

**Minutes**  
**City Council Legislative Delegation Meeting**  
**Eileen Dondero Foley Council Chambers**  
**8:30 a.m.**  
**Monday, January 29, 2018**

I. Greeting: Mayor Blalock

Mayor Blalock opened the meeting at 8:35 a.m.

Present: Mayor Blalock, Assistant Mayor Lazenby, City Manager Bohenko, Assistant City Attorney Ferrini, Deputy Public Works Director Goetz, Becky Benvenuti, Tax Collector; Emily Goldstein, Deputy Assessor; Kelli L. Barnaby, City Clerk; State Representative Ward, State Representative Pantelakos, State Representative McBeath, State Representative Gordon, State Representative Somssich, State Representative Cali-Pitt, State Representative Le and Senator Fuller Clark

Absent: Councilor Dwyer and Councilor Denton

- II. Discussion of bills of interest to NHMA Board and City testimony relative to: Distribution of Meals and Rooms (HB 1609); Hotel Occupancy (HB 1491); Education Funding relative to donor towns (HB 1802); Lowering interest rates on tax delinquencies (HB 1673); Allowing municipalities to require income and expense information of business properties for tax appraisals (SB509). Discussion of several bills relative to the environment and water quality and the Coakley landfill
- III. General discussion by Portsmouth Legislative Delegation of sponsored bills and bills of interests

Assistant City Attorney Ferrini reported that Councilor Dwyer could not attend the meeting this morning but reported on bills that the NHMA are watching.

Regarding HB 413, City Manager Bohenko stated we are using local property tax to make up the difference due to the retirement contribution at \$2.6 million per year.

Assistant City Attorney Ferrini said there are several Right-to-Know laws and explained them to the Subcommittee.

There was general discussion on water and air quality.

Deputy Public Works Director Goetz said there are a number of bills that they are tracking on PFC's and PFOA's. He said he has not pushed a position on any of the bills. He said DES has been at the forefront of this. He stated the State is finding out the levels of contaminants in the water and there is a lot of push for commonality in the regulation of levels.

Senator Clark asked Deputy Public Works Director Goetz to find a copy of the letter from ASDWA (Association of State Drinking Water Administrators) he referred to and send it to all the representatives. She stated that the State cannot have levels that are less than what is at the federal level.

City Manager Bohenko said there are health advisory levels only.

Deputy Public Works Director Goetz spoke regarding testing of levels.

Representative Cali-Pitts asked if Portsmouth breaks out the measures when testing. Deputy Public Works Director Goetz said they break out all elements and all results are posted.

Senator Clark asked if the stand alone wells at Pease show anything. Deputy Public Works Director Goetz said they are sampled monthly and we are not showing any out of range levels.

Assistant City Attorney Ferrini reported that Mayor Blalock gave testimony on HB 1609 regarding distribution of meals and rooms and HB 1491 regarding hotel occupancy.

Mayor Blalock reported that there was not as much support on the hotel occupancy HB 1491 as we would have liked. Senator Clark said that there is an amendment to HB 1491 coming forward and there may be more support to move that forward. Mayor Blalock spoke on HB 1609 regarding distribution of meals and rooms and informed the Committee that the bill had a lot of support and does not take money out of anyone's budget.

City Manager Bohenko said there is an example of local option because we could have additional revenue that adds money to the collection of motor vehicle registrations which allows \$5.00 local option for the purpose of transportation.

Representative Pantelakos said that HB 1609 is very much alive. City Manager Bohenko said the bill is very important to the City.

City Manager Bohenko expressed his opposition to HB 1802 regarding education funding relative to donor towns. He said it would make us a donor town again.

Assistant City Attorney Ferrini reported that the bill would send excess SWEPT (statewide Education Property Tax) collected over adequacy to the general fund. At the hearing on the bill she reported Representative Bates raised the point that the state's average to educate a student is \$18,000.00 so the removal of excess SWEPT from donor towns would still take education money away from these towns. At the hearing the Committee also learned there is a Study Committee on the complex education funding issue and will be reporting back in November on the adequacy formula. She reported that she has reached out to other donor communities to oppose the bill and thanked our delegates for supporting opposition to this bill. She said everything the Education Funding Committee is hearing is posted on the website and she is attending those hearings.

Assistant City Attorney Ferrini informed the Committee relative to HB 1701 regarding Coakley being subject to the Right-to-Know law and HB 1766 regarding Coakley remediation.

City Manager Bohenko advised the Committee that City Attorney Sullivan would be making a presentation regarding the Coakley Landfill at Monday, February 5, 2018 City Council meeting.

Mayor Blalock said some are concerned that the City Attorney is speaking to the bill regarding Coakley Landfill being under the Right-to-Know law.

