

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, FEBRUARY 18, 2014 TIME: 6:00PM

AGENDA

- 6:00PM – WORK SESSION RE: GENERAL SERVICES ADMINISTRATION (GSA) – FEDERAL MCINTYRE BUILDING AND PROPERTY

I. CALL TO ORDER [7:00PM or thereafter]

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES – NOVEMBER 18, 2013 AND DECEMBER 2, 2013

VI. PUBLIC COMMENT SESSION

VII. PUBLIC HEARINGS

- A. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE ELDERLY REAL ESTATE TAX EXEMPTION:

PROPOSED INCREASE OF ELDERLY EXEMPTION BY 1.5%

SINGLE	\$35,704.00 INCREASE OF \$528.00
MARRIED	\$44,044.00 INCREASE OF \$651.00
ASSET LIMIT OF	\$119,016.00 INCREASE OF \$1,759.00

- B. RESOLUTION INCREASING THE MAXIMUM INCOME LIMIT FOR INDIVIDUALS QUALIFYING FOR THE DISABLED REAL ESTATE TAX EXEMPTION:

PROPOSED INCREASE OF DISABLED EXEMPTION BY 1.5%

SINGLE	\$35,704.00 INCREASE OF \$528.00
MARRIED	\$44,044.00 INCREASE OF \$651.00
ASSET LIMIT OF	\$119,016.00 INCREASE OF \$1,759.00

- C. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM UNASSIGNED FUND BALANCE FOR NECESSARY EXPENDITURES RELATED TO THE ANTICIPATED APPROVAL OF CONTRACTUAL OBLIGATIONS IDENTIFIED IN THE FIRE DEPARTMENT CONTRACTS OF UP TO NINETY-SEVEN THOUSAND (\$97,000.00) DOLLARS

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Authorizing a Bond Issue of up to Three Million Five Hundred Thousand Dollars (\$3,500,000.00) related to the Design and Construction of the Hobbs Hill Landing Water Tank Replacement (***Sample motion – move to pass first reading and authorize the City Manager to bring back for public hearing and adoption of the proposed Resolution at the March 3, 2014 City Council meeting***)

- B. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption:

Proposed increase of Elderly Exemption by 1.5%

Single	\$35,704.00 increase of \$528.00
Married	\$44,044.00 increase of \$651.00
Asset Limit of	\$119,016.00 increase of \$1,759.00

(Sample motion – move to adopt the Resolution, as presented)

- C. Adoption of Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption:

Proposed increase of Disabled Exemption by 1.5%

Single	\$35,704.00 increase of \$528.00
Married	\$44,044.00 increase of \$651.00
Asset Limit of	\$119,016.00 increase of \$1,759.00

(Sample motion – move to adopt the Resolution, as presented)

- D. Adoption of Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for necessary expenditures related to the anticipated Approval of Contractual Obligations Identified in the Fire Department Contracts of up to Ninety-Seven Thousand (\$97,000.00) Dollars ***(Sample motion – move to adopt the Resolution, as presented) Please note: The adoption of a Supplemental Appropriation from Unassigned Fund Balance Resolution requires a two-thirds vote of the City Council.***

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Holly Davis and Melissa Mikulski, Bottomline Technologies, requesting permission to hold an annual 4 mile Road Race to raise money and awareness in support of local charities on Saturday, September 20, 2014 at 8:30 a.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Request for License from Aaron Smith, owner of The Fresh Press for property located at 90 Fleet Street for a projecting sign on an existing bracket ***(Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Aaron Smith, owner of The Fresh Press for a projecting sign at property located at 90 Fleet Street and, further, authorize the City Manager to execute License Agreements for this request)***

Planning Director's Stipulations:

- ***The license shall be approved by the Legal Department as to content and form;***

- *Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and*
- *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works*

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Ralph and Linda DiBernardo regarding the Islington Street project
- B. Letter from Katharine Muth, New Hampshire Art Association (NHAA) requesting permission for the NHAA to host an En Plein Air event, “Hanging Out To Dry” where artists paint scenes in the open air on Saturday, July 19, 2014 from 9:00 a.m. – 3:00 p.m. at various locations throughout the City

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

- 1. First Reading of Proposed Resolution and Ordinance Amendments:
 - 1.1 Resolution Authorizing a Bond Issue of up to Three Million Five Hundred Thousand Dollars (\$3,500,000.00) related to the Design and Construction of the Hobbs Hill Landing Water Tank Replacement ***(Action on this item should take place under Section VIII of the agenda)***
- 2. Public Hearing/Adoption of Proposed Resolution and Ordinance Amendments:
 - 2.1 Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption: ***(Action on this item should take place under Section VIII of the agenda)***

