

*Approved - June 22, 2011*

**Town of Durham  
Rental Housing Commission**

May 18, 2011

4:00 pm

**Members Present:** Kitty Marple, Brett Gagnon, Ann Lawing, Mark Henderson, Jessica Fruchtmann (UNH Student Body VP), A.J. Coukos (UNH Study Body President), Paul Berton

**Public Attendees:** Deputy Police Chief Rene Kelley, Todd Selig, James Lawson, Assistant Fire Chief Jason Cleary, Jay Gooze, Tom Johnson, Pam Weeks, Richard Conrad, Diana Carroll, Annmarie Harris, Mark Rubenstein, Dianne McCann, Cathy Maranhão, Police Chief David Kurz,

I. Approval of the minutes from April 13<sup>th</sup>

*Kitty Marple MOVED to approve the April 13<sup>th</sup> Durham Rental Housing Commission meeting minutes as written. This was SECONDED by Ann Lawing and APPROVED unanimously.*

Chair Marple introduced the new temporary members; A.J. Coukos, UNH Student Body President and Jessica Fruchtmann, UNH Student Body Vice President; and informed the members that they would be temporarily assigned to the Commission until the end of the summer.

II. Reports from Town Representatives (Code Enforcement, Police, Fire, Town Administrator and other boards or commissions)

Police Department Report:

Deputy Chief Rene Kelley reported that it has been a quiet spring with a few exceptions. He said the arrest and complaint numbers are down from previous springs. Deputy Chief Kelley noted that UNH graduation is this weekend.

Chair Marple asked about a University event, which resulted in some noise complaints. Deputy Chief Kelley said that there was a University approved event on the “quad” sponsored by Dining Services, which was issued a permit from 4-7 pm. He said the Police Department received a number of noise complaints to which the Police responded and requested that the volume be lowered. Deputy Chief Kelley said the organizers responded immediately to their request.

Jay Gooze inquired if the Police Department had received complaints from the residents at 5 Bagdad Road. He noted that the owners of the property have stated that the area has too much noise and have moved out of the home because of this issue. Deputy Chief Kelley said there were only two complaints regarding this area during the year. Mr. Gooze noted that if residents do not phone in complaints to the Police Department there is no record of the issue. He encouraged residents to phone in complaints to the Police Department when they have an issue.

#### Fire Department Report:

Assistant Fire Chief Jason Cleary reported that it has also been a quiet spring for his department. He said they have been doing assembly checks on the weekend and everyone has been cooperative and dealt with any problems immediately. Assistant Chief Cleary said with regard to 5 Bagdad Road, they have been in the area and have not observed an inordinate amount of people.

Chair Marple asked about the fire truck activity at 9/11 Madbury road. Assistant Chief Cleary said that the building is scheduled to be demolished and the owner has allowed the Fire Department to use it for training until it is demolished.

#### Code Enforcement Office:

Tom Johnson reported that it has been a relatively quiet spring for his office as well. He noted there have been a few trash complaints and a couple of tenant complaints regarding landlord issues. He reported that the case of 14 Valentine Hill has seen some action in the form of payment of two cashier checks for fines and late fees. Mr. Johnson also reported that the Capstone Project Manager is interested in renting the house for the duration of the project.

Mr. Johnson reported that the trash violation notice process is being looked at for possible changes for the coming semester. He noted the Town is contemplating issuing a “first offense” for the first notice instead of a warning and a fine for the second offense.

Chair Marple asked if there has been any activity regarding 54 Oyster River Road. Mr. Johnson said they were sent a violation notice 2 or 3 days ago and the owner met with him and the Town Administrator this morning. He said they are now waiting to see what response the owner takes and will proceed accordingly. Mr. Johnson explained that this property is a single family home in the faculty neighborhood that has had a history from the 1990s of over occupancy and/or noise concerns. He said the property has a basement apartment that was not created legally. Mr. Johnson said in 2003 violation letters were sent out and an inspection found deficiencies. He said that at that point the owners noted that they would no longer be renting the basement apartment. Mr. Johnson said over the past year the owners have expanded parking into the woods and on both sides of the driveway and have begun removing trees. He said this was brought to the attention of the Code Enforcement Office, which discovered that the owners never filed a building permit to make the apartment legal even though they have begun renting it out again. Mr. Johnson said the owners did respond to the latest letter and did come in to discuss the situation, so the office will see what they do to resolve the issues.

