

MINUTES  
LEGISLATIVE DELEGATION COMMITTEE MEETING  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS, CITY HALL, PORTSMOUTH  
MONDAY, MARCH 28, 2016  
8:30 A.M.

I. Call to Order

Mayor Blalock opened the meeting at 8:30 a.m. and noted that it was being televised and recorded. He asked everyone to introduce themselves for the public.

Present: Mayor Jack Blalock, Assistant Mayor Jim Splaine, Councilor Chris Dwyer, Councilor Eric Spear, Senator Martha Fuller Clark, Representatives Debbie DiFranco, Pamela Gordon, Rebecca McBeath and Laura Pantelakos. Staff Present: City Manager John Bohenko, Assistant City Attorney Jane Ferrini and Recording Secretary Valerie French, Deputy City Manager Dave Allen, Transportation Planner Juliet Walker.

II. Approval of Minutes from February 16, 2016 and February 29, 2016 meetings

Senator Clark moved to accept the minutes and place on file, seconded by Councilor Dwyer. Motion passed.

Assistant Mayor Splaine stated he would like to see draft minutes posted on the website. Councilor Spear stated we need to be careful with posting drafts on the website as there have been issues with people referring to them as documented facts but there may have been changes to the final documents.

Councilor Dwyer stated she is in favor of posting the draft minutes because of the fast-paced nature of the legislation and people can keep up with what the committee has been reviewing.

Senator Clark stated that we should do everything we can to create transparency. She continued that the committee isn't making any major decisions and is more of an informational update of what is happening in Concord.

**Assistant Mayor Splaine moved to post all draft minutes and other pending information that is published on an agenda for discussion. (No second was offered)**

Discussion ensued with the Committee agreeing that draft minutes will be posted to the City's website within the required time and that links to the websites for the NH Legislature and the NH Municipal Association will be published on the draft and final Agendas and on each page of the draft and final minutes of the Legislative Subcommittee meetings.

Representative Pantelakos stated that the last 2 meetings she has attended there has been half hour discussions on policy which she feels is a waste of everyone's time. She continued that they are not required to attend the meetings and do so as a courtesy to the City Council and would like to discuss the legislation.

Please visit the following websites for further information regarding Legislation:  
New Hampshire Legislature: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us) New Hampshire Municipal Association's Bulletin: [www.nhmunicipal.org/LegislativeBulletins](http://www.nhmunicipal.org/LegislativeBulletins)

### III. Discussion.

#### A. Discussion of bills of interest to the City crossing over to House and Senate

Assistant City Attorney Ferrini stated at this time 90% of the bills that we have been following are dead but there are still several we are watching.

- SB421 – Liability of governmental units in bodily injury actions.
- SB365 – Ability to not have to have police officers as flaggers was tabled and is no longer active.
- HB1202 – Expanding filing deadline to submit application to planning board (only) from 15 to 21 days.
- HB1395 -Regarding municipal records storage – to allow for pdf documentation.

City Manger Bohenko stated that we have to store at least 10 years worth of hard copies of various documents and can only use microfiche as a back up. He stated this will bring the State law inline with current technology.