Proposed increase of Elderly Exemption by 1.5%

Single	\$35,704.00 increase of \$528.00
Married	\$44,044.00 increase of \$651.00
Asset Limit of	\$119,016.00 increase of \$1,759.00

- 2.2 Resolution Increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption: ***(Action on this item should take place under Section VIII of the agenda)***

Proposed increase of Disabled Exemption by 1.5%

Single	\$35,704.00 increase of \$528.00
Married	\$44,044.00 increase of \$651.00
Asset Limit of	\$119,016.00 increase of \$1,759.00

- 2.3 Resolution Authorizing a Supplemental Appropriation from Unassigned Fund Balance for necessary expenditures related to the anticipated Approval of Contractual Obligations Identified in the Fire Department Contracts of up to Ninety-Seven Thousand (\$97,000.00) Dollars (**Action on this item should take place under Section VIII of the agenda and will require a 2/3 vote for passage**)

City Manager's Items Which Require Action

1. Proposed Action on Firefighters' and Fire Officers' Collective Bargaining Agreements
2. Adoption of Capital Improvement Plan (CIP) FY2015-2020
3. Request to Renew Lease Agreement for Sons of Italy
4. Proposed License Request from Wright Avenue, LLC RE: 67, 73, 77 State Street

Informational Items

1. Events Listing
2. SEA-3 Update

B. MAYOR LISTER

1. Appointments to be Considered:
 - Dana Levenson reappointment to Economic Development Commission
 - Francesca Marconi Fernald reappointment to Peirce Island Committee
 - Chris Hubbard reappointment to Peirce Island Committee
 - Lisa Louttit reappointment to Peirce Island Committee
 - Steve Marison reappointment to Peirce Island Committee
 - John McVay reappointment to Peirce Island Committee
 - Robert Pollard reappointment to Peirce Island Committee
 - Richard Smith reappointment to Peirce Island Committee
 - Marc Stettner reappointment to Peirce Island Committee
 - Harold Whitehouse reappointment to Peirce Island Committee
 - Peter Bresciano reappointment to Taxi Commission
 - John Palreiro reappointment to Taxi Commission
 - Dana Levenson reappointment to Trustees of the Trust Fund
 - Cliff Lazenby appointment to Citywide Neighborhood Steering Committee
 - Shelley Saunders (current alt) appointment to Conservation Commission
 - R. Bruce Boley appointment to Library Trustee Board
 - Jack Jamison appointment to Library Trustee Board
 - Josh Denton appointment to Sustainable Practices Blue Ribbon Committee

2. Appointments to be Voted:
 - Justin Finn to the Planning Board, Alternate
 - Gibson “Mike” Kennedy to the Portsmouth Housing Authority
3. *Appointment of Ken Smith to Chair Mayor’s Blue Ribbon Committee for the 2023 Quadri-centennial Celebration (*Appointment of committee members to be determined*)

C. ASSISTANT MAYOR SPLAINE

1. *Resident Parking Review

D. COUNCILOR KENNEDY

1. *Transportation Center (***Sample motion – move to ask the Economic Development Commission and the Parking Traffic & Safety Committee to locate a place for a Transportation Center that will support the Community of Portsmouth***)
2. *Establish Transportation Committee (Discussion Purposes Only)

E. COUNCILOR THORSEN

1. Request to Establish a Mayoral Blue Ribbon Committee to Research Conflict of Interest Reporting Requirements as prescribed by City Charter, and Report Back with Findings and Recommendations for further action

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT [AT 10:00PM OR EARLIER]

**KELLI L. BARNABY, CMC/CNHMC
CITY CLERK**

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. 2013 Board and Commission Attendance Records
2. Notification that the Site Review Technical Advisory Committee Minutes of the January 7, 2014 meeting is available on the City’s website for your review


NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: February 14, 2014

To: Honorable Mayor Robert J. Lister and City Council Members

From: John P. Bohenko, City Manager 

Re: City Manager's Comments on February 18, 2014 City Council Agenda

Work Session:

6:00 p.m.

1. **Work Session with General Services Administration (GSA) Re: McIntyre Federal Building and Property.** On Tuesday evening at 6:00 p.m., Robert Zarnetske, Regional Administrator, for General Services Administration (GSA) and his staff will meet in a Work Session with the City Council regarding the long-term utilization of the T.J. McIntyre Federal Building located at 80 Daniel Street and the adjacent parking lot. In addition, our Federal Delegation (Senator Shaheen, Senator Ayotte and Congresswoman Shea-Porter), will have representatives in attendance for this work session.

