

City Council Legislative Subcommittee Meeting

Eileen Dondero Foley Council Chambers
8:30 a.m.
Monday, April 11, 2016

Present: John P. Bohenko, City Manager; David Allen, Deputy City Manager; Jane Ferrini, Assistant City Attorney; Mayor Blalock, Assistant Mayor Splaine, Councilor Spear, Councilor Dwyer and Kelli L. Barnaby, City Clerk

Legislative Delegation Present: Representative Gerald Ward; Representative Laura Pantelakos; Representative Pam Gordon; Representative Debbie DiFranco; Representative Rebecca McBeath; and Senator Martha Fuller Clark

I. Call to Order

Mayor Blalock called the meeting to order at 8:30 a.m.

II. Distribution of draft Minutes from March 21, 2016 and March 29, 2016

Councilor Spear moved to approve and accept the minutes of the March 21, 2016 and March 29, 2016 meetings. Seconded by Councilor Dwyer and voted.

III. Discussion of NHMA's process of adopting policies

A. Discussion of NHMA's process of adopting policies

Councilor Dwyer stated she attended the organizational meeting for the process of the biennium and over the next 2 months there will be 3 committees made up of cities and towns from NH to review matters. She said anyone can put forth potential legislation for the biennium and the committee comes forward with priorities and actions to watch. She said the focus is to be bi-partisan once the work is done by the end of May then the information is refined for September when any municipality can send one person and vote on which policies the NHMA should move forward with.

B. Discussion with Committee and Delegates regarding proposed policies the City would like to bring to NHMA before April 22, 2016 deadline

Senator Clark said the local options should be put on the list to seek revenue for communities and the right to license short term rentals in the next meeting. We need to look at the right incentive for municipalities.

Discussion followed on the statute which allows municipalities to charge fees for any services we provide but it can't become a tax.

The committee moved unanimously approved the submission of a policy statement to the NHMA that supported the following principles:

For further information on the Legislature, draft 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>.

1. Enabling legislation that allows cities and towns to create local revenue sources to help offset overreliance on the property tax and would help to pay for municipal services, infrastructure improvements and capital needs to help recoup costs cities and towns have assumed over the last decade due to loss of revenue from the State due to the elimination of shared revenues, state aid grants, retirement contributions and failure to return the proper percentage of meals and rooms tax revenue to cities and towns. The explanation of this policy should include reference to precedent created by the Motor Vehicle Statute and make reference to the increased burden the overreliance on the property tax has on those with limited sources of income.

The Committee moved and unanimously approved the submission of a policy statement to the NHMA that supported the following principles:

2. Enabling legislation that would allow cities and towns to regulate peer to peer businesses conducted in their community on life safety issues. The explanation of this policy should include that the purpose of this legislation would not be to ban these peer to peer innovative business models but to encourage them and make them safe for owner, user and all citizens and visitors to cities and town and the State of New Hampshire.
3. The Committee moved and unanimously approved that Assistant City Attorney Ferrini should submit language for Senator Clark's review to use as a guide to submit as an amendment to HB 1697 in order for the bill to include a penalty provision. This potential amendment would provide for penalties to be administered by the Department of Safety and the Committee suggested that any penalty provision be similar to the penalty provision in the City's Transportation Services Ordinance.
4. The Committee moved to support SB 364, a bill which would establish a committee to study the feasibility of incorporating Complete Streets into the 10-year transportation improvement plan
 - C. Update on Accessory Dwelling law, distribution of testimony from Brian Goetz, Deputy Director of Public Works submitted to Senate Finance Committee hearing on SAG funding regarding HB 1428 on April 5, 2016 and discussion regarding upcoming hearing on Uber bill (HB 1697) before the Senate Transportation Committee on April 12, 2016 at 1:45 p.m., in LOB 103 and distribution of written testimony submitted by Councilor Dwyer

Assistant City Attorney Ferrini reported that NHMA was pleased with the testimony from Deputy Public Works Director Goetz regarding SAG funding.

Assistant City Attorney Ferrini reported that the Accessory Dwelling has passed and became law.

Councilor Dwyer said there will be work sessions to provide guidance in zoning. She said this is just in the planning stages.

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City Manager Bohenko spoke to NHMA putting out a nice summary on what we should have for land use regulations. Councilor Dwyer said she will ask NHMA to have a workshop on this matter.

Councilor Dwyer reported that California levied large fines because UBER safety checks were poor. She said we need to have a voice in safety checks where the vehicles are traveling on our streets.

- D. Discussion of upcoming hearings on bills of interest referenced in the Senate and House Calendars published on April 7 and 8, 2016 and the NH Bulletin published on April 8, 2016. For further information on the Legislature, draft 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://nhmunicipal.org/LegislativeBulletins>.

Assistant City Attorney Ferrini reported the following:

- HB 1198 – Poles and Conduit hearing will be Tuesday, April 12, 2016 at 9:30 a.m.
- SB 421 – Government Liability – we continue to watch
- SB 364 – Complete Streets – we continue to watch

At 9:20 a.m., Senator Fuller Clark left the meeting.

- HB 1587 – Conservation Easements – the City is not taking a position but the Conservation Commission might take an opinion and submit testimony

City Manager Bohenko stated once we have put land in conservation status it remains conservation land.

Councilor Dwyer said Conservation Commission is advisory only for the Planning Department.

Discussion followed on testimony policy.

The Committee moved and unanimously approved the submission of testimony by individual members of the Conservation Commission regarding a recent amendment to HB 1587 on conservation easements. The Committee also expressed interest in the Conservation Commission's opinion on the amendment and requested a memo to be forwarded to the Committee for its review.

Assistant City Attorney Ferrini will relay this information to Environmental Planner Peter Britz and the Conservation Commission.

Discussion of meeting schedule going forward

City Council Sub-committee meeting next Monday prior to the City Council meeting.

IV. Miscellaneous/Unfinished business

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V. Adjournment

At 9:35 a.m., Councilor Spear moved to adjourn. Seconded by Councilor Dwyer and voted.

Respectfully submitted by:

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

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