

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, MARCH 16, 2015 TIME: 6:15 PM

## AGENDA

• **AT 6:15PM – WORK SESSION REGARDING ABANDONED/DERELICT BUILDINGS**

**I. CALL TO ORDER (6:15 PM)**

**II. ROLL CALL**

**III. INVOCATION**

**IV. PLEDGE OF ALLEGIANCE**

**MAYOR'S AWARDS**

1. NH Division 1 Girls Alpine Skiing State Champions
2. NH Division 2 Boys Winter Track State Champions

**PRESENTATION**

1. Haven Well Contamination Blood Testing – Rick Cricenti, Director Emergency Services Unit, NH Department of Health and Human Services

**V. ACCEPTANCE OF MINUTES – MARCH 2, 2015**

**VI. PUBLIC COMMENT SESSION**

**VII. PUBLIC HEARINGS**

- A. RESOLUTION APPROPRIATING THE SUM OF ONE MILLION FOUR HUNDRED SEVENTEEN THOUSAND, EIGHT HUNDRED NINETY-SEVEN DOLLARS AND TWELVE CENTS (\$1,417,897.12) FOR EXPENSES RELATING TO MUNICIPAL COMPLEX IMPROVEMENTS
- B. RESOLUTION APPROPRIATING THE SUM OF FOUR HUNDRED TWELVE THOUSAND, ONE HUNDRED SIXTY-ONE DOLLARS AND NINETY-TWO CENTS (\$412,161.92) FOR EXPENSES RELATING TO MADBURY WELL UPGRADES
- C. RESOLUTION APPROPRIATING THE SUM OF ONE HUNDRED THIRTY-SIX THOUSAND, THREE HUNDRED ELEVEN DOLLARS AND THIRTY-NINE CENTS (\$136,311.39) FOR EXPENSES RELATING TO MCDONOUGH STREET AREA SEWER LINE REPLACEMENT
- D. ORDINANCE AMENDING CHAPTER 7, ARTICLE II – TAXICABS IS HEREBY DELETED IN ITS ENTIRETY AND REPLACED WITH A NEW ARTICLE II ENTITLED TRANSPORTATION SERVICES

- E. ORDINANCE AMENDING THE ZONING MAP BY REZONING THE FOLLOWING LOTS FROM INDUSTRIAL (I), OFFICE RESEARCH (OR) OR MUNICIPAL (M) TO GATEWAY (GW):
- ASSESSORS MAP 163, LOTS 33, 34 AND 37;
  - ASSESSORS MAP 165, LOTS 1, 2 AND 14;
  - ASSESSORS MAP 172, LOTS 1 AND 3;
  - ASSESSORS MAP 173, LOTS 2 AND 10;
- AND INCLUDING CATE STREET BETWEEN HODGSON'S BROOK AND BARLETT STREET; AND AMENDING THE ZONING ORDINANCE AS FOLLOWS:
- ARTICLE 7, SECTION 10.730 – GATEWAY PLANNED DEVELOPMENT:
    - AMEND SECTION 10.734.20 – LOT REQUIREMENTS, BY ESTABLISHING FRONT YARD STANDARDS RELATIVE TO STREETS OTHER THAN LAFAYETTE ROAD;
    - AMEND SECTION 10.734.33 BY MODIFYING THE MAXIMUM BUILDING HEIGHT STANDARDS;
    - INSERT A NEW SECTION 10.734.40 – WORKFORCE HOUSING INCENTIVES, TO ALLOW INCREASED BUILDING HEIGHT AND BUILDING LENGTH, AND TO ALLOW PARKING TO BE LOCATED IN A REQUIRED FRONT YARD OR BETWEEN A PRINCIPAL BUILDING AND A STREET, FOR A GATEWAY PLANNED DEVELOPMENT THAT CONTAINS 10% OR GREATER WORKFORCE HOUSING UNITS.
  - ARTICLE 15 – DEFINITIONS:
    - AMEND SECTION 10.1530 – TERMS OF GENERAL APPLICABILITY, BY INSERTING DEFINITIONS OF “WORKFORCE HOUSING” AND “WORKFORCE HOUSING UNIT.”