For your information, on January 23, 2004, as a result of the efforts of Senator Judd Gregg, Congress authorized, and the President signed legislation to transfer the 2.16-acre federal McIntyre property on Daniel Street to the City of Portsmouth for nominal cost for "economic development purposes." The legislation authorized and reprogrammed \$11,149,000 originally planned for renovations to the McIntyre Building for site acquisition, design, construction and relocation of the federal agencies in the McIntyre Building to a new building on a 27-acre parcel of land at 234 Corporate Drive at Pease International Tradeport. An additional \$13,669,000 (bringing the project total to \$24.8 million) was deposited into the Federal Buildings Fund for any "additional costs of construction, management, and inspection of the new facility." The federal government acquired the building lot at Pease in November 2006 and began designing a structure for the tenants in the McIntyre Building.

For the past ten years, the City has had several meetings with the GSA and Congressional Delegation representatives regarding the progress of the design and construction of the new building at Pease International Tradeport and of the intended relocation of the federal agencies to the new office and the conveyance of the McIntyre property to the City as outlined in the legislation.

To better understand the progression of events related to the McIntyre Building, I have prepared and attached a [chronology of the City's interactions with the GSA on the McIntyre Building from 2004-2014](#). It includes supportive attachments starting with the Public Law 108-199 Sec. 408 for the purchase of land and construction of a new federal building at Pease International Tradeport and the transfer of the McIntyre Building to the City. Also, attached is an [agenda](#) for the work session.

Items Which Require Action Under Other Sections of the Agenda:

1. First Reading of Proposed Resolution and Ordinances.

- 1.1 First Reading of Proposed Resolution for a Bond Authorization of up to Three Million Five Hundred Thousand (\$3,500,000) Dollars for the Design and Construction of the Hobbs Hill Landing Water Tank Replacement. As a result of the February 3rd City Council meeting, under Section VIII of the Agenda, I am bringing back for first reading a proposed Resolution authorizing a bond issue of up to Three Million Five Hundred Thousand (\$3,500,000) related to the design and construction of the Hobbs Hill Landing Water Tank Replacement. The following is a description of a proposed Resolution from the water enterprise fund:

This project was identified in the Phase I Water System Master Plan and confirmed again as part of the Water Supply Update performed in 2012. The Hobbs Hill Landing Water Tank was constructed in the 1950's in conjunction with the building of the Pease Air Force Base and has reached the end of its useful life and requires a replacement tank.

This project had been slated as a FY15 project in the current CIP with design anticipated in fall-winter 2014 and construction commencing in the summer of 2015. However, due to ongoing construction of new buildings adjacent to the existing water tank and a potential business relocating its corporate offices into one of the new buildings, we are proposing to bring this before City Council for bond authorization now. This will enable design to commence this winter in anticipation of bidding the project in a few months so that it can begin construction this summer. We will be bidding and selecting the contractor based on price, tank style and proposed construction timeline. Demolition of the existing Hobbs Hill tank will occur after the new tank is completed and in service (see [attached Resolution and attachments](#)).

I would recommend the City Council move to pass first reading of a Bond Resolution up to Three Million Five Hundred Thousand (\$3,500,000) Dollars for the replacement of the Hobbs Hill Landing Water Tank, as presented, and further, schedule a public hearing and adoption at the March 3, 2014 City Council meeting. (Please note that Bonding Resolutions require two readings and a public hearing and two-thirds vote of the City Council.) Action on this item should take place under Section VIII of the Agenda.

2. **Public Hearing and Adoption of Proposed Resolutions.**

- 2.1 **Public Hearing and Adoption of Proposed Resolutions Amending Elderly and Disabled Exemptions Income and Asset Limits.** As requested by the City Council at the February 3rd City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the attached proposed Resolutions amending Elderly and Disabled Exemption Income and Asset Limits. Annually, the City of Portsmouth reviews income and asset levels for both the Elderly and Disabled Exemptions pursuant to RSA 72:39-b (see attached State Statutes) and RSA 72:37-b and makes recommendations as to these levels.

Last year, the City Council adopted resolutions #2-2013 and #3-2013 which increased the income and asset levels for both the elderly and disabled exemptions by November to November CPI of 2.0% from the previous year. The current elderly and disabled exemption income levels are \$35,176 for a single taxpayer, \$43,393 for married taxpayers, and an asset limit of \$117,257.

If qualified, for elderly taxpayers, the exemption off the assessed value of the property is as follows:

- Age 65 to 74 \$125,000
- Age 75-79 \$175,000
- Age 80 + \$225,000

If qualified, for disabled taxpayers, the exemption off the assessed value of the property is \$100,000.