Jay Gooze asked Mr. Johnson to comment on the Capstone project. Mr. Johnson said the project team has agreed to allow the Town health and safety office to do inspections throughout the year and will write this into the tenants’ lease. He said they would also allow the Town to enforce the trash ordinance on their property and inspect the clubhouse, pool and common area once a semester. Mr. Johnson reported that they have been very cooperative.

#### Town Administrator Office:

Todd Selig reported that invitations were sent to residents of Coe Drive to attend this meeting to

discuss the subdivision. He thanked Richard Conrad and Cathy Maranho for attending.

Mr. Selig reported on the following projects;

(1) **“Family Lives Here” signage project** – signs were placed outside the clerk’s office to make them visible to residents. He reported residents have picked up a few more for their use.

(2) **“Welcome to the Neighborhood” signage project** – should be in place by the fall when students return. He reported that the signage will be made of reflective material.

(3) **Billboard happy hour advertising** – He said the Senate did allow for the version of the bill to include a local “opt out” option by the governing body for outside billboards, but did allow inside signage that faces out. Mr. Selig said the bill was sent to the House who have been asked to modify the language to allow local broader oversight. He said subsequent meetings have been held and it appears that the Committee Chair is willing to allow the governing body in a town or city to put a temporary stay on outside and inside signs if the legislative body in the town/city affirms that during the town meeting. Mr. Selig noted that in Durham the Town Council is both the governing and legislative body. He said this change in language is receiving some criticism from the Chief of the Liquor Commission who feels they should have the only authority over this and does not like the patchwork approach. Mr. Selig summarized that it appears there is some consensus for a local “opt out” option.

Mr. Selig reported that a reminder letter has been sent to realtors focusing on rental properties in town. He said a similar letter has been sent to property owners within the central core and will be sent again in late August as students are returning.

Mr. Selig reported that the Town received a response from the owner (Steven Spielman) of 5 Bagdad Road. He said Mr. Spielman noted that he met with his tenants to discuss the concerns. Mr. Spielman said in a letter that the tenants recently had a gathering in the afternoon to which the police responded and asked them to reduce the noise, which they did. The letter states that he has had no other notice of problems throughout the year. He said he finds the tenants to be good tenants who try to respect Town ordinances. Mr. Selig said it is a challenge if people are not reporting concerns to the Police Department to quantify to a landlord that there have been issues with their property and ask them to respond to them. He said the Town wants to encourage residents to phone in disturbances, which allows us to respond and begin the paper trail needed to address the situation. Mr. Selig encouraged residents to become more active partners in the recording of incidents.

Chair Marple asked how this could be done, perhaps “Friday Updates”. Mr. Selig said that would be one way, or a targeted letter to residents in the central core encouraging them to call if they see violations.

A.J. Coukos suggested encouraging the neighbors to build a relationship with the student tenants, discuss the issues with them, and encourage them to behave appropriately.

Mr. Selig said the Town has historically done that, and continues to encourage people to do that and to get to know their neighbors. He said it is effective to a point.

Pam Weeks noted that the problem could be people walking by causing noise and disturbances.

Tom Johnson reported that there is a potential sale of Rob Watson's property on Davis Court. He said if and when the sale goes through the Town will make an effort to have the new owners attend a Rental Housing Commission meeting.

III. Public comments – none at this meeting.

IV. Discussion of recent rental properties under scrutiny – this was discussed previously in the meeting.

Chair Marple asked Ann Lawing if others at UNH hear about properties that are an issue. Ms. Lawing responded that her superiors are made aware of issues that arise and that some people will phone the President's Office to complain regarding student behavior.

V. Welcome Coe Drive guests to discuss possible neighborhood association

Richard Conrad and Cathy Marano were present from the neighborhood.

