

**CITY COUNCIL LEGISLATIVE SUBCOMMITTEE
MINUTES OF THE OCTOBER 20, 2015 MEETING
CONFERENCE ROOM A, CITY HALL**

MINUTES

- I. **Call To Order:** Mayor Lister called the meeting to order at 8:05 p.m.

- II. **Attendance: City Council Subcommittee Members:** Mayor Robert Lister, Councilor M. Christine Dwyer, Councilor Stefany Shaheen.
City Staff: City Manager John P. Bohenko, Planning Director Rick Taintor, Transportation Planner Juliet Walker, Staff Attorney Jane Ferrini.
Delegates: Representatives: Laura Pantelakos, Debbie DiFranco, Gerry Ward, Rebecca McBeath, Carol Bush and Senator Martha Fuller Clark.

- III. **Hampton Branch Rail Corridor-** Juliet Walker updated Committee Members and Delegates on status of DOT's negotiations with Pan Am to purchase the Hampton Rail Corridor. She reported the negotiations have stalled. Juliet Walker noted that the land located by the North Mill pond would be used for a bike path. The City Manager added in the past the railroad has preferred that the City take land by eminent domain. Senator Clark raised the issue of what would happen if the rail was reactivated and whether there was sufficient space for a bike path. Jane Ferrini discussed SB 80 that formed a Committee to study the use of abandoned railroad beds for recreational purposes. The next Committee meeting is scheduled for November 3, 2015 at 10:00 a.m.

- IV. **Meals and Room-** Chapter Law 181, SB 213- Update from City Staff and Senator Clark regarding the information presented to the Committee to Study the Distribution of Meals and Room Tax Revenue and the implementation of a local hotel occupancy surcharge to defer the high cost of tourism. Senator Clark discussed the fact finding of the final report and noted that Laura Pantelakos filed an LSR that is enabling legislation for municipalities and towns to charge a hotel occupancy surcharge and Senator Stiles filed a bill relative to amending consolidated filing and a redistribution of the meals and room revenue over and above the catch up formula which would return the revenue to communities based on the percentage of revenue they distribute. Laura Pantelakos distributed a copy of the LSR and noted that she revised the bill to include a cap of \$2.00 on the occupancy fee. Senator Clark discussed other communities in need of enabling legislation to raise funds that do not have the tourism industry. John Bohenko discussed the benefit of a Committee to study enabling legislation that would allow cities and towns to raise revenue. Jane Ferrini noted the LSR's to watch on this issue, LSR 2094, 2703, 2421 and possibly 2298, sponsored by Representative Almy and Major, two members of the Committee.

- V. **Short Term Rentals-** Chapter Law 197, HB 531 – Update from Jane Ferrini regarding the first meeting of the Committee to Study Short Term Rentals. Information about realtors submitting consolidated filings for owners was discussed and the need for the location of properties to be reported to DRA was discussed at the Committee. Senator Clark discussed submitting enabling legislation for municipalities to license short term rentals for health and safety reasons. Audits of these properties were discussed at the State and local level and Stefany Shaheen mentioned

the issue of enforcement and the revocation of a license for health and safety violations. Senator Clark discussed and distributed a recent article from the Portland Press Herald on the issue.

- VI. Accessory Dwelling Units** – SB 146 was retained in the House Municipal and County Government Committee and Planning Director Rick Taintor discussed how the bill's intent was a very positive one but the bill as revised would have a negative impact on the City's zoning as it pertains to single family residential zones and lot density.
- VII. Blighted Property** – SB 175 was retained by the Senate Public and Municipal Affairs Committee. John Bohenko discussed how legislation that was based on aesthetics, not health and safety, would be helpful to towns and municipalities addressing this problem.
- VIII. Uber-** SB 254 establishes a Committee to Study the Provision of Services to the Public by Uber and Existing Taxi Services. Attorney Sullivan will testify at the Committee meeting on October 20, 2015 at 1:00 pm and provide the Committee with a copy of the City's ordinance. John Bohenko addressed the problem with a lack of expediency on the part of the legislature to address issues with changing technology and the need for quick action. Senator Clark discussed the ability of legislation to be fast tracked.
- IX. Government Immunity-** SB 41 establishes a Committee to Study Government Immunity from Suit and Accountability by its Citizens. Draft bills submitted to the Committee to revise RSA 507-B substantially increases liability and exposure on negligence claims against municipalities. Jane Ferrini will follow the bill and report back.
- X. Other LSR's** or bills of interest for general discussion. Committee, Delegates and Staff discussed enabling legislation for towns and cities to be able to pass plastic bags ordinances. The City will be monitoring LSR's or bills that address municipal inspections, education funding (2011, 2153, 2472, 2481), bills that may increase downshift costs from the State to the City, bills that make changes to current zoning (LSR's 2229, 2300, 2309 and 2698), bills that address property values/assessments and any changes to the current right-to-know laws. Chris Dwyer discussed HB 511 regarding funding for waste water affirming the need for state funding.
- XI. NHMA Town and City Magazine** – Chris Dwyer and John Bohenko discussed the request from the NHMA to submit an article on the meetings between the Legislative Subcommittee, Delegates and Staff and thought input from Delegates on the benefits of these meetings would be helpful. John Bohenko suggested Chris Dwyer work with Brenna Woodman and Jane Ferrini on the article. Stefany Shaheen suggested information be provided on the role of NHMA, the Legislative Subcommittee and these meetings to new City Council Members.
- XII. Heroin Epidemic-** Mayor Lister and Delegates and Committee Members discussed their concerns about the heroin epidemic. It was suggested that a forum be held to discuss the heroin epidemic, particularly the urgent need for treatment facilities.
- XIII. Schedule Next Meeting.** The next meeting is scheduled for November 23, 2015 at 5:00 pm prior to a City Council work session on short term rentals.
- XIV. Adjournment.**