

CITY COUNCIL WORK SESSION

Legislation Delegation

May 1, 2006 – 6:15 p.m.

Council Chambers

City Council Present: Mayor Marchand, Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds, Pantelakos, Whitehouse, Smith and Hynes

Officials Present: John P. Bohenko, City Manager; Robert Sullivan, City Attorney; Dave Allen, Deputy Public Works Director; Dr. Robert Lister, Superintendent; Pat Remick, Coalition Coordinator; Christopher LeClaire, Fire Chief

Others Present: Representatives Christopher Serlin, Jim Powers, Jacqueline Cali-Pitts, Terie Norelli, Jim Splaine; Executive Councilor Ruth Griffin; Senator Martha Fuller Clark; and School Board member Nancy Clayburgh

Mayor Marchand called the meeting to order at 6:20 p.m.

Pat Remick, Coalition Coordinator provided a brief history relative to the education funding issue. She spoke regarding donor towns and the present court case relative to this matter. Senator Clark said that there is still a concern with the statewide education funding issue. She advised the City Council that this is a moving target and we do not have a clear picture of how this will go forward.

Mayor Marchand said that it appears that FY07 will not be impacted by any changes in the education funding. City Manager Bohenko advised the City Council that since 1999 we have always built our budget with the existing law.

Representative Powers spoke to the Tolend Street Superfund landfill in Dover, which is sending toxic materials toward our reservoir. He advised the City Council that this is not a panic situation and may effect our reservoir in 30 years. He also said that he has discussed this matter with Deputy Public Works Director Allen and that there may be legislation brought forward in the next year to address this matter.

City Manager Bohenko advised the City Council that the staff has been tracking this issue and will continue to do so. He also advised the City Council that we are working with the City of Dover on this matter as well. He said that he would like to work closely with Representative Powers and the Legislative Delegation on this matter.

Deputy Public Works Director Allen reported to the City Council that he is in contact with the DES, EPA and the Project Manager in the City of Dover regarding this matter. He advised the City Council that we are working on testing the wells to measure the strength of the contaminants. He also advised the City Council that the DES has informed him that before any reopening of the landfill is done a treatment system would need to be in place and all parties must be happy with it.

Representative Splaine spoke on the Election Committee and various law changes. He reported that all elections are required to have a paper trail and all recounts will be done by hand. He also advised the City Council that New Hampshire would remain the first in the nation for the Presidential Primary Election.

Representative Norelli thanked City Clerk Barnaby for contacting the Legislative Delegation regarding election bills of concern to express their effect on an election and the staff that handles elections.

Senator Clark reported that a large number of study bills have been tabled. She said that the State is looking to combine some study committees to remove the bills tabled and pass them in a consolidated form. She advised the City Council that Pat Remick is doing a great job tracking the education funding issues and thanked her for the work she has done.

Dr. Lister discussed the possible modifications to legislation regarding upgrading of schools in downtown city areas. He spoke to the minimum state aid requirements for school building aid as related to minimum amounts of land area (including, minimum amount of land required per student and whether it can be waived). He said that we would be eligible for 30 to 40% funding and that we would need to apply for that funding to build a new school. He advised the City Council that we would not be eligible for any State funding if we renovated the Middle School. He also advised the City Council that the School Board is still interested in meeting with the City Council to discuss the Feasibility Committee report regarding the Portsmouth Middle School.

Mayor Marchand advised the City Council that we are looking to hold the work session with the School Board the first or second week in June.

Assistant Mayor Ferrini asked if there were options for our community and others to allow for renovations and funding by changing the standards and laws. Senator Clark said that we can request a waiver for the renovations of urban school sites.

Mayor Marchand briefly addressed legislation to allow local governments to adopt a circuit breaker on property taxes. Representative Splaine suggested developing a dialogue committee consisting of the NHMA and legislatures on how you could make a circuit breaker work. Mayor Marchand also addressed legislation to lower the interest rate to attach to a taxpayer putting a lien on their home in lieu of taxes (now at 5% for elderly and disabled). Representative Powers said that most people do not know that this is an existing law that they can take advantage of.

City Manager Bohenko advised the City Council that the Tax Collector has advised him that most people do not want to have a lien put on their property therefore, they choose not to take advantage of the law. Representative Powers encouraged individuals to look at this as a loan and not a lien.

Senator Clark advised the City Council that the State of Maine has a circuit breaker. Mayor Marchand said that the law should not be age specific. Senator Clark advised Mayor Marchand that in the State of Maine the circuit breaker is based on income and not age.

At 7:15 p.m., Mayor Marchand closed the meeting.

Respectfully submitted by:

Kelli L. Barnaby, CMC
City Clerk