Chair Marple said the Commission would like to present the idea of a neighborhood association for the Coe Drive area.

Richard Conrad said the only cohesive effort at this time is for plowing. He said in the past he has sent emails to all the owners in an attempt to come to some consensus regarding the upkeep of the property, but has been unsuccessful.

Tom Johnson said in the past the Town has suggested the owners getting together as a group to have the roads and the driveways in the subdivision paved as a whole in order to get a more economically favorable price.

Annmarie Harris suggested planting a hedgerow on the grass median strip. Mr. Conrad said he did not believe this would solve any of the problems. Ms. Harris said it would act as a visual blockage.

Richard Conrad said he would send an email to the owners and speak with Tom Johnson regarding getting the road paved. He asked what other issues they would like him to attempt to discuss with the other owners.

Chair Marple suggested discussing over occupancy and illegal parking.

Paul Berton asked how many properties are owner occupied and how many are rentals. Tom Johnson replied 50% are owner occupied and 50% are rental properties.

Jay Gooze asked the Police Chief if the area has been problematic recently. Chief Kurz responded that he does not have the data in front of him, but it is an area that the department does receive calls about; he said it is not one of the more troubled areas, but somewhat active.

Richard Conrad said he believes that over the last quarter there have only been one or two calls.

Chief Kurz agreed, saying it has been an outstanding spring and would like to build on that.

Jay Gooze asked Tom Johnson if there have been trash complaints in the area. Mr. Johnson responded that traditionally there has been an issue of trash violations. Richard Conrad encouraged the Town to write trash violations as needed, he said this is the tenants' responsibility and they need to be aware of this.

Paul Berton suggested that the rental property owners on Coe Drive would benefit from using a monitoring service similar to one used by many of the town's rental property owners. He said that for 10 or 12 duplexes the service would be cost efficient. Mr. Berton said the service consists of individuals trained to monitor the social activities going on at student properties.

Chair Marple asked how they respond if they observe inappropriate activity. Mr. Berton said they would knock on the door of the property and ask them to comply with appropriate behavior, if this does not occur they will phone the police and report the incident. He said this does not solve all problems, but is quite effective for a majority of the time.

A.J. Coukos suggested that if this type of service is employed the student renters should be made aware of that. Mr. Berton agreed, and said he makes a point of telling his renters that such a service occurs on his properties. Ann Lawing noted that this is often a favorable feature to students renting property.

Diana Carroll asked Mr. Conrad if he thought the other landlords would be interested in this type of service. Mr. Conrad said he was not aware of the other landlord's financial status, so could not respond. He said this type of thing comes down to dollars and cents. Mr. Conrad suggested beginning small by working on the trash issue and paving of the asphalt and then moving on from there. He said he believes if they try to do too much at once it may result in pushing people away.

Jay Gooze asked Mr. Conrad if he was willing to email the other owners to broach those subjects and the subject of a cost efficient security system Thursday through Sunday. Mr. Conrad said he would be happy to.

Mark Henderson said one of the good points of the service is that a report from the service comes in of an issue and allows the landlords to address the problem very quickly.

Chair Marple thanked Mr. Conrad and Ms. Maranho for coming and meeting with the Commission.

VI. Further discussion on the possibility of having a Planning Board member attend RHC meetings

Chair Marple noted that this topic was introduced and discussed at last month's meeting.

Jay Gooze noted that the Planning Board members have a lot of responsibilities and he does not see how they would be able to take on another one.

Paul Berton asked if the Durham Rental Housing Commission would become involved in addressing market place issues and if that is the reason why they would like a Planning Board member to become involved with the Commission.

Chair Marple responded that some people have expressed concerns over the building of more and bigger buildings downtown which include student housing. She said the suggested idea was to assist in having the Planning Board become more aware of people's concerns about more student housing downtown.

Jay Gooze said he does not feel this is a charge of the Commission, it is important, but not a charge of this Commission.

Paul Berton said he would have to review the charge of the RHC and then comment.

