

Minutes
City Council Legislative Subcommittee and Portsmouth Legislative Delegation
Eileen Dondero Foley Council Chambers
Wednesday, January 29, 2020 at 5:00 p.m.

I. Greeting: Mayor Becksted

Mayor Becksted called the meeting to order at 5:05 p.m.

Present: Mayor Rick Becksted, Councilor Deaglan McEachern, Councilor Esther Kennedy, Councilor Paige Trace, Senator Martha Fuller Clark, State Representative Jackie Cali-Pitts, State Representative Rebecca McBeath, State Representative David Meuse, State Representative Laura Pantelakos, State Representative Peter Somssich, State Representative Jerry Ward, City Manager Karen Conard, Assistant City Attorney Jane Ferrini, Tax Collector Becky Benvenuti, Deputy City Clerk Valerie French

Absent: State Representative Tamara Le

II. Review of Minutes from January 13, 2020

Councilor McEachern moved to approve the minutes of January 13, 2020, seconded by Councilor Kennedy.

Councilor Kennedy stated that she recalled a discussion regarding creating a policy and process for the NHMA which is not included in the minutes and she would like added.

Councilor McEachern retracted his motion, Councilor Kennedy as seconder, agreed.

No action taken on the January 13, 2020 minutes.

Asst. City Attorney Ferrini explained the two different committees relating to legislation which includes this group which includes the city's State representatives and Senator and the sub-committee which consists of several City Councilors and herself as staff advisor.

Senator Fuller Clark asked how often the subcommittee meets.

Asst. City Attorney Ferrini explained that it is at the discretion of the Mayor and usually several times during January and February as there are a lot of bills to review.

Representative Pantelakos suggested that these meetings should begin being held in late November/early December because they move through the process quickly and sometimes this is too late to have input.

III. Discussion of HB 1160, enabling legislation for municipalities to collect occupancy fee from local room rentals and HB 1650, legislation for road usage registration fee with portion of funds to go to Type II noise abatement projects and City's testimony in support and SB 616, Committee to study redistribution of meals and rooms to municipalities.

Discussion was held regarding the potential passage of HB 1160 in the House and possibly the Senate, but potentially being vetoed by the Governor because it has the appearance of increasing fees and/or taxes. The consensus was that there is always a fight between State and local control, with the State unwilling to give up the control.

Discussion ensued regarding NHMA and their activity in supporting the bill and if it is effective or not. Representative Pantelakos suggested the City Manager and Mayor reaching out to other City Manager's and Mayors for support.

Councilor McEachern stated that he is bringing forward an item on the February 3, 2020 Council agenda proposing forming a coalition regarding hotel rooms and meals and hotel occupancy. He continued that he understands the Governor doesn't want to increase any fees or taxes, but wants to form a coalition to work with towns that aren't getting their fair share. He continued that currently we are only receiving 18% and have over the last 4-5 years that it was supposed to be at 40%, but didn't happen.

Discussion continued regarding the probability of this being killed during an election year although it would be beneficial to form the coalition. The need for transparency in relation to the money being received by the State with Senator Fuller Clark stating that Senator Stiles had previously brought forward a bill that was killed, but feels it should be proposed again. Representative Somssich stated we are just looking for the percentage that we were supposed to be getting all along so it would be forming a fair share coalition. There was a consensus of forming a "Fair Share" coalition.

Regarding HB1650, discussion was held on various bills that have been brought forward regarding surcharges on heavier vehicles or more fuel-efficient vehicles, etc. to raise revenue for the noise barriers and highway maintenance. Discussion ensued on other ideas including raising gas tax, tolls, and the effect it would have on commuters. Councilor Kennedy requested commuter data for the city of Portsmouth with City Manager Conard stating we can work with the Planning Commission for this information. Representative Somssich stated that it is great that we are in line to receive the noise abatement funds that Portsmouth has been fighting for decades to receive for sound barriers, but we are one of 49 communities in New Hampshire receiving the money.

Discussion further ensued regarding the broader picture of various issues including education funding and the need to include more areas in the coalitions. Councilor McEachern agrees that we need to go beyond the one issue when speaking about the Fair Share message, but wants to galvanize this movement going forward with the room and meals issue.

IV. Legislative Subcommittee and Delegates discussion of legislative issues and bills of interest to the City which may include but not be limited to the following:

MUNICIPAL GENERAL: Numerous bills regarding prohibitions against single use plastics, straws, Styrofoam, plastic bags, paper receipts HB 1564, HB 1472, HB 1373, HB 1194, HB 559, HB 102, HB 559, HB 1580, SB 694 cybersecurity, right to know bills not specified.

PLANNING RELATED: SB 458 Short term rentals; HB 482 Tiny Houses; HB 1629 Training of Land Use Boards; HB 1450 Amend Variance standards; HB 1276 Ex Officio no vote; SB 460 enforcement of zoning violations ability to place lien, various bills to repeal or study Housing Appeals Board SB 536, SB 487 SB 735, SB 721.

WORKFORCE HOUSING RELATED: HB 1579 percentage Meals and Rooms go to Housing Fund, SB 475 Tax credit workforce housing, HB 1632 affordable housing incentives.

