

City Council Legislative Subcommittee Meeting

Conference Room A

8:30 a.m.

Monday, January 25, 2016

Present: John P. Bohenko, City Manager; Jane Ferrini, Assistant City Attorney; Mayor Blalock, Assistant Mayor Splaine, Councilor Dwyer, Councilor Spear, Senator Martha Fuller Clark, Pam Gordon, State Representative; Laura Pantelakos, State Representative; Gerald Ward, State Representative; and Becky McBeath, State Representative

I. Greeting:

Mayor Blalock called the meeting to order at 8:33 a.m. and thanked everyone for attending.

II. Introduction of Legislative Subcommittee: Assistant Mayor Jim Splaine, Councilor Chris Dwyer and Councilor Eric Spear

III. Legislative Subcommittee Policies

Councilor Dwyer outlined the 10 Ideas for standing Legislative Positions/Principles as follows:

- Advocate to maintain local authority
- Authorize local options
- Support revenue streams to aid municipalities, specifically those that name Portsmouth or will directly support Portsmouth
- Advocate for municipal representation on state committees
- Support incentives for regional cooperation
- Support plans to fund/support infrastructure
- Support incentives for sustainability
- Support directing revenues to the purposes for which they are raised
- Support measures that increase the efficiency of local government operations
- Maintain and improve life and safety issues

She stated these would be helpful in taking positions on the bills. The City Council will act on these this evening during the City Council meeting and more may be developed over time.

City Manager Bohenko asked Senator Fuller Clark if she knows of a bill on Friday that will be heard on Monday to provide that information to himself or Assistant City Attorney Ferrini to bring to the attention of the Legislative Subcommittee. Senator Fuller Clark said there has been a flurry of bills coming forward at the last minute for action and she appreciates the principles coming forward to assist them in their ability to provide testimony.

Assistant Mayor Splaine said we need to be careful on the wording of items.

IV. Retained bills of Interest and related new bills:

Accessory Dwelling: SB 146, as amended, passed House, assigned Senate Committee.
Valuation of Poles and Conduits: HB 1198 (hearing January 28, 2016); SB 442

Assistant City Attorney Ferrini reviewed the bills and hearing date of the Valuation of Poles and Conduits which will occur next week on January 28th.

V. New Bills of Interest:

- A. Hotel surcharge and revisions to Meals and Rooms Tax: HB 1214 – hotel surcharge, hearing Wednesday, January 13, 2016, testimony submitted; HB 1173 – DRA form revised to include each location where Meals and Rooms tax is generated; SB 497 – disposition of Meals and Rooms tax (Senator Clark’s bill); HB 1689 – operations requirements under Meals and Rooms;

Discussion took place regarding the above referenced bills.

City Manager Bohenko spoke to property taxes being used on the county and local level and the need to work to find other revenue sources.

- B. Short-term rentals: HB 1590 – Register as business with Secretary of State, must pay Meals and Rooms Tax; SB 482 – municipalities license (Senator Clark’s bill); HB 1689 – disposition of Meals and Rooms Tax revenue to cities and towns, requires physical address, Hearing January 26, 2016

Assistant City Attorney Ferrini said under SB 482 for municipality’s license the city would like to see administrative costs and penalties added to the language of Senator Fuller Clark’s bill. Senator Fuller Clark requested that the city provide her with the language they are seeking. Representative McBeath said she would bring the information forward to the House as well.

- C. Uber – HB 1697 – DES to regulate “transportation network companies” (uber), preempts municipal regulation, hearing January 12, 2016, testimony submitted

Discussion took place regarding the need for local authority under the Uber bill.

- D. Heroin epidemic – update on action by House and Senate to address current crisis

Representative Pantelakos stated the State is heading in the right direction but there is a need for funding. Senator Fuller Clark said it is important to broadening the understanding of the challenges facing this matter. She indicated that Portsmouth is right at the top for abuse but near the last for treatment centers. She also stated that the State is looking to expanding drug courts.

- E. State Aid Grant (SAG) Funding – HB 1428 – making appropriations to DES for purpose of funding eligible and completed drinking water and wastewater projects under the state aid grant program; HB 1427 – suspend property tax exemption for pollution control facilities until June 30, 2017, and appropriate the revenue collected from utility taxpayers to the department of environmental services for the state municipal grant program for water pollution control facilities, hearing held January 13, 2016, testimony submitted; SB 367 – includes state water pollution control and public water systems grants in the capital budget; SB 380 – establishing the drinking water and groundwater trust fund and establish NH drinking water and groundwater advisory commission.

HB 1427 was expediting to legislate. Discussion followed on the various bills listed above. Senator Fuller Clark stated the Senate was not in favor of the legislation. Councilor Dwyer said people are concerned where the funding will come from. City Manager Bohenko said with the money left we would pay down the bonding.