### VIII. APPROVAL OF GRANTS/DONATIONS

*(There are no items on under this section of the Agenda)*

### IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Resolution Authorizing a Bond Issue and/or Notes of up to Twenty Three Million Two Hundred Thousand Dollars (\$23,200,000.00) for the Construction of a New Parking Facility (***Sample motion – move to pass first reading and schedule a public hearing and adoption of the Resolution at the April 20, 2015 City Council meeting***)
- B. First reading of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements (***Sample motion – move to pass first reading and schedule a public hearing and adoption of the Resolution at the April 6, 2015 City Council meeting***)
- C. Second reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services
- D. Second reading of Ordinance the Zoning Map by rezoning the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):
- Assessors Map 163, Lots 33, 34 and 37;
  - Assessors Map 165, Lots 1, 2 and 14;
  - Assessors Map 172, Lots 1 and 2;

- Assessors Map 173, Lots 2 and 10; and including Cate Street between Hodgson's Brook and Bartlett Street; and amending the Zoning Ordinance as follows:

- Article 7, Section 10.730 – Gateway Planned Development:
  - Amend Section 10.734.20 – Lot Requirements, by establishing front yard standards relative to streets other than Lafayette Road;
  - Amend Section 10.734.33 by modifying the maximum building height standards;
  - Insert a new Section 10.734.40 – Workforce Housing Incentives, to allow increased building height and building length, and to allow parking to be located in a required front yard or between a principal building and a street, for a Gateway Planned Development that contains 10% or greater workforce housing units.
- Article 15 – Definitions:
  - Amend Section 10.1530 – Terms of General Applicability, by inserting definitions of “workforce housing” and “workforce housing unit.”

- E. Adoption of Resolution Appropriating the sum of One Million Four Hundred Seventeen Thousand, Eight Hundred Ninety-Seven Dollars and Twelve Cents (\$1,417,897.12) for Expenses relating to Municipal Complex Improvements (*A two-thirds vote of the Council is required for Adoption*) (**Sample motion – move to adopt the Resolution, as presented**)
- F. Adoption of Resolution Appropriating the sum of Four Hundred Twelve Thousand, One Hundred Sixty-One Dollars and Ninety-Two Cents (\$412,161.92) for Expenses relating to Madbury Well Upgrades (*A two-thirds vote of the Council is required for Adoption*) (**Sample motion – move to adopt the Resolution, as presented**)
- G. Adoption of Resolution Appropriating the sum of One Hundred Thirty-Six Thousand, Three Hundred Eleven Dollars and Thirty-Nine Cents (\$136,311.39) for Expenses relating to McDonough Street Area Sewer Line Replacement (*A two-thirds vote of the Council is required for Adoption*) (**Sample motion – move to adopt the Resolution, as presented**)

## X. CONSENT AGENDA

### **A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA**

- A. 2015 Omnibus Sidewalk Obstruction Renewals – See Attached Listings (**Anticipated action – move to refer to the City Manager with power**)
- B. Letter from Christina O’Grady, American Lung Association, requesting permission to hold the 6<sup>th</sup> Annual American Lung Association Cycle the Seacoast ride on Sunday, May 3, 2015 (**Anticipated action – move to refer to the City Manager with power**)
- C. Letter from Kathie Lynch, President of Portsmouth Little League, Inc., requesting permission to affix temporary signage to be located at the Plains and Hislop Park baseball fields during the 2015 baseball season from April 11<sup>th</sup> through the end of the fall ball program, in addition, maintain signage to the rear of the Plains scoreboard (**Anticipated action – move to refer to the City Manager with power**)

- D. Letter from Robert Sutherland, Secretary of St. John's Lodge No 1 requesting permission to hold the annual 5k on Sunday, April 11, 2015. ***(Anticipated action – move to refer to the City Manager with power)***

## XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

*(There are no items on under this section of the Agenda)*

## XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

### A. CITY MANAGER

#### **Items Which Require Action Under Other Sections of the Agenda**

1. Request for First Reading of Proposed Resolutions and Ordinances:
  - 1.1 First Reading of Proposed Resolution Authorizing a Bond Issue and/or Notes of up to Twenty Three Million Two Hundred Thousand Dollars (\$23,200,000.00) for the Construction of a New Parking Facility ***(Action on this item should take place under Section IX of the Agenda)***
  - 1.2 First Reading of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000.00) for Costs related to Elementary School Facility Improvements ***(Action on this item should take place under Section IX of the Agenda)***
2. Public Hearing and Adoption of Resolutions:
  - 2.1 Proposed Public Hearing and Adoption of Resolutions for Use of Bond Premiums
    - a) Resolution Appropriating the sum of One Million Four Hundred Seventeen Thousand, Eight Hundred Ninety-Seven Dollars and Twelve Cents (\$1,417,897.12) for Expenses relating to Municipal Complex Improvements ***(Action on this item should take place under Section IX of the Agenda) (Two-thirds vote required for adoption of Resolution)***
    - b) Resolution Appropriating the sum of Four Hundred Twelve Thousand, One Hundred Sixty-One Dollars and Ninety-Two Cents (\$412,161.92) for Expenses relating to Madbury Well Upgrades ***(Action on this item should take place under Section IX of the Agenda) (Two-thirds vote required for adoption of Resolution)***
    - c) Resolution Appropriating the sum of One Hundred Thirty-Six Thousand, Three Hundred Eleven Dollars and Thirty-Nine Cents (\$136,311.39) for Expenses relating to McDonough Street Area Sewer Line Replacement ***(Action on this item should take place under Section IX of the Agenda) (Two-thirds vote required for adoption of Resolution)***

3. Public Hearings/Second Readings for Proposed Ordinances
  - 3.1 Public Hearing/Second Reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services (**Action on this item should take place under Section IX of the Agenda**)
  - 3.2 Public Hearing/Second Reading of Proposed Ordinance Amending the Zoning Map by Rezoning Lots Outlined in the Ordinance from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW) and including Cate Street Between Hodgson’s Brook and Barlett Street; and Amending the Zoning Ordinance Article 7, Section 10.730 Gateway Planned Development and Article 15 – Definitions (**Action on this item should take place under Section IX of the Agenda**)

**City Manager’s Items Which Require Action:**

*(There are no items on under this section of the Agenda)*

**Informational items**

1. Events Listing
2. Legislative Subcommittee Update
3. News Release from Cooperative Alliance for Seacoast Transportation (COAST)
4. Letter from New Hampshire Municipal Association
5. Reminder of City Council Work Session Re: Master Plan and Impact Fees
6. New Hampshire Water Works Association’s Journal Article Re: Portsmouth Water Efficiency

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

**XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]**

**KELLI L. BARNABY, CNHMC, CMC, MMC  
CITY CLERK**

*\*Indicates Verbal Report*

**INFORMATIONAL ITEMS**

1. \*Notification that the minutes of the January 7, 2015; January 14, 2015; February 4, 2015 and February 11, 2015 meetings of the Historic District Commission are now available on the City’s website
2. \*Notification that the minutes of the January 15, 2015 meeting of the Planning Board is now available on the City’s website
3. \*Notification that the minutes of the January 7, 2015, February 3, 2015, February 4, 2015 and March 3, 2015 meetings of the Site Review Technical Advisory Committee are now available on the City’s website.


*NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.*

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** March 12, 2015

**To:** Honorable Mayor Robert J. Lister and City Council Members

**From:** John P. Bohenko, City Manager 

**Re:** City Manager's Comments on March 16, 2015 City Council Agenda

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***Work Session:***

1. **Abandoned/Derelict Buildings.** As a result of the March 2<sup>nd</sup> City Council meeting, the Mayor has requested that the City Council meet in a Work Session on Monday evening at 6:15 p.m., regarding abandoned and derelict buildings. City Attorney Robert Sullivan will give an update to the City Council regarding this matter.

***Presentation:***

1. **Haven Well Contamination Blood Testing.** On Monday evening, Rick Cricenti, Director of the Emergency Services Unit with the New Hampshire Department of Health & Human Services, will make a presentation to the City Council regarding the pending Haven Well Contamination Blood Testing program. He will review the proposed testing protocols and provide an update regarding the process and schedule.

***Items Which Require Action Under Other Sections of the Agenda:***

1. **Request for First Reading of Proposed Resolutions and Ordinances.**
  - 1.1 **First Reading of Proposed Resolution Authorizing a Bond Issue and/or Notes of up to Twenty Three Million Two Hundred Thousand Dollars for the Construction of a New Parking Facility.** As a result of the February 17, 2015 City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Resolution](#) authorizing a Bond Issue and/or Notes of up to Twenty Three Million Two Hundred Thousand Dollars for the Construction of a New Parking Facility.

*I recommend the City Council move to pass first reading and schedule a public hearing and second reading of a proposed Resolution Authorizing a Bond Issue and/or Notes of up to Twenty Three Million Two Hundred Thousand Dollars for the Construction of a New Parking Facility, at the April 20, 2015 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.*

- 1.2 **First Reading of Resolution Authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000) for Costs related to Little Harbour Elementary School Facility Improvements.** As a result of the March 2<sup>nd</sup> City Council meeting, under Section IX of the Agenda, I am bringing back for first reading the [attached proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million Dollars \(\\$5,000,000\) for Costs related to Little Harbour Elementary School Facility Improvements](#). Attached is a letter from Leslie Stevens, Chair of the Portsmouth School Board requesting the City Council approve a bond issue of up to Five Million Dollars (\$5,000,000) to undertake the construction improvements for the Little Harbour Elementary School. This will allow the School Department to bid the project before the beginning of FY 2016 (July 1, 2015). This was discussed at your Work Session with the School Department.

*I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Resolution authorizing a Bond Issue and/or Notes of up to Five Million Dollars (\$5,000,000) for Costs related to Elementary School Facility Improvements, at your April 6, 2015 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.*

## 2. **Public Hearings and Adoption of Resolutions.**

- 2.1 **Proposed Public Hearing and Adoption of Resolutions for Use of Bond Premiums.** As a result of the March 2<sup>nd</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and adoption [the attached proposed Resolutions regarding the Use of Bond Premiums](#) as follows:

- a) Resolution Appropriating the Sum of One Million Four Hundred Seventeen Thousand, Eight Hundred Ninety-Seven Dollars and Twelve Cents (\$1,417,897.12) for Expenses Relating to Municipal Complex Improvements.
- b) Resolution Appropriating the Sum of Four Hundred Twelve Thousand, One Hundred Sixty-One Dollars and Ninety-Two Cents (\$412,161.92) for Expenses Relating to Madbury Well Upgrades.
- c) Resolution Appropriating the Sum of One Hundred Thirty-Six Thousand, Three Hundred Eleven Dollars and Thirty-Nine Cents (\$136,311.39) for Expenses Relating to McDonough Street Area Sewer Line Replacement.

The City of Portsmouth currently holds the highest bond rating available from Standard and Poor's rating agency (AAA). The City was able to take advantage of its excellent bond rating when on June 27, 2013 and June 25, 2014, the City of Portsmouth issued \$6,696,000 and \$26,050,000 in bonds, respectively. The combined proceeds of the bond financed \$11,817,000 of General Fund capital projects, \$3,500,000 for Water projects, and \$17,429,000 for Sewer Projects for a total of \$32,746,000 in projects. In addition to the \$32,746,000 principal, the City received a premium of \$3,556,137.85 from the winning underwriter at closing. A premium is the amount by which the purchase price of a bond is greater than its par value. Under certain market conditions, in order to enhance the marketability of the bonds, bond underwriters will structure their bids with bond premiums. In this case, the City of Portsmouth received a True Interest Cost (TIC) rates of 2.39% (2013) and 2.72% (2014) with a total bond premium of \$3,556,137.85.

Under Federal Tax Law and State Statutes, the City is restricted on how to appropriate and use these funds. RSA 33:3 states that any premium received shall not be used to increase the amount to be spent for the purpose for which the loan was originally incurred. Therefore, the City cannot use this money to increase the costs of the projects set forth for the \$32,746,000 bond issuance. However, the RSA states "a city by a vote of 2/3 of the City Council may authorize the expenditure for the premiums received for any purpose or purposes for which bonds or serial notes may be issued for an equal or longer period of time."

The bond premium of \$3,556,137.85 is allocated as follows:

- General Fund in the amount of \$1,417,897.12;
- Water Fund \$412,161.92; and
- Sewer Fund \$1,726,078.81

Given that these projects have a useful life exceeding the original bond issue from which the premiums were received, and the eligibility for bonding under the Municipal Finance Act, it is in the best interest of the City to utilize the premium of \$1,966,370.43 of the total \$3,556,137.85 to fund costs associated with General Fund, Water Fund and Sewer Fund projects.

If approved as recommend, this will leave a bond premium balance in the Sewer Fund of \$1,589,767.42 which was received from bonds issued for the upgrade to the City's Sewer treatment plant and will be used for future principal payments on the bond issue.



