

MINUTES
City Council Legislative Subcommittee
Monday, February 1, 2021 4:30 p.m.
Remote Meeting via Zoom

Greeting: Mayor Becksted

Participants Present via zoom meeting: Mayor Rick Becksted, Councilor Deaglan McEachern, Councilor Esther Kennedy, Councilor Paige Trace, City Manager Karen Conard, Assistant City Attorney Jane Ferrini, Nathan Lunney, School Business Administrator

- I.** Greeting: Mayor Becksted convened the zoom meeting at 4:32 p.m. and declared COVID-19 outbreak an emergency and waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04 and Emergency Order #12, Section 3. Members participated remotely and identified their location and any person present with them at that location. Mayor Becksted, Councilor McEachern and Councilor Trace were alone in their homes. Councilor Kennedy was alone in her Gilford School Office. City Manager Karen Conard, Assistant City Attorney Jane Ferrini and School Business Administrator Nathan Lunney were alone in their offices at City Hall.
- II.** Approval of January 4, 2021 Minutes. Councilor Kennedy moved and Councilor McEachern seconded a Motion to approve the January 4, 2021 Minutes. **The Motion passed 4-0 in a unanimous roll call vote.**
- III.** Mayor's update on bills of interest discussed in Mayors' monthly call. Mayor Becksted described the monthly Mayors' Roundtable calls and bills of interest that have been discussed. The Committee discussed HB 586 (land use board training and workforce housing); HB 154 (community revitalization); HB 164 (demolition of municipal property); HB 588 (tiny houses) and retirement bills, SB 72, HB 390, HB 274.

The Committee discussed retirement bills SB 72 and HB 274 which, if passed, would require the state to pay a portion of the employers' cost for employee retirement. SB 72 would require the State to pay 15% of retirement costs and HB 274 would require the State to pay 5%. The Committee supported these bills, noting there were hearing last week but written support would be forwarded to the Committee hearing each bills. Assistant Attorney Ferrini noted that NHMA was not supporting HB 390 because although it reduced costs in the short term it raised costs in the long term. The Committee discussed monitoring the rest of the bills and will discuss them after crossover. Councilor Kennedy noted that we should watch the demolition ordinance because it is broader than the City's current ordinance. Councilor McEachern asked if our supporting the tiny

house bill (HB 588) would conflict with NHMA's policy opposing statewide zoning changes. Assistant Attorney Ferrini agreed that those positions could conflict. Councilor McEachern noted that workforce housing is a regional issue and even if we as a City might oppose a workforce housing bill, we need to look at some of these bills from a regional perspective. The Mayor used as an example the two revaluation bill HB 552 and SB 102, noting that even though the City does not have to do a reevaluation this year, the Mayor urged support for these bills. He also noted that each city would be impacted differently on the education funding bills but the Mayors did not support the idea pitting one city against the other. The Committee discussed possible revisions to HB 552 (might be amended to reflect SB 102, Part I).

Councilor McEachern moved and Councilor Kennedy seconded a Motion to support HB 552 and SB 102. The Committee discussed the fact that bills impact the City both directly and indirectly. Councilor Kennedy suggested that the sponsors should consider extending these bills for two years. After discussion, the **Motion passed 4-0 in a unanimous roll call vote.**

- IV.** Education Funding bills: HB 504 (excess SWEPT paid to state); HB 608 (education funding formula and excess SWEPT paid to state); HB 242 (expands definition of adequate education) and HB 20 (education savings account bill that diverts funds away from public schools) and update on Coalition Communities 2.0.

Assistant City Attorney Ferrini updated the Committee on the status of education bills. She noted that HB 504 has good parts and bad parts and is scheduled for hearing next week. The Mayor said he could not testify next week but someone from the Committee or the Assistant Mayor could testify. The good aspect of the bill was that it provided property tax relief to low and moderate income taxpayers but it was negative insofar as it returned to a donor town education funding model because excess SWEPT would be paid to the state. Excess SWEPT would also be paid to the state in HB 608 and this bill was similar to a bill that had been introduced last session. Assistant Attorney Ferrini noted that HB 242 was significant because it expanded the definition of adequate education which would increase the State's obligation to fund education and is consistent with the arguments in the ConVal case that is pending before the Supreme Court. Councilor Kennedy noted concerns about HB 20 because the bill proposes that funds will go to nonpublic schools who do not have to accept all students and who are not required to comply with federal laws, ADA, etc. unlike the public schools. She noted the Governor and Commission of Education support these "voucher" bills that were narrowly defeated last session and that it appears that these funds would not be controlled by DOE. Councilor Kennedy noted she would be testifying for the State on the bill. Nathan Lunney relayed his participation in two seminars on this bill and agreed with Councilor Kennedy's assessment that public funds would be leaving the system with no strings attached and that would have funding impact on NH schools. He noted concerns raised in two recent seminars that the bill did not address children already in private school and if passed, the bill would be one of the most compressive "voucher" bills in the country. Attorney Ferrini noted the bids were in and being reviewed and she is

getting confirmation from towns that they will be participating in the Coalition Communities 2.0.

V. Other bills of interest:

Finance: HB 459 (prohibiting a transfer of funds within an adopted budget to a general ledger line item in such budget that contains an entry of zero dollars.

Planning: HB 132 (acreage for single family home); HB 189 (accessory dwelling units); HB 284 (restoration of voluntarily merged lots); HB 341(permitted units in residential zones).

The Committee discussed putting HB 459 on the list of bills to watch. Councilor Kennedy noted that the local representative who sponsored the bill were interested in greater transparency. Nathan Lunney said it puts the onus on government to share information on budgets. Assistant Attorney Ferrini noted that this bill was highly unusual in its personal liability for elected officials and removal of office by the Governor. The Committee discussed HB 132, HB 189 and HB 341 as a statewide zoning change that would permit as a matter of right up to several additional units in a single family lot. Councilor McEachern noted that although allowing several accessory dwelling units per single family lots could pose a problem in Portsmouth, it may not be a problem in other towns.

Councilor Kennedy moved to oppose HB 189 and HB 341, seconded by Mayor Becksted. On a roll call vote. **Motion passed 3-1 with Council McEachern voting opposed.**

The Mayor discussed HB 284 noting the City Assessor's concern that developers are purchasing and subdividing these lots which puts a strain on the City and the Committee would continue to watch this bill.

VI. The Committee discussed bringing up the Legislative Principles at the next meeting as there are general bills of concern from Finance, Health, etc. and agreed to work with the Portsmouth Legislative Delegation to schedule a meeting in around 2 weeks and to try to work around the 4:30 time slot.

VII. Adjournment at 5:37 p.m.

For updated 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>