

City Council Legislative Subcommittee Meeting

Eileen Dondero Foley Council Chambers

8:30 a.m.

Monday, May 2, 2016

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

Others Present: Representative Gerald Ward, Representative Laura Pantelakos, Representative Pam Gordon, Representative Deb DiFranco, Representative Becky McBeath, and State 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 April 18, 2016.

Voted to approve and accept the minutes of the April 18, 2016 meeting. Seconded and voted.

III. Discussion.

A. Discussion of draft policies submitted to NHMA regarding: enabling legislation for the creation of local revenue sources; the regulation of peer to peer businesses; distribution of meals and rooms revenue of self inspection municipalities; and opposition to statewide legislative mandates for local adoption of specific zoning standards

1. Discussion on how to develop more traction on the Peer to Peer Regulation Bill

Assistant City Attorney Ferrini reported that 4 draft policies were submitted as discussed at the last meeting. She stated 2 of the policies were submitted to the Committee that Councilor Dwyer sits on.

Councilor Dwyer said many discussions had been heard regarding the standing policy to date as well as specific zoning standards. She said the next one is more problematic to allow and to create peer to peer businesses. She said she did her best to explain why it was important. She said the small communities they serve do not feel they would ever be in need of the bill. She said she would like to come up with some examples within a small community that would be important for them to have such a bill pass.

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>.

City Manager Bohenko said he would speak with the Fire Chief on this matter that we would be regulating some day.

Councilor Spear said the focus should be on affordable housing issues rather than bed and breakfast and maybe some traction could be gained from that approach. Senator Fuller Clark said insurance is a concern and home insurance will not cover it. She said this is to protect home owners. She agrees with the impact of time that growth of these short term rentals have an effect on long term rentals. She said any home owner is putting themselves at risk.

Representative Pantelakos feels that the City Manager and Fire Chief should speak on these matters and those relating to health and safety.

Councilor Dwyer said that this would be much more disruptive in a small town.

Assistant City Attorney Ferrini said it could be a violation on their mortgage.

Senator Fuller Clark said another matter is whether the community wants to issue a cease and desist order.

Assistant City Attorney Ferrini said we continue to keep track on the other policies.

B. Discussion with Committee and Delegates regarding other police issues of interest in NHMA 2017-2018 Initial Issues List

Councilor Dwyer said there is much support with members of the NHMA for regionalization and highway funds should not be diverted. She said a comprehensive policy for funding should be made. She said it would allow municipalities to borrow money to place utilities underground.

City Manager Bohenko said regionalization of Fire Departments is something we are working on with some communities. He said there needs to be a fund mechanism and incentives for departments to want to regionalize.

Assistant Mayor Splaine said the state does not need to get bogged down with incentives. He said regionalization will save money.

City Manager Bohenko said there needs to be some legislation to get it going. He said we need the ability to enter into local agreements without having to sit for town meetings.

Councilor Dwyer said there is a potential bill to purchase capital equipment together to create TIF districts.

- C. Update on testimony submitted on behalf of the City to Senate Executive Departments and Administrations Committee by Dianna Fogarty, Human Resource Director, in opposition to HB 1322, a bill that would create additional reporting requirements for public employers. Discussion of April 19, 2016 letter from Kelli Barnaby, City Clerk, on behalf of New Hampshire City and Town Clerk Association, in opposition to SB 509 regarding voter verification process

Assistant City Attorney Ferrini said both testimonies were submitted.

- D. Update on bills of interest and amendment to Uber bill (HB 1697) and discussion on following up with City Committees; HB 1534 regarding electric poll books; SB 411 NON GERMANE AMENDMENT regarding merged lots; SB 482 regarding short-term rentals; SB 492 regarding Reggie funds; BS 527 regarding Police Standards; HB 1395 regarding amendment to right to know; HB 430 veterans' credit; HB 1203 vote on variance; SB 364 regarding complete streets; CACR 27 regarding constitutional amendment on state spending; SB 421 regarding municipal liability

Assistant City Attorney Jane Ferrini said one of the UBER amendments is regarding penalties. She said the bill would be under the supervision of the Department of Safety. She said they removed the provision that drivers be defined as independent contractors and that some feel by the Senate.

Councilor Dwyer said independent contracting can cause problems.

Representative McBeath asked about the contract language. Senator Fuller Clark said it is going to the Finance Committee. She said there will be pressure to put the language back in at the Finance Committee level but if the language is back in the bill they would have difficulty passing the bill.

Assistant Mayor Splaine likes the penalty clause and if we do not get this passed it will cause problems for the City. If the legislation passes it still does not become law for 60 days. Senator Fuller Clark said maybe we could have it take effect upon passage.

Assistant City Attorney Ferrini reviewed various bills and their current status and when hearings will be coming forward.

- E. Discussion of upcoming hearings on bills of interest referenced in the Senate and House Calendars published on April 28 and 29, 2016 and the NHMA Bulletin published on April 29, 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>.

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Assistant City Attorney Ferrini spoke on HB 1271 regarding registration on tractor trailers for non-residents and how it would become problematic. HB 1680 placing a moratorium on treatment medicines and said local health do not support this and reference a letter to the editor submitted by Acting Police Chief Mara. She also stated that SB 421 will have a hearing tomorrow.

F. Discussion of meeting schedule going forward

City Manager Bohenko said we would like to work on legislation to file in the fall with our delegation. He said he would like ample legislation for funding sources. Representative Pantelakos said legislation could be filed in late October.

Councilor Spear would like a bill for an Idaho Stop. He said there must be enabling legislation and would like that legislation brought back for next fall.

Discussion followed regarding when to meet next. Senator Fuller Clark said you might want to have a meeting the 2nd Monday, June 13th.

Mayor Blalock closed the meeting at 9:40 a.m.

Respectfully submitted by:

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

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