This year the City Council requested that both the Elderly and Disabled Exemptions, income and asset limits, be adjusted based on the 1.5% increase to SSI payments effective January 2014 as follows:

Elderly Income and Assets Limits at 1.5% Increase

- Single \$ 35,704 increase of \$528
- Married \$ 44,044 increase of \$651
- Asset Limit of \$119,016 increase of \$1,759

Disabled Income and Asset Limits at 1.5% Increase

- Single \$ 35,704 increase of \$528
- Married \$ 44,044 increase of \$651
- Asset Limit of \$119,016 increase of \$1,759

On Tuesday evening, I am requesting that the City Council act on the following Resolutions:

a) *I would recommend the City Council move to adopt the proposed Resolution, increasing the Maximum Income Limit for Individuals Qualifying for the Elderly Real Estate Tax Exemption by 1.5% as follows:*

- Single \$ 35,704 increase of \$528
- Married \$ 44,044 increase of \$651
- Asset Limit of \$119,016 increase of \$1,759

b) *I would recommend the City Council move to adopt the proposed Resolution, increasing the Maximum Income Limit for Individuals Qualifying for the Disabled Real Estate Tax Exemption by 1.5% as follows:*

- Single \$ 35,704 increase of \$528
- Married \$ 44,044 increase of \$651
- Asset Limit of \$119,016 increase of \$1,759

Action on this matter should take place under Section VIII of the Agenda.

2.2 **Public Hearing and Adoption for a Proposed Resolution for Supplemental Appropriation of up to Ninety-Seven Thousand (\$97,000) Dollars to Fund the FY14 Settlement of the Firefighters and Fire Officers Collective Bargaining Agreements.** As a result of the February 3rd City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption the attached proposed Resolution authorizing a Supplemental Appropriation from Unassigned Fund Balance of up to Ninety-Seven Thousand (\$97,000) Dollars for necessary expenditures related to the anticipated approval of contractual obligations identified in the Fire Department contracts.

On Tuesday, January 28, 2014, the Fire Commission approved a tentative settlement for the Firefighters and Fire Officers Collective Bargaining Agreement. Funding for this settlement agreement was not appropriated by the City Council in the FY14 Budget. The estimated cost for this settlement for both the Firefighters' and Fire Officers' Agreements are estimated at \$97,000 for FY14. Prior to the City Council acting on these agreements, it would be necessary to appropriate funds to implement the proposed changes. Funding for this supplemental appropriation would come from the Unassigned Fund Balance. In accordance with Section 7.14 of the City Charter, a supplemental appropriation requires a public hearing and a two-thirds majority vote of the City Council.

I would recommend the City Council move to adopt the proposed Resolution authorizing a supplemental appropriation of up to Ninety-Seven Thousand (\$97,000) from Unassigned Fund Balance for necessary expenditures related to the anticipated approval of contractual obligations identified in the Fire Department contracts. (Please note that a Resolution authorizing a supplemental appropriation requires a public hearing and two-thirds vote of the City Council.) Action on this item should take place under Section VIII of the Agenda.

Consent Agenda:

1. **Request for License to Install Projecting Sign.** Attached under Section IX of the Agenda is a request for a projecting sign license (see attached memorandum from Rick Taintor, Planning Director):

➤ Aaron Smith, Owner of The Fresh Press for property located at 90 Fleet Street.

I would recommend the City Council move to approve the aforementioned Projecting Sign License as recommended by the Planning Director and, further, authorize the City Manager to execute the License Agreement for this request. Action on this matter should take place under Section IX of the Agenda.

City Manager's Items Which Require Action:

1. **Proposed Action on Firefighters' and Fire Officers' Collective Bargaining Agreements.** On Tuesday evening, the Fire Commission is requesting that the City Council vote on the Firefighters Association Portsmouth, NH Council #1313 contract and the Portsmouth Professional Officers' contracts. I have attached a copy of City Negotiator Thomas Closson's letter outlining the highlights of the two tentative agreements along with the cost analysis to implement these contracts.

A copy of the insertions and deletions showing the changes in the contract if approved can be found on <http://www.cityofportsmouth.com/HR/contracts-fire.htm>.

Prior to the approval of these contracts, the City Council will need to take action on a supplemental appropriation of \$97,000, which needs City Council approval in order to adopt these contracts. The supplemental appropriation needs a two-thirds vote of City Council.

Action is required by the City Council regarding this matter.