Tom Johnson noted that the Durham Landlord Association recently sent an email letter to the Town expressing some of their concerns. He suggested that the DLA and the Durham RHC may wish to speak to the subcommittee of the Master Plan planning which is working on the portion of the master plan dealing with these issues.

Jay Gooze said the Master Plan survey has questions addressing how the Town residents feel about more rental units and where they would like to see them built.

Todd Selig said the specific suggestion at the last RHC meeting was to have a member of the Planning Board as a standing member of this Commission or vice versa. He said he believes the Planning Board members are already overtaxed and if there is an issue the Rental Housing Commission should express their concerns to the appropriate board/commission/committee as an issue arises. Mr. Selig suggested this could be done in writing, or have a representative attend a meeting and discuss the issues to ensure that the members are aware of the issues being discussed here at the Rental Housing Commission meetings.

VII. Should the town and UNH have a voluntary "seal of approval" list for certain rental properties? Is this a realistic goal?

Chair Marple said this issue has been discussed in the past as a way of designating properties with a seal of approval through inspection and being included and published at UNH and other locations for the purpose of giving students the knowledge of which properties have met certain requirements (health and safety). She noted that the Capstone management team appears to be undertaking this type of an effort.

Jay Gooze asked what the landlords on the Commission think of this idea. He said he feels it is a good idea, and one that many University towns have adopted and find useful.

Chair Marple asked if the Town would be able to implement such a plan.

Mr. Selig said the Town would be able to work with this type of plan, but feels a consensus is

needed as to what would qualify a property. He said the question also needs to be asked if the landlords in the community would participate. Mr. Selig asked if the Commission feels it is worth pursuing this. He said decisions would need to be made as to a fee to be charged for the inspections and how often inspections would occur. Mr. Selig said he envisions properties being inspected and meeting certain predetermined criteria receiving a seal of approval and then asking the University to create a page on their website for students that lists “sanctioned” or “approved” properties. He said he sees this as a marketing tool for the landlords.

Richard Conrad commented that coming to a consensus on the criteria is the important step.

Chair Marple asked if a working session on this topic should be scheduled to discuss and come to consensus on the criteria.

Paul Berton said he would like the opportunity to bring this issue to the DLA membership for their input.

Ann Lawing said the issue would need to be discussed at the University.

Mark Berton said he does not know how much value such a seal of approval would have unless the University was in support of it.

Mark Rubinstein (Vice President for Student & Academic Services) said this type of listing would provide some concern of potential liability. He said the University shares an interest in having the students identify safe properties and in working with landlords that are respectful and responsible. He said the University would need to do some due diligence on liability and the criteria.

Jay Gooze suggested looking at what the DLA currently has for criteria for its membership.

Mr. Selig commented that in the past the Town has discussed a sanction-based approach of mandatory inspections. He said this would be a voluntary inspection program with a marketing benefit. Mr. Selig noted the benefit to UNH of assuring that space where students are living are of a higher quality. He said for the landlords, if they choose not to participate it will be a market liability and ideally there would be so much of an advantage, that all would participate in the program. Mr. Selig said the first step is to find out if there is openness to this idea.

Chair Marple encouraged Mr. Berton and Mr. Henderson to approach the membership of the DLA and for Ann Lawing to discuss the matter with UNH counsel.

Ann Lawing said she also hears the theme of looking at raising the profile of an asset we already have, the Durham Landlord Association. She said she will be thinking about how that can be done at UNH.

VIII. New business – none at this time

IX. Date of next meetings for the Durham Rental Housing Commission

The next meeting of the Durham Rental Housing Commission will be Wednesday June 22<sup>nd</sup> at 4 pm. The following meeting has been scheduled for August 17th.

Chair Marple noted that this has been the last meeting as a Commission member for Mark Henderson, who will be replaced by Pam Weeks. She thanked him for his long-standing commitment to the Rental Housing Commission.

X. Adjourn

The May 19<sup>th</sup>, 2011 meeting of the Durham Rental Housing Commission adjourned at 5:25 pm.

Respectfully submitted by,

Sue Lucius, Secretary to the Durham Rental Housing Commission