GENERAL ENVIRONMENTAL: HB 1124 change definition prime wetlands, SB 491 change shoreland protection standards, funding for PFAS remediation or mitigation HB 1603, SB 496, HR 12, SB 496, SB 641, net metering bills not specified.

INSPECTION AND HEALTH: SB 113 approval by NH Building Code Review Board required for local amendments to state building code, Health related bills such as HB 1438 dogs on decks, HB 1102 restaurants to establish food allergy awareness procedures, HB 1428 inspection of bed bugs for transient occupancy, SB 450 dogs at outdoor brew pubs, SB 478 food at cigar bars, SB 479 regulation of food trucks.

HUMAN RESOURCES: HB 1181 pain and suffering awards Labor Relations Board, HB 1205 extend reduction in pension from age 65 to 67, HB 1341 extend benefits vested group II from 2012 to 2021, HB 1447 penalty to employer if retired employee exceeds part time hours.

FINANCIAL TAX: HB 563 fees for failing to register motor vehicle, SB 667 increase maximum municipal fee to support transportation improvements from \$5 to \$10, HB 1649 road usage fee, numerous property exemption bills not specified.

For a general list of bills refer to the City's Legislative Subcommittee's website at

<https://www.cityofportsmouth.com/legislative-subcommittee> and for a complete list of bills before the Legislature go to the General Court website at <http://www.gencourt.state.nh.us>

V. Discussion of upcoming hearings on bills of interest.

Update on Commission to Study Education Funding and an update on Contoocook Valley School District. v. - State of New Hampshire, NH Supreme Court Case. No. 2019- 0500 by staff. Schedule next meeting of Legislative Subcommittee.

Asst. City Attorney Ferrini reviewed a spreadsheet of current pending legislation highlighting the above listed topic of interest.

Regarding SB458, Short Term Rentals, Asst. City Attorney Ferrini explained that this will restrict a municipalities abilities to restrict short term rentals.

Senator Fuller Clark asked if the city will testify against this bill.

Asst. City Attorney Ferrini explained that the city supported the previous bill with Senator Fuller Clark but this one does not have the same principles.

Senator Fuller Clark stated there are a lot of problems with this bill including the definition of vacation rental. She stated she also feels it should be owner occupied because property owners can change their current long term rentals to short term and we already have a long term rental crisis. She stated that they will need to the help of the city of object to this bill.

Asst. City Attorney Ferrini stated this will be up to the committee.

Regarding SB482-Tiny Houses, Asst. City Attorney Ferrini explained that this mandates tiny houses and tiny house parks shall be permitted in residential zones, which is meant to address workforce housing, but again, is against the principles laid out by the City regarding statewide zoning changes.

Senator Fuller Clark explained that this is her bill and is a companion bill to ADU and feels that if it is not mandated, it won't happen. She stated there has been a lot of testimony in support and these will be manufactured to standards and will not be shacks. She stated that if they are on wheels, it will be up to the owner to inform the city when they are there, and when they leave.

Mayor Becksted suggested having to register the house like an RV at the municipality.

Councilor McEachern stated he likes the idea of more affordable housing and feels that tiny houses may be a way of infilling areas that can't have bigger structures and create neighborhoods on a smaller level.

Discussion ensued regarding whether this needs to be a mandate or not to make it work.

Senator Fuller Clark stated she would also like to see less focus on workforce housing and include lower and middle income and is concerned that the core of the downtown is being taken up by hotels.

Next, regarding HB1629, which would require training of land use board members, discussion ensued regarding the cost and the appropriate training facilitator. Mayor Becksted suggested the Rockingham Planning Commission. Asst. City Attorney Ferrini suggested amending this bill as there are conflicting objectives.

Regarding PFAS related bills, Senator Fuller Clark reported that one bill has passed but is being held for consideration as it requires a new standard of the DES. Discussion ensued regarding SB496 sponsored by Senator Fuller Clark and HB1603 being co-sponsored by Representative Meuse which would ensure that any money received by the State from PFAS lawsuits would be used specifically for PFAS remediation.

Councilor Kennedy stated she has been concerned with the Tolend Road Landfill in Dover which is next to the City of Portsmouth water source in Madbury.

Due to the impending conclusion of the meeting, Asst. City Attorney Ferrini reviewed several other bills of interest we are following. She briefly explained the Education Commission which was formed to study education funding which had no representatives from donor towns until recently with the

appointment of former City Councilor Chris Dwyer. She stated it is important to be aware of this Commission and the impact on the tax rate if we don't retain excess SWEPT.

Representative McBeath suggested a presentation by Executive Council Volinsky on education funding and explains the complicated issue.

Councilor Kennedy asked the State representatives if they can help figure out a way to fill the numerous vacancies in school positions that are open, funded but aren't able to be filled.

VI. Adjournment

Mayor Becksted stated he is looking for meeting times which are most convenient for people and tried the 5:00 p.m. time instead of morning to see if was a better time. He concluded that he and Asst. City Attorney Ferrini will reach out regarding scheduling of the next meeting.

Meeting adjourned at 7:15 p.m.

Respectfully submitted by:

Valerie A. French, CNHMC
DeputyCity Clerk