- F. Voting, Tax and Assessing: Clerk, Tax Collector and Assessing Board Positions; SB 349 regarding requirement that if clerk not resident governing body appoint a resident chief elections officer (Testimony not submitted); HB 1511 and SB 346 – polling places open from 6:00 a.m. to 8:00 p.m. for all state elections; HB 1222 – procedure for appraisals, requiring officials to make 3 attempts for in person inspection of property before applying a statistical update to an appraisal for property tax purposes; HB 1276 – legal claims in abatement applications; Registration Utility Trailers; HB 586; HB 1336 – interest on abatement; HB 1511 – execution of tax lien; HB 430 – extending veterans' property tax credit to all honorably discharged veterans, no local option; HB 1359 – tax credit for service-connected disability to 100% of property tax; HB 1407 – tax credit for home health care; HB 1683 – repeals 18% penalty charge to 5% when a former owner repurchases a tax ceded property; HB 1219 – repeals the 15% penalty charged when a former owner repurchases a tax deeded property; HB 1504 – regarding execution of tax lien on primary residence; HB 1179 – lot owner pay tax if manufactured home owner does not pay tax

Assistant City Attorney Ferrini said there are many bills that have come up on these items. She stated we will monitor SB 349 and continue to watch all bills. Discussion took place regarding polling hours.

- G. Planning: SB 411 – merge mortgaged lots, HB 1109 – condemnation minimum of 300 percent of value, if undervalued, municipality to pay legal fees; HB 1202 – application deadline for planning board 21 days prior to meeting; HB 1262 – precluding zoning ordinances from prohibiting home based businesses with gross receipts of \$200,000 or less; HB 1203 – ZBA vote on each criteria for variance; HB 1253 – removal of land use board members for malfeasance or incompetency; SB 345 and HB 1141 – agritourism; HB 1259 – exempt applicants from cost of third party review if site plan designed by license engineer; HB 1392 – party charged with land use violations and found not guilty may recover attorney's fees; SB 440 – repeals fees for Shoreline Protection Act

Assistant City Attorney Ferrini stated much of these bills relate to Planning and the submitting of materials.

- H. Municipal Government Generally – HB 1687 – liability for use of playground equipment; HB 1688 – liability for injuries in negligence action not arising from the ownership, occupation, of use of motor vehicles or premises, SB 365 – authorized cities to adopt ordinances relative to use of police officers and non-police officer flaggers

Assistant City Attorney Ferrini spoke regarding the negligence portion of the bill.

- I. Coalition bills: HB 1630 – calculating base cost of adequate education, SB 473 – cap on adequate education grant payments, HB 1604 providing for funding for an exceptional student education program

Assistant City Attorney Ferrini said we will continue to monitor these bills.

- J. Right to Know: HB 1216 – municipal obligation to compile information in form not ordinarily kept upon request; HB 1611 public body charge reasonable fees for right to know requests; HB 1413 – creation of commission to hear right to know requests; HB 1417 – minutes re consultation with counsel re collective bargaining; HB 1418 – minutes non-public; HB 1510 – requires public bodies to notify persons who will be the subject of certain non public sessions, and to review minutes of non public sessions every 3 years to determine whether they should remain sealed; HB 1419 – recordation of vote in non public session; HB 1593 – prohibition charging for searching compilation and labor for copies under right to know; HB 1395 – records that must be retained for more than ten years to be transferred to a portable document file, as an alternative to paper or microfilm

Assistant City Attorney Ferrini stated there are many bills relating to Right to Know and various hearings will be held this week. She said we are monitoring the bills.

Councilor Spear stated HB 1216 will create a great deal of work. It is better to provide the data that is available. Councilor Dwyer said we should get information out to the City Council on this and have a discussion and a view on this matter. She said we need to explain the bill to the Council and take a position.

City Manager Bohenko said he follows the line of thinking “when in doubt, hand it out.” He said it becomes what type of report are you required to do. He said he has no problem providing information to the public.

Assistant Mayor Splaine said Right to Know law is a complicated issue. He said if a statement of principle should be given he would suggest discussing this at another City Council meeting.

City Manager Bohenko said we will meet each Monday on matters and bills while in session.

- K. Inspection: HB 1392 – Written Permission before Inspection

Assistant City Attorney Ferrini asked the Legislative Delegation to pay attention to this bill and that there is a disconnect between the body of the bill and what the title reads.

- L. HR: HB 1535 – employer or prospective employer must pay for criminal background check and drug testing; HB 1376 requirement permanent work after 6 months temporary work; HB 1108 employer prohibited to ask about criminal history

Assistant City Attorney Ferrini said this bill has been forwarded to the School Department.

- M. Miscellaneous – HB 1116, HB 1275, SB 333 – net energy metering, Medicaid expansion generally, HB 1690

Assistant City Attorney Ferrini said we are monitoring the bills under this matter.

Representative Pantelakos advised the Sub-committee that Representative DiFranco is very ill and was unable to attend today.

Assistant Mayor Splaine said he feels the Sub-committee is taking on a new roll and feels meetings should be recorded and held in the Chambers.

VI. Schedule Next Meeting

The next meeting will be held on February 1st a half hour before the next City Council meeting. The Committee will also meet on February 8th and February 29th at 8:30 a.m. in Conference Room A.

VII. At 10:10 a.m., Mayor Blalock closed the meeting.

Respectfully submitted by:

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk