

CITY COUNCIL WORKSHOP WITH NH LEGISLATORS

OCTOBER 7, 2013

Mayor Spencer welcomed State Senator Watters and State Representative Roger Berube.

Senator Watters said he is happy to be here and is really here to listen. He wished to hear about any issues that Somersworth would like to have attended to. His priorities for the upcoming legislative session are as follows:

- He will be introducing legislation to try to help with teacher's student debt, particularly teachers who commit to stay and teach in New Hampshire. There may be some system we can find to help them pay their student debt.
- He wants to focus on transportation. The GACIT hearing was held here. Commissioner Clement came. They felt it was the best hearing they have had. They heard loud and clear not only the priorities for Route 108 upgrade which is in the draft plan for \$10.8M starting in 2018, but also Exit 10. He has been working on Exit 10 for the last few months trying to push it forward. His understanding is that we will be seeing that added to the plan. He is working with other senators to do something for funding through the road toll or gas tax. There is a structural deficit of about \$35M in Transportation, plus there is no funding for the bonding to complete 93 and other projects that may have to be mothballed. They also need to do more about betterment funds. He feels that any increase in the road toll should go towards betterment. He is putting in another bill that would put in a registration fee for electric and hybrid vehicles. There are more of these vehicles every year. They are driving on the roads and they need to pay their share.

Rep. Berube thanked the City for inviting him here this evening. There are many issues that are facing the State of NH, such as where the funding will come from for road improvements. Another area that is very important at this time is energy. If we are to create jobs within the State of New Hampshire, we need to provide cheap energy. He has had the opportunity to serve on the Canadian Trade Council. They met with people from Canada about the northern pass project. There have been a lot of debates about this project. The people in northern NH do not want it. If we do not start looking at ways to bring cheap energy into the State of NH we are going to be looking at trouble. New Hampshire is a beautiful state but the cost of energy is too high. Companies have moved out because of this.

Rep. Berube said education has been a problem within our state for many years. Legislators have tried their best to appropriate as much money as they can to education. There is no state income tax so all the money for education is coming from the cities and towns. This makes it very difficult. We do a good job with what we have. This is an issue that is not going away.

Rep. Berube thanked Council members for the job they are doing. He knows it is very difficult to balance the budget and provide quality service within the City.

Rep. Peter Bixby said that in terms of the importance of education for New Hampshire, he feels that is one of the things we have to keep working hard on. We have seen, both here and in Dover, that it is difficult to provide the level of funding needed in the schools if we rely solely on the tax base we have. In the long run, he feels that some sort of broad-based tax needs to be worked out for the State of NH. He is fairly certain that will not happen in the next couple of years, but he feels we have to start thinking about how to even out the tax system in this state. The way that demographics, property ownership and incomes work now, a strictly property-tax based system is not proportional. We need to go back and look at our Constitution and see what the most proportional manner would be to raise taxes.

Rep. Bixby said in terms of infrastructure, he feels we need to look at some sort of road toll that would be seen as a user fee. The people who benefit from the service are the ones primarily paying for it.

Rep. Greg Burdwood represents Ward 2. He is interested in hearing what concerns the Council has. He was very disappointed in this past session to see the proposed gas tax fail. It has been 21 years since we have had a rise in the gas tax. It seems overdue when you consider the needs we have for our roads, highways and bridges. He would like to see that revisited.

In terms of education he was very pleased to see much of the funding restored for UNH and the community colleges. This enables our citizens to get the skills they need to be competitive in today's work force.

Rep. Burdwood said his particular focus of late has been in the area of long-term care. He is currently serving on a Medicaid Commission that's looking at how best to pay for those services. We need to look at creative ways to reduce the cost of long-term care.

City Manager Belmore indicated the invitation letter that was sent out to NH Legislators contained at least three topics for discussion:

- Funding our infrastructure and issues of State funding regarding roads and bridges;
- Councilors expressed an interest in talking about school funding, not only regarding adequacy, but also the timing of revenue so we are not surprised at any time during the course of the year in regards to setting our tax rates and cutbacks in funding.
- In regards to code enforcement, e.g. how stringent State law might be. They would like the focus to be on perhaps enabling legislation to allow greater flexibility and more "teeth" for enforcement at the local level. We seem to be hamstrung because our code enforcement officers cannot issue summonses.

Manager Belmore thanked the Code Officers from our neighboring communities for being here, the School Board members that are here, and the legislators for attending.