*In accordance with State Statute, the staff and I recommend that the City Council authorize appropriations of \$1,966,370.43 from the following bond premiums for capital projects, as presented:*

- a) Move to adopt a Resolution Appropriating the Sum of One Million Four Hundred Seventeen Thousand, Eight Hundred Ninety-Seven Dollars and Twelve Cents (\$1,417,897.12) for Expenses Relating to Municipal Complex Improvements.*
- b) Move to adopt a Resolution Appropriating the Sum of Four Hundred Twelve Thousand, One Hundred Sixty-One Dollars and Ninety-Two Cents (\$412,161.92) for Expenses Relating to Madbury Well Upgrades.*
- c) Move to adopt a Resolution Appropriating the Sum of One Hundred Thirty-Six Thousand, Three Hundred Eleven Dollars and Thirty-Nine Cents (\$136,311.39) for Expenses Relating to McDonough Street Area Sewer Line Replacement.*

*Action on this matter should take place under Section IX of the Agenda.*

3. **Public Hearings/Second Readings for Proposed Ordinances.**

- 3.1 **Public Hearing/Second Reading of Ordinance amending Chapter 7, Article II – Taxicabs to be deleted in its entirety and replaced with a new Article II entitled – Transportation Services.** As a result of the March 2<sup>nd</sup> City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and a second reading the attached proposed Ordinance amending Chapter 7, Article II replacing the existing Taxi Ordinance with a new Ordinance entitled Transportation Services. The [attached Ordinance](#) includes the two amendments requested at the March 2, 2015 City Council meeting. At first reading of the captioned ordinance on March 2, 2015, the Council requested that two potential amendments to the form of the Ordinance which went to first reading be brought to the Council at second reading on March 16, 2015.

*The two motions which would satisfy that request are as follows:*

- 1) MOVE that the following sentence be added at the end of the first paragraph of Section 7.208 FARE REGULATION which shall read as follows:*

*“In no situation shall the fare for any single transportation service beginning and ending within the City of Portsmouth exceed the total sum of \$25.00.”*

*(Explanation not part of the motion: The maximum fare contained in this proposed amendment was based on input requested from Great Bay Taxi based upon the cost of a taxi ride under the current ordinance commencing at the Kittery town line and continuing to the Rye town line which is 5.1 miles, \$21.95.)*

- 2) *MOVE that Section 7.202 VEHICLE REGISTRATION of the proposed ordinance by the addition of the following sentence after the words “...Transportation Services” and before the words “There shall be a fee...” which shall read as follows:*

*“The placard shall be displayed in such a manner as to be plainly visible from the exterior of the vehicle by any potential customer”*

*And further, authorize the City Manager to bring back for third and final reading the proposed Ordinance at the April 6, 2015 City Council meeting, as presented. Action on this matter should take place under Section IX of the Agenda.*

- 3.2 **Public Hearing/Second Reading of Proposed Ordinance Amending the Zoning Map by Rezoning Lots Outlined in the Ordinance from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW) and including Cate Street Between Hodgson’s Brook and Bartlett Street; and Amending the Zoning Ordinance Article 7, Section 10.730 Gateway Planned Development and Article 15 – Definitions.** At its meeting on December 8, 2014, the City Council passed first reading on several amendments to the Zoning Map and Zoning Ordinance proposed by Portsmouth Land Acquisitions, the owner of several parcels of land on the Route One Bypass and Cate Street, and voted to schedule a public hearing and second reading for the March 16, 2015 Council meeting ([see attached Ordinance](#)). This date was chosen so that the Council’s action on these proposed amendments could be informed by the public design charrette for the Islington Street corridor (i.e., the West End), which was held in February 2015.

The zoning amendments proposed by Portsmouth Land Acquisitions would (a) rezone 10 parcels in the area bounded by the Route 1 Bypass, Hodgson Brook, Bartlett Street and the railroad line to the Gateway District; (b) amend the Zoning Ordinance to provide several incentives for including workforce housing units in a “Gateway Planned Development”; and (c) define the terms “workforce housing” and “workforce housing unit” to be consistent with the State’s workforce housing statute enacted in 2008.

The West End charrette took place on February 20-23 and was attended by a significant number of Portsmouth residents, including members of the City Council and the Planning Board. The charrette generated new and exciting ideas for development in the study area, including the parcels proposed for rezoning to the Gateway district. Because of the amount of interest in the charrette, several participants expressed their concern that the visioning process should be allowed to proceed further before any action is taken on rezoning of land within the study area.

