

Selectmen's Meeting Minutes

May 4, 2009, 5:00 p.m.

Corner Meeting House

Vice-Chairman Jon Pike called the meeting to order at 5:00 p.m.; also present were Selectman David Morse, Town Administrator K. Jeanne Beaudin, Administrative Assistant Cary Lagace, Building Inspector Steve Dalton, Town Planner Candace Daigle, Deputy Fire Chief Sean McCarty, Donna Cilley, many Belmont Landlords and Daily Sun Reporter Kinney O'Rourke. Chairman Cormier was absent from the meeting.

Those present stood for the Pledge of Allegiance.

Minutes

Selectman Morse moved to accept the minutes of the April 20, 2009 meeting as written. Selectman Pike seconded and the motion passed unanimously.

4 Holly Tree – Romprey Agreement

Town Administrator Beaudin advised that the Romprey discussion has been rescheduled to the May 18th meeting.

Other New Business

Town Administrator Beaudin explained that she has received the Phase II assessment on the Pleasant Valley project. It states that 3 test pits were used as well as 2 soil borings. This assessment revealed no contamination. Some tires and steel were uncovered and they have recommended the removal of these items during the construction process. No further testing is required and the monitoring wells will be removed.

Town Administrator Beaudin noted that the Horne Road project is pending questions on the wetlands application being answered by the engineering firm and then they will proceed with the construction.

Selectman Pike noted that at the last meeting the Board tabled discussion regarding Police Department hiring and inquired when that discussion will resume. Town Administrator Beaudin noted that Chairman Cormier requested that the discussion take place at the next

meeting when he can be present. Selectman Pike asked why the positions were being posted for hiring, Town Administrator Beaudin indicated that the postings had taken place prior to the Boards last meeting and expired on April 15, 2009. The posting was for 2 new hires as well as to create a list for future reference similar to the list the Fire Department created. Selectman Morse noted that he had been asked to sit in on the interviews for the Police Department, Town Administrator Beaudin clarified that there would be no one hired until authorized by the Board.

Selectman Pike referred to a memo from the Code Enforcement Officer Steve Dalton requesting the Boards direction for handling an animal complaint received from a resident of Granite State Campground, property of Helmut Busack. Selectman Pike briefed Selectman Morse of the previous situation there and the time constraints put on him to resolve the other junkyard related issues. Selectman Pike suggested that Steve Dalton visit the property to determine if progress has been made on the junkyard issues and look into the animal situation while there and advise Mr. Busack of the complaint regarding the animals.

The Board received a copy of a letter from Mr. Brouillard regarding the interest on Land Use Change Lax penalties on properties located in Sun Lake Village. Town Administrator Beaudin noted that she will pull together further information for the Board for discussion during their May 18th meeting.

Selectman Pike commented that the trash problem on Wildlife Boulevard that was previously discussed hasn't changed, Town Administrator Beaudin advised that she will contact Bestway Disposal again regarding this issue.

Town Administrator Beaudin advised the Board that tax bills have been mailed and they will receive the tax deed property list soon. She noted that Detective Rowe had visited Mr. Dupont and with a less than cordial visit has passed the case onto the county attorney.

Selectman Morse noted that he had recently visited a foreclosed property and noticed significant iron staining on the bathroom facilities and suggested that town water be made available to those that may not be able to drink their own water. Town Administrator Beaudin reminded the Board that the Town pays the Water Department for municipal water usage. He expressed that it was a thought he had to help out those with less than desirable water.

Selectman Morse expressed that part-time pay was coming out of the special duty line item in the Police Department budget and he thought this line item should only be utilized for third party billing parties.

Selectman Morse moved to have the special duty line item utilized for third party billing and should not be used for part-time, SRO or community related activity. Selectman Pike seconded and the motion passed unanimously.

Public Hearing – Residential Health & Safety Inspection Program Ordinance

Vice Chairman Pike opened the Public Hearing at 5:30 p.m. He read from the letter that Steve Dalton sent to all landlords "The primary purpose of this ordinance is to make certain that rental properties are in compliance with State of NH RSA 48-A:14, Minimum Standards for Rental Housing, the National Fire Protection Code, Life Safety 101, and the National Electrical Code 70. We would like to remind you that the intent of this ordinance is to provide you with a tool to assist you in providing safe, healthy and quality housing for the residents of the Town of Belmont. It is not the intent of this proposed ordinance to create cost or

inconvenience to our rental property owners. The Town will work closely with property owners on property inspections; provide valuable and timely feedback regarding any deficiencies noted, timely follow-up inspections and formal documentation of closed items.

