

City Council Legislative Subcommittee Minutes
Wednesday, December 22, 2021, 8:30 a.m.
Conference Room A, 1 Junkins Avenue, Portsmouth, NH 03801

I. The meeting adjourned at 8:53 a.m.

Mayor Becksted, Councilor McEachern, Councilor Trace, City Manager Conard and Assistant City Attorney Ferrini attended in person and Councilor Kennedy attended remotely. Councilor elect Kate Cook attended remotely.

II. Approval of Minutes. Councilor McEachern moved and Councilor Trace seconded a motion to approved the October 8, 2021 Minutes. The Committee voted unanimously to approve the minutes.

III. Discussion by Mayor regarding legislation discussed by Mayors' Roundtable.

The Mayor described his participation and Mayor-elect McEachern's recent participation in a Mayors' Roundtable ("Roundtable") discussion of legislative issues of interest for the group for 2022. He described the Roundtable's successful efforts last year to change the meals and rooms distribution to municipalities, noting that the new law reduced the tax to 8.5% and increased the distribution to municipalities to 30%. New legislation LSR 22-2056/HB 2102 would decrease the tax and increase the distribution but the Roundtable will be watching this legislation to see what the net effect will be for municipalities. He reported that the Roundtable will be opposing property tax exemptions regarding communication services leases (LSR 22-2551/HB 1494); legislation requiring hand marked paper ballots (LSR 22-2018/HB 1064) and HB 611 abolishing fluoride in water. They will also oppose legislation that would limit the authority of city councils (LST 22-2170 and HB 1268) and legislation that would limit the authority of health officers (LSR 22-2167/HB 1272) as well as restrictions on municipalities from lobbying ((LSR 22-2117/HB 1033). Assistant City Attorney Ferrini noted that last two bills were likely a reaction to mask bills and narrow the ability of municipalities and health officers to enact emergency ordinance only if clear and present danger and that those ordinances would only last for 10 days.

The Mayor also noted that the Roundtable had concerns and would be tracking bills that would make statewide zoning changes, such as HB 1068, a bill regarding tiny houses, HB 1087 regarding lot coverage and HB 1098 regarding parking spaces per dwelling.

The Committee discussed state appropriations to fund water systems and wastewater projects (HB 412, HB 398.) Both Councilor Kennedy and Councilor Trace asked if the appropriation for Lonza would effect the taxpayers and whether the funds referenced in these bills could apply to a private commercial enterprise such as Lonza. Assistant Attorney Ferrini stated that HB 412 applied to funding public water systems and that these funds would likely pay for projects on ongoing state lists for such projects. Councilor Kennedy asked if Lonza could be added to these lists.

The Mayor discussed the Roundtable's concern regarding HB 2971 which would prevent short term rentals from being prohibited by zoning. Councilor McEachern added that the purpose of the bill is an effort to increase tourism but in Portsmouth it would have the opposite effect. He noted that the bill should define short term rentals as only owner occupied premises and the City should amend it zoning ordinance to reflect that definition. Attorney Ferrini noted an additional housing bill, HB 1127, which

would permit by right every single family resident to have 4 dwelling units. Councilor Trace noted the negative impact this bill would have on city neighborhoods regarding parking and congestion.

IV. Discussion of LSR's regarding legislative issues of interest.

The Committee discussed the State's decision not to fund sound barriers for New Franklin School and how the approval process does not mean there is not a sound issue, just that the State could not justify the expense. The Committee discussed the State's process and formula for determining the cost, noting that it is based on Federal Highway guidelines. Councilor McEachern raised concerns regarding how a school was counted relative to the amount of sound receptors associated with it in the formula and how a school is similarly classified under the formula like a cemetery. Councilor Kennedy reminded the Committee that she has asked the State for the data used in the formula and had not received it and would be following up on this request. She also stated that she and the Mayor and many citizens testified at the 10 Year Transportation Plan hearing on the sound barriers and asked why no one from the City came to testify. The City Manager replied that planning staff attended the Hampton hearing and noted that Beth Moreau, a city representative to the Rockingham Planning Commission also attended. Councilor Kennedy asked for the City to take a more vocal role moving forward. Assistant City Attorney Ferrini suggested that the issue of sound barriers and the information regarding the formula could be an agenda item for the next Legislative Subcommittee to pursue. The Committee noted local lawyer Justin Richardson had suggested challenging the State's formula. Councilor Kenney noted that our delegation has to get more actively involved on this issue.

The Mayor discussed the bills proposed by Senator Perkins Kwoka, additional sources of revenue for municipalities through motor vehicle registration fees and municipal share of motor vehicle fines for speeding (LSR 22-2995, LSR 22-3017). Regarding the motor vehicle registration fee, the bill requests these fees to be raised from the current amount of \$5 to \$15, with the hope that the fee could be \$10. The Mayor explained that the Roundtable had been unaware that the funds realized from motor vehicle fines do not go to municipalities.

V. Update on Coalition Communities 2.0.

Assistant City Attorney Ferrini gave an update based on information from the lobbyist from Coalition Communities 2.0. There was a general opinion given the composition of House and Senate and emphasis on other legislative priorities that a change to the education funding formula would not be supported this next session, although bills will be tracked. The Committee discussed that there were many bills relative to the education freedom account and mask mandates in school and that these bills will likely take priority this next session. Councilor Kennedy asked that the City oppose bills that trash teachers and asked that the City send a letter to support teachers, such as a joint letter by the Mayor and the Superintendent.

The Mayor noted how much he enjoyed and learned from his participation in the Roundtable and stated that he is willingness to continue to assist the Legislative Subcommittee in any way possible in the future.

VI. Adjournment. Councilor Trace moved and Councilor McEachern seconded a motion to adjourn, which was unanimous. The meeting Adjourned at 9:44 a.m.