- HB1293 – Prohibits substantive changes to proposed charter amendments submitted by voter petition.
- HB1428 - Establishing the clean water state revolving fund non-program fund account in the department of environmental services for the purpose of funding eligible and completed wastewater projects under the state aid grant program.
- SB380 – Establishing the drinking water and groundwater trust fund and establishing the New Hampshire drinking water and groundwater advisory commission.
- HB1116 – Net metering - This bill modifies the cap on net energy metering tariffs available to eligible customer generators. This bill also requires the public utilities commission to initiate a proceeding to develop alternative net energy metering tariffs.
- HB1141 and SB345 – Bills that define agritourism and permit agritourism activities on any property where the primary use is agricultural.
- HB1356- This bill modifies the general statutory definition of "resident or inhabitant."
- HB1418, SB285 and SB606 – Regarding right-to-know/non-public meetings.
- HB1689 – This bill requires an operator under the meals and rooms tax who rents rooms in a hotel or hotels with more than one physical address under a single license to provide the department of revenue administration with a schedule of the physical address of each hotel.
- HB1590 - This bill requires advertisements by short-term rental businesses to display the meals and rooms license number of the operator.
- HB1198- Poles and Conduits - This bill establishes the valuation for purposes of the property tax assessment of poles or conduit employed in the transmission of telecommunication owned in whole or in part by telephone utilities. The bill also grants rulemaking authority to the assessing standards board concerning telecommunications pole and conduit current use values and depreciation.
- HB1697-Transportation Networks,(i.e. Uber) - This bill requires the department of safety to regulate the operation and insurance of transportation network companies.
- SB359- Electric charging Stations for vehicles.

Please visit the following websites for further information regarding Legislation:

New Hampshire Legislature: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)

New Hampshire Municipal Association's Bulletin: [www.nhmunicipal.org/LegislativeBulletins](http://www.nhmunicipal.org/LegislativeBulletins)

- HB430 – This bill changes the eligibility for persons receiving the veterans' property tax credit to include all veterans who have been honorably discharged or officers honorably separated from service.

City Manager Bohenko stated this bill would have a major impact and there is no way to know how many people would be eligible and could have unintended consequences. He stated it would be a credit as opposed to an exemption as with the elderly and disabled.

Councilor Dwyer discussed the Poles and Conduits bill stated that the current version is a compromise which NHMA supports and is better than the prior amendment.

City Manager Bohenko stated that the real issue is that municipalities' ability to gain revenue has been eroded by the State with many things being taken away and has had a big impact. He stated we need to start looking towards next years' session and how to raise revenue for municipalities again. He stated that 10 years ago the Home Rule constitutional amendment was on the ballot but the Business Industry came out against it and it failed.

Senator Clark stated that they have been unable to move forward with enabling legislation on various issues and has been a huge source of frustration even though not all communities would go forward at the local level, but it gives everyone a choice.

Senator Clark continued regarding the short-term rental issue stating that the State Board of Realtors were opposed to the legislation but wonders if they sought the opinion of local realtors and what their actual opinions would be. City Manager Bohenko stated that at the very least there should be a local life safety component to ensure public safety.

Councilor Dwyer stated it is an interesting point that towns may not realize the importance of enabling legislation and that they have the choice. She also stated that Senator Clark's point regarding reaching out to our local people i.e. realtors, to get their opinion on these issues is a good idea.

Representative McBeath stated she would like to work on the important issues during the summer prior to the next session.

Councilor Dwyer stated that the policy group will be meeting beginning in April and it will be good to bring the cities and towns perspectives to them.

Senator Clark stated she would also like to be able to identify potential opposition as well as support of issues beforehand so that compromises can be worked out.

Representative Pantelakos stated she has learned not to bring her bills forward too early because it is brought up before anyone has a chance to be notified to testify.

Regarding the ride-sharing legislation Assistant Mayor Splaine stated he would still like to see an amendment allowing for local control.

Please visit the following websites for further information regarding Legislation:

New Hampshire Legislature: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)

New Hampshire Municipal Association's Bulletin: [www.nhmunicipal.org/LegislativeBulletins](http://www.nhmunicipal.org/LegislativeBulletins)

Senator Clark stated that the reason that it went forward without that stipulation is because people move from town to town and this allows for a level playing field in the State.

Assistant Mayor Splaine stated that our recently passed ordinance doesn't allow drivers with misdemeanors and is supported by our Police Department, but is not a part of the legislation. Senator Clark stated she could pursue an amendment to address this issue.

Mayor Blalock stated he likes the idea of the consistency of the State level control, but feels if something needs to be added later, it could be done. He stated that these services are important and help with our parking and traffic issues.