Lawrence Spaulding began with asking if inspections had to be done at the time of construction why additional inspections are needed now, Selectman Pike explained that during fire calls and medical calls the fire department is arriving at some locations that have apartments that the Town isn't aware of as well as conditions that aren't safe or healthy. He also noted that if rental codes change, there should be a way for the Town to see if rental units are keeping compliance.

Howard Warren spoke stating that the Town is creating cost and inconvenience for landlords even though it is stated that isn't the intent of the ordinance. He stated that the landlords' tax dollars should cover the cost of these inspections if the Town is going to adopt this ordinance. He went on to point out several inconsistent items within the ordinance which Steve Dalton indicated to be typographical errors that would be corrected. Howard suggested that the length of time to respond to issues is not enough and 120 days was suggested as more reasonable. He added that the language included for the attested signature is not reasonable and most landlords' attorneys would advise against signing it. Steve expressed that he understood their concern of the language but it had been approved by Town counsel but he could have them review it further.

Glen Worsman spoke indicating that the inspections are not necessary and with fees for the inspections they will be forced to raise rents on tenants that may already be struggling to get by. He noted that they work with the Landlord Association and do their best to make sure their units are safe. He added that those that currently are out of compliance now will not comply even with the ordinance, he urged the Board not to adopt this ordinance. Steve noted that many of the conditions that are of concern are often found by the Fire Department however, for the health and safety of the tenants the ordinance may address the conditions before they become life safety concerns. He noted that although the group in attendance may very well be in compliance there are far more landlords than who has attended the meeting. Mr. Worsman then stated that every 6 months to a year his insurance requires inspections, too.

Curtis Spaulding indicated that many units were built before there were rental codes. He also noted that the landlord can't control the tenant's actions and there will continue to be problems whether there is an ordinance or not. Tenants will use supplemental heating units which can be hazards and these inspections won't fix that.

Mark Condodemetraky spoke noting that Laconia is doing these inspections now too but they are doing them through the Fire Department and for free. He noted that on the checklist provided the items are very broad and may not be controllable by the landlord. Clean kitchens and mowed lawns are unreasonable items. There was discussion regarding the fees being charged and it was noted that the fees would be \$50 for the first rental unit and \$25 for additional units. Selectman Morse noted that those fees would be per building. Mark stated he thought the fees should be waived. Selectman Morse expressed that he didn't think the taxpayers should have to pay for these business related expenses, the cost of having a business. Mark added that it is an imposition and unreasonable.

Steve Woodbury stated he is dissatisfied with the ordinance, if this is a safety concern no one should be exempt from the inspections. He noted that he is unaware of any rental unit deaths in Belmont although there have been single dwelling unit deaths. He noted that the Fire Department does an excellent job looking out for the renters and rental units and the ordinance

goes overboard. As a landlord he is subject to yearly insurance inspections and doesn't feel the Town should be policing this. Steve Dalton noted that nobody is exempt, all must have inspections, some may be exempt from fees. He added that owner occupied units would not be inspected.

Frank Sweeney asked why any of this is necessary when they have their insurance company telling them what they need to address each year, Selectman Pike noted that when the Fire Department goes to a place and it isn't as it was approved or described, those situations need to be addressed. He added that recently an ordinance for gravel pits was being proposed with similar reservations from the gravel pit owners, but he Town and the owners were able to sit down and hammer out an ordinance that satisfied both sides and suggested that perhaps and ad hoc committee be formed to work on this ordinance as well.

Bob Reed commented that he thinks this is a reasonable idea, but what he is hearing is an objection to the fees. Stephen Hess commented that where he used to live there was a violation list kept by the Town, more than one violation and the landlord was subject to inspections, three years without a violation and the landlord was removed from the list. He felt this process focused more on those landlords that needed to be regulated.

There was further discussion regarding setting up a committee to work on the ordinance. Selectman Pike suggested that a few landlords would be picked from the list of attendees and contacted to participate on the committee. It was suggested that the landlords be kept abreast of who would be serving on the committee. It was also suggested that the Town contact the Landlord Association and perhaps speak at one of the meetings as to what the community is doing.

With no further comment Vice-Chairman Pike close the public hearing at 7:02 p.m.

Next Meeting

The next regular Board of Selectmen's meeting will be Monday, May 18, 2009 at 5:00 p.m., at the Corner Meeting House.

Adjournment

The meeting adjourned at 7:05 p.m.

Ronald Cormier, Chairman

Jon Pike, Vice Chairman

David Morse