underfunded by approximately \$88 million. The House rejected the casino bill and the Senate rejected the gas and cigarette tax. She is concerned that they will reduce the Rooms and Meals allocation. Their deadline is June 20th and everything is done behind closed doors.

6. SELECTMEN'S REPORTS.

Bill Geraghty

Selectman Geraghty had nothing new to report.

Athos Rassias

Vice Chairman Rassias had nothing new to report.

Nancy Carter

Selectman Carter reported that the Valley News did a good and accurate story about the Planning Board's work on Occom Ridge and the sorority house. The details were correct and she encourages the public to stay tuned. These are Dartmouth projects that will not have an impact on the taxpayers.

Selectman Carter reported that on June 25th, the Planning Board will have a site visit for the Tunis School House. They will leave the municipal building at 4:00 and there will be a small pot luck afterward at the School House so anyone interested in joining them can bring their own meal to that meeting.

Jay Buckey

Selectman Buckey reported that there was a Finance Committee meeting today and they went over the objectives for the budget. He noted that Chairman Christie reviewed the Board's overall goals such as planning for the long term in addition to the way that they deal with the downshifting from the State. Chairman Christie noted that this was the same document that was discussed in November/December and the objective was to set out the basic guidelines and principals that they have been following for many years in terms of developing the budget. Chairman Christie stated that they wanted the Finance Committee to see the document, review it and add their input to it. He reported that they will meet again on July 15th.

Ms. Griffin announced that on Wednesday, July 3rd at the Community Center at 7:00 p.m. there will be a viewing of Hanover 250th ~ The Movie. Bill Young has requested the Select Board members attend or drop in. She noted that Bill Young, Willy Black and Tom Byrne took the hours and hours of videotape from the celebration and made it into a 33 minute movie. Ms. Griffin reported that there would even be a red carpet for this event.

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Ms. Griffin reported that the visitors from Sister City Nihonmatsu, Japan will be in Hanover on July 26th through 28th. She noted that the traditional celebration and barbecue will be held on July 27th at the Dartmouth Outing Club and encouraged Board members to attend.

7. OTHER BUSINESS.

Chairman Christie MOVED to Follow the Request for a Non-Public Session to Discuss Items Pursuant to RSA 91-a: 3, II (c) and (e).

SELECTMAN GERAGHTY VOTED YES; VICE CHAIRMAN RASSIAS VOTED YES; CHAIRMAN CHRISTIE VOTED YES; SELECTMAN CARTER VOTED YES; AND JAY BUCKEY VOTED YES. THE BOARD WENT INTO NON-PUBLIC SESSION AT 8:40 P.M.

Chairman Christie MOVED to Exit the Non-Public Session. Vice Chairman Rassias SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO EXIT THE NON-PUBLIC SESSION AT 9:28 P.M.

8. ADJOURNMENT.

Chairman Christie MOVED to Adjourn the Meeting. Vice Chairman Rassias SECONDED the Motion.

THE BOARD VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:28 P.M.

Respectfully Submitted,

Nancy A. Carter, Secretary

Minutes prepared by Elizabeth S. Rathburn.

SUMMARY

1. **Vice Chairman Rassias MOVED to Set a 2nd Public Hearing on Monday, July 1st to Consider and Adopt a Rental Housing Ordinance for the Town of Hanover. Selectman Buckey SECONDED the Motion.**

THE BOARD VOTED UNANIMOUSLY TO SET A 2nd PUBLIC HEARING ON MONDAY, JULY 1ST TO CONSIDER AND ADOPT A RENTAL HOUSING ORDINANCE FOR THE TOWN OF HANOVER.

2. **Selectman Geraghty MOVED to Adopt the FY 2013-2014 Rate and Fee Schedule as Presented. Selectman Carter SECONDED the Motion.**

THE BOARD VOTED UNANIMOUSLY TO ADOPT THE FY 2013-2014 RATE AND FEE SCHEDULE AS PRESENTED.

3. **Selectman Carter MOVED to Approve the Minutes of June 3, 2013. Vice Chairman Rassias SECONDED the Motion.**

THE BOARD VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF JUNE 3, 2013.

4. **Chairman Christie MOVED to Follow the Request for a Non-Public Session to Discuss Items Pursuant to RSA 91-a: 3, II (c) and (e).**

SELECTMAN GERAGHTY VOTED YES; VICE CHAIRMAN RASSIAS VOTED YES; CHAIRMAN CHRISTIE VOTED YES; SELECTMAN CARTER VOTED YES; AND JAY BUCKEY VOTED YES. THE BOARD WENT INTO NON-PUBLIC SESSION AT 8:40 P.M.

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6. **Chairman Christie MOVED to Adjourn the Meeting. Vice Chairman Rassias SECONDED the Motion.**

THE BOARD VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:28 P.M.