Assistant Mayor Splaine stated that there are no penalties in the bill either which he feels should be addressed. Finally he stated that we will need to revisit our ordinance once this passes as we will still need to find a way to make it fair for Taxi companies.

Representative McBeath stated that the licensing fees in this bill do not cover the cost of overseeing the program which it is supposed to do so that will also have to be looked at.

Mayor Blalock introduce Juliet Walker, Transportation Planner, to address the Committee.

Planner Walker discussed the ongoing negotiations for the Hampton Branch Rail Trail between the State Dept. of Transportation and Pan Am stating that there has been no change in status since the last update. She explained that they are looking to create a multi-use path for biking and walking, but would still maintain potential for future rail transportation. She stated that the NHDOT has done an appraisal and determined an asking price but it did not match Pan Am's price. She stated that there has been some discussion of eminent domain, but they are hoping to come to an agreement and would like the legislature to continue to support these efforts.

- B. Discussion of bills of interest to the City voted Inexpedient to Legislate and discussion of issues of interest to the City for next legislative session

City Attorney Ferrini stated that she feels that an issue she found during the course of the hearings was that there weren't many representatives from cities and towns and feels that there needs to be a better way to get the word out when bills are coming up for testifying and monitoring.

- C. Discussion of upcoming hearings and bills referenced in the Senate and House Calendars published on March 24 and 25, 2016, 2016 and the NHMA Bulletin published on March 25, 2016.

City Attorney Ferrini stated that most everything has been addressed previously except:

Please visit the following websites for further information regarding Legislation:

New Hampshire Legislature: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)

New Hampshire Municipal Association's Bulletin: [www.nhmunicipal.org/LegislativeBulletins](http://www.nhmunicipal.org/LegislativeBulletins)

- HB1203 - This bill establishes requirements for zoning boards of adjustment voting on variances - The zoning board of adjustment shall determine whether to grant a variance by voting on each of the criteria in subparagraph I (a)(2) separately. The board shall grant a variance only if 3 members of those present vote in the affirmative on all 5 criteria.

HB1116 – Net metering - Senator Clark explained the various compromises and amendments that have occurred as this bill and a parallel bill have gone through the hearing process. She stated that they want to make sure that the costs are not shifted to those not using net metering. She stated that her committee is supportive of the bill. She continued that a lot of communities are also moving forward with bringing in solar energy and asked what the City of Portsmouth is doing to expand renewal energy.

City Manager Bohenko stated we are working with the School Administration currently on a grant but cautioned that we have to get to a point where this makes sense financially and we are not there yet. He stated that other states offer incentives to municipalities, but New Hampshire does not.

#### D. Discussion of meeting schedule going forward

The next meeting of the full Subcommittee and Delegates will be held on April 11, 2016 at 8:30 a.m. and the Subcommittee will not meet on April 4<sup>th</sup> as previously discussed.

#### III. Miscellaneous/Unfinished Business.

Representative Pantelakos discussed the heroin epidemic in New Hampshire stating that she would like to see the City of Portsmouth have a “comfort home” for those with drug problems. She stated that this isn’t being addressed at the State level because the Governor is being fought on the issue and funding keeps getting cut, but feels it needs to at least be handled locally.

Councilor Dwyer stated that Sandy Coyle has been working on this and is opening Safe Haven on Islington Street. Mayor Blalock clarified that this is an after care facility but that there is another facility opening on Greenleaf Avenue for current users, but that it is not housing.

Senator Clark and Assistant Mayor Splaine both suggested that Sandy Coyle make a presentation to the City Council to get the word out.

#### IV. Adjournment.

Meeting adjourned at 9:45 a.m.

Please visit the following websites for further information regarding Legislation:

New Hampshire Legislature: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)

New Hampshire Municipal Association's Bulletin: [www.nhmunicipal.org/LegislativeBulletins](http://www.nhmunicipal.org/LegislativeBulletins)