2. **Adoption of Capital Improvement Plan (CIP) FY2015-2020.** In accordance with Section 7.7 of the City Charter, the City Council conducted a public hearing on Monday, February 3, 2014, regarding the proposed Capital Improvement Plan for FY2015-2020. In addition to the public hearing, the City Council held a work session on January 27, 2014. At the work session, a presentation of the proposed Capital Plan was made by the City staff. Also, copies of the Plan were made available to the public, as well as put on file with the City Clerk's Office and the Public Library. Further, the CIP for FY2015-2020 is available on the City's website.

As I indicated at the public hearing, the City Council is required, in accordance with Section 7.8 of the City Charter, to adopt the Capital Plan subsequent to the Public Hearing and before the City Manager submits the budget to the City Council. I anticipate that I will be transmitting my proposed FY2015 budget to you on or about May 1, 2014. Given that projected date, I am suggesting the City Council adopt the proposed Capital Improvement Plan at this evening's meeting.

I would recommend the City Council adopt the Capital Improvement Plan for FY 2015– FY 2020.

3. **Request to Renew Lease Agreement for Sons of Italy.** Attached is a copy of a letter from the Sons of Italy, Seacoast Area Lodge #2303 requesting the renewal of their Lease Agreement for the property at One Plains Avenue, for a one-year extension effective April 1, 2014 through March 31, 2015. Also, attached is a copy of the revised Lease Agreement.

I would recommend the City Council move to extend the Lease Agreement with the Sons of Italy at One Plains Avenue, for a period of one year from April 1, 2014 through March 31, 2015.

4. **Proposed License Request from Wright Avenue, LLC Re: 67, 73, 77 State Street.** Attached is a letter from Stephen Kelm, Managing Partner, Wright Avenue, LLC regarding a request for a license for the aforementioned locations. For your information, the proposed redevelopment at 77 State Street received Planning Board approval. Attached is a memorandum from the City Attorney's Office describing in detail the four license areas that will be encumbered.

The fee for the License will be for 8 parking spaces. The charge per space will be the construction permit meter bag daily fee as set forth in Chapter 7, Article 1, Section 7.114A of the City Ordinance. The cost for each space will be \$30.00 per day for the duration of the license. Anticipated monthly license fee revenue will be \$7,200 per month.

I would recommend the City Council move to authorize the City Manager to negotiate and enter into a license with Wright Avenue, LLC to facilitate construction activities at 77 State Street, which includes a license fee of \$30 per parking space per day.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on February 3, 2014. In addition, this now can be found on the City's website.
2. **SEA-3 Update.** As you will recall, at the City Council meeting of February 3rd, it was requested that City staff report back activities related to the SEA-3 liquid petroleum gas rail shipments due to the expansion that is proposed for the 190 Shattuck Way facility in Newington. At the City Council's request, on February 5th, City staff added a webpage to our website entitled "Expanded Rail Operations for Proposed SEA-3 Terminal Expansion"(<http://www.cityofportsmouth.com/SEA-3>). The page includes information pertinent to this project, as well as contact information for state and federal legislators.

In addition to the posting of this website, Environmental Planner Peter Britz, Deputy City Manager Dave Allen, and I attended a public hearing in the Town of Newington on Monday, February 10th regarding the expansion of the SEA-3 plant. Mayor Lister read a letter into the record and provided the Newington Planning Board with the letter, which raised concerns regarding the public safety implications of increased rail traffic carrying hazardous materials close to neighbors and businesses ([see attached letter](#)). In addition, I presented testimony highlighting our concerns that the trains with tank cars in Portsmouth will traverse 6 at grade crossings on City streets, 6 underpass or overpass crossings, as well as a number of private property crossings ([see attached comments](#)).

Also, for your information, City staff met with Town Administrators of Greenland and Stratham, Town Planner of Newington, and including Melodie Esterberg, Chief of Design Services and John Robinson, Railroad Inspector/Investigator from the Department of Transportation to discuss how to coordinate efforts regarding rail safety in each of our respective municipalities. Discussions also included review of rail crossings and their conditions as well as what would need to be done to promote safe passage of the increased rail volume. I will provide you with a copy of the meeting notes when they are available.

For your information, the Town Planning Board in Newington is requesting that the Federal Railroad Administration become an active participant in the ongoing review of the expansion of the SEA-3 facility. The Town of Newington has also made contact with Senator Shaheen's Office and Congresswoman Shea-Porter's Office to engage the Congressional Delegation to assist with the Town's request for information from the Federal Railroad Administration.

I will recommend to the Mayor that we send letters to our Congressional Delegation, as well, asking for the Federal Railroad Administration's most recent inspection reports of the rail lines. I will keep you advised on this matter as we have more information.