City Attorney Sullivan said under a model the Landfill Group is a municipal group and the companies that brought the waste to the landfill and the executive committee serve without compensation and make decisions. He said he has been assigned to serve as the executive member of the Committee. He spoke to remediation from back in the 1990's and said regarding the bills being proposed, decisions will be made on a statute by statute basis. He stated the executive committee has retained a lobbyist. He reported that the Coakley Landfill Group took a position on the Right-to-Know law because all the records any one sought are already public. He stated the only effect would make private records subject to the Right-to-Know law. City Attorney Sullivan reported that all the City of Portsmouth records are subject to the Right-to-Know law. He spoke relative to HB 1766 regarding Coakley remediation and stated it seeks to have the Coakley Landfill Group to use a different remediation than what has been used for all these years. He said the municipal members would be subject to the new remediation and borne by the City. He said the site has had remediation as dictated by the EPA.

Senator Clark said there is not a clear understanding of how the \$27 million was spent. City Attorney Sullivan said the Coakley Landfill Committee votes to send a voucher to be paid and all funds go into the Piscataqua Savings Bank. He stated all funds that were spent are reviewed during a meeting of the executive committee and a motion is made and recorded in the minutes and the voucher is paid.

Representative Cali-Pitts asked if the private records would be subject to subpoena. City Attorney Sullivan responded affirmatively.

For further information on the content or status of bills and the Senate and House Calendars, see <http://www.gencourt.state.nh.us>. For information regarding the New Hampshire Municipal Association's Bulletin, see <http://www.nhmunicipal.org/LegislativeBulletins>

Representative Somssich said you need to be open to the public and approachable.

City Attorney Sullivan said he spoke to the Right-to-Know law as an executive member of the Coakley Landfill Group.

City Manager Bohenko said the City would be having the City Attorney report on HB 1766.

Representative Gordon said that we need to hear differing opinions.

Senator Clark said there needs to be a public informational meeting with questions from the public and the City needs to take the lead on this.

Representative Cali-Pitts said she attended a meeting at Bethany Church with all the experts from EPA and DES and they should also be present during any informational meeting.

Representative Le asked that Representatives of Rye and Greenland be invited to attend the meeting.

Assistant City Attorney Ferrini reported that HB 1673 was voted in committee to kill it. She said it was regarding the interest rate on tax delinquencies. She also indicated that she is monitoring all the Right-to-Know Law bills and the City has not taken a position of any of these bills.

City Manager Bohenko said the City Council will have a report on principles. He said he has put together a list of departments you may want to contact.

#### IV. State Trails Plan (SB 560), Hampton Branch Rail Acquisition update and Type II Sound Barriers (Juliet Walker, Planning Director)

Representative Pantelakos said she has tried to get someone to listen on the Noise Barrier issues. She said we need to force the state to do something because all the noise barriers are being installed in Dover.

Planning Director Juliet Walker said there is only so much we can do regarding Noise Barriers without funding. She said we have already committed to actively make changes to our zoning and those changes should be coming to the City Council in a few months. Planning Director Walker said Eric Eby our Transportation and Parking Engineer is the front person on this and continues to work with the State to have a dialogue on what the requirements would be for that program. Representative Somssich asked if they are looking into the installation of sound barriers throughout the City. Planning Director Walker said they are looking at it equitably and all along the affected areas.

City Manager Bohenko said we would comply and give us more opportunity.

Senator Clark requested that she and the Representatives receive copies of the Legislative Principles.

Councilor Raynolds spoke on HB 1609 and HB 1491 and asked how to address HB 1491 when it appears that HB 1609 could be passed. City Manager Bohenko said we are not going to get HB 1491 to pass, we have been trying for the last 20 years. Senator Clark said that there is great resistance with other communities relative to HB 1491. City Manager Bohenko said local options becomes more important.

Representative Somssich advised the Committee that there are two bills on road usage fee. One is a charge for hybrid at the time of registration and the other is a charge for electric cars at registration because the gas tax revenues are going down. He said both bills are misguided and feels it would be better to have a surcharge by the weight of the vehicle which is what is impacting the infrastructure of roads and not hybrids or electric vehicles.

V. Review of City's list of bills to watch

See attached list of Legislative Subcommittee 2018 Bill List (as of January 25, 2018) that Assistant City Attorney Ferrini reviewed with the Committee.

VI. Schedule next meeting

City Manager Bohenko said we will look for a Monday. Senator Clark said crossover will take place on March 22, 2018. Mayor Blalock and City Manager Bohenko announced the next meeting would be held on Monday, March 26, 2018 at 8:30 a.m.

VII. Adjournment

At 9:50 a.m., moved to adjourn.

Respectfully submitted by:

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