A preliminary West End Vision Plan based on the charrette is expected to be available for public review in the very near future, after which residents will have approximately three weeks to provide their comments on the Vision Plan. Given the status of the visioning process, it is recommended that the Council keep the

public hearing open to allow for consideration of alternative zoning options for the study area, which could include new character-based zoning districts or other zoning strategies.

It would also be appropriate to request the Planning Board to reconsider the proposed zoning amendments in the light of the ideas raised during the charrette and the preliminary Vision Plan. However, the Planning Board could not take up this matter until its April 16<sup>th</sup> meeting, and it is therefore recommended that the public hearing and second reading be continued to the April 20<sup>th</sup> City Council meeting.

*I would recommend that the City Council move to continue the public hearing and second reading to the City Council meeting on April 20, 2015, and to refer the proposed zoning amendments to the Planning Board for a report back. Action on this matter should take place under Section IX of the Agenda.*

### **City Manager's Items Which Require Action:**

There are no items under this Section of the Agenda.

### **Informational Items:**

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on March 2, 2015. In addition, this can be found on the City's website.
2. **Legislative Subcommittee Update.** The City's recent focus has been on bills that address three issues of interest to the City: the meals and room tax, reinstatement of the property tax exemption for poles and conduits for the telecommunications industry and changes to the right-to-know law.

Portsmouth generates approximately 80% of the Rockingham County room tax, returning \$5.5 million to the State. This does not include revenue from conference room rentals, or revenue generated from our meals tax. The State will not release information regarding Portsmouth's contribution to the meals tax but with 312 licensed facilities with over 21,000 restaurant seats, we know the City's contribution is significant. Because the revenue distributed by the State is based on population, Portsmouth only receives 1.6% of the net revenue distributed to municipalities by the State; broken down, we received \$1,323,450 out of the \$63.8 million paid to municipalities in 2015. The City has provided testimony in support of two bills that attempt to help cities and towns receive and collect funds for municipal services that support tourism. SB 213 is a bill sponsored by Senator Nancy Stiles that originally attempted to increase by a small percent the revenue received by those cities that contribute a disproportionately higher amount to the meals and room tax. It has been amended to recommend a Committee to study the distribution of the meals and room tax. The Mayor also recently testified in support of SB 253, a bill sponsored by Senator

Martha Fuller Clark that is enabling legislation for municipalities to charge a hotel occupancy fee to offset municipal services.

The City has also testified in opposition to HB 547, a bill that would reinstate the property tax exemption for telephone poles and conduits for the telecommunications industry. This bill is poorly drafted and if passed, would result in two different values for the same pole, one value for the telecommunication company and another value for the electric utilities company. This is very likely to set up an equal protection challenge by the electric utility companies. The City opposes the bill because it will not only reduce tax revenues but because it prescribes a specific formula regarding how these poles and conduits must be appraised. This formula was adopted without any expert testimony and local assessors, who are certified by the DRA, not legislators, should be appraising City property.

The City has also been tracking bills relative to amending the right-to-know law. HB 646 is a bill that allows a municipality to recover a small part of the labor cost involved in responding to right-to-know requests and HB 285 is relative to the ability of municipalities to review written legal correspondence without an attorney being present if done in a nonpublic session.

3. **News Release from Cooperative Alliance for Seacoast Transportation (COAST).** For your information, [attached is a news release from Cooperative Alliance for Seacoast Transportation \(COAST\)](#), regarding the proposed elimination of the Route 7 bus service due to lack of local financial support.
4. **Letter from New Hampshire Municipal Association.** For your information, [attached is a letter from the New Hampshire Municipal Association](#), regarding the various types of state aid to local government and the impact to municipalities and local property taxes.
5. **Reminder of City Council Work Session Re: Impact Fees and Master Plan.** This is a reminder that the City Council will hold a Work Session on Monday, March 23, 2015 at 6:30 p.m., in the Eileen Dondero Foley Council Chambers, regarding Impact Fees and the Master Plan.
6. **New Hampshire Water Works Association's Journal Article Re: Portsmouth Water Efficiency.** For your information, [attached is a copy of the New Hampshire Water Works Association's \(NHWWA\) Journal Article](#) that Deputy Public Works Director Brian Goetz was asked to write for the NHWWA Journal regarding the City's water efficiency efforts. The Journal will go to print and be mailed out later this month ([see attached Agenda](#)).