Councilor Soldati said they have a particular problem in Ward 2, that being a lot of absentee landlords. This City has really made efforts to seek out the landlords to get them to care about the property they are receiving income from. They scoff at our attempts to get them to comply with the rules and clean up their properties. We do need help from the legislature to find an effective way to deal with this problem. She feels there are a lot of communities that could use some help with this issue.

Senator Watters said when he was at the open house at the Somersworth Fire Department on Saturday, we talked about the Massachusetts code that took effect 7/01/05. This code gives some enforcement powers to fire and other public safety officials. He has talked to some firefighters in Dover about it, and there is some concern about keeping the law enforcement effort separate from the firefighting aspects. He is meeting with some Chiefs of Police on Friday about some other legislation and he will bring this up as well. He will also talk to his colleagues in Concord and see if we might draft something for this session. Perhaps communities could share a hearing officer.

Manager Belmore indicated we are also having problems with foreclosed properties. We are having trouble with out of state banks and mortgage companies.

Rep. Berube said he serves on the Criminal Justice and Safety Committee for the State. No one has come up with any testimony regarding problems with the Fire Codes in the State. They may not be as stringent as in other states, because they have much larger apartment buildings, etc. He feels the City of Somersworth has done well in past years with Fire Codes.

Manager Belmore commented that it goes beyond fire codes, it is also about property maintenance issues.

Councilor Witham underscored he is not so sure the issue is lack of regulations or the regulations not being stringent enough. It is more the inability of doing something about it. We have absentee landlords that do not care about their properties or the tenants who reside at their properties and we end up policing the property as a community. Public Works goes and picks up furniture, trash, etc. He suggested that we take those loads of trash and dump them on the lawn of the Strafford County Superior Court. It would get the point across that we need to have some "teeth" in our ability to enforce regulations at the local level. He marvels at what Dover did, which was bringing Code Enforcement under the Fire Department. This seems to be a logical thing to do. We do need to have something at the State level that allows to take action on these problems.

Rep. Bixby said this is not his area of expertise, but he is strongly of the opinion that government at every level is responsible for protecting the populace. If there is some element of our legal system that is preventing you from properly protecting tenants, that is something that needs to be addressed. He would be willing to support legislation that would enable you better enforcement.

Councilor Sprague said it is not just landlords that are the issue, it is renters also. There was legislation passed a few years ago that made it mandatory that we at least had a physical address of a person in-state for every rental property in New Hampshire.

Councilor Sprague indicated if you are a landlord who has tenants that do not comply with rules, they can begin the eviction process, but it sometimes can take months for this to happen. During this time, the landlord does not have rent money to pay his mortgage. He feels some landlords need help with this process, and perhaps something could be done about speeding up the eviction process.

Rep. Berube said what he is hearing here is that the judicial system is not doing their job.

Councilor Sprague commented that the Housing Code is something we struggle with. We tried to adopt the Berlin Model, which would have included mandatory inspections. The reason it didn't work was because the landlords didn't want it.

Councilor Sprague indicated he feels there is a definite need for a gas tax. An increase would have been put directly towards block grant aid and betterment. The money we get from the state for these things just keeps going down all the time, and our needs keep going up.

Councilor Sprague said he wishes gambling would have been pushed through. We have missed the boat now with Massachusetts jumping ahead. He would like to see gambling come back this year.

Councilor Sprague said another thing that is coming back up is Exit 10. It is very important to our community. It was taken out of the ten year plan five years ago, but hopefully it will be put back in. With the implode of Route 108 and being between two hospitals, Rochester, Dover and Somersworth need Exit 10. It would eliminate a lot of the traffic coming through the intersection at Chili's. Exit 10 could be funded with the gas tax.

Councilor Sprague said he would also like to see some rail money for a study. We have a rail that goes right through our town and it would be wonderful if we could utilize it for commuters. It could go from Somersworth to Exeter with stops in between. He knows this would not happen overnight.

Councilor Sprague said he also supports Northern Pass. This would be cheap energy, would help the economy and also businesses. The problem is with the eminent domain issue whereby you cannot purchase property to help a public company. We need to do something that would lower the cost of energy in New Hampshire.

Rep. Berube said the Northern Pass is not a dead issue. The majority of the population should benefit from a project. This would be important to our state.

Councilor Witham echoed Councilor Sprague's comments with regards to the road toll tax. It was sad to see it not go through.

Councilor Witham said if there is an issue we struggle with more than anything, it is that of funding education. One of the things that has occurred to him over the years has been the peel back effort from State to fund education. There is no predictability to what we will get for aid from the State.

Rep. Berube said Somersworth has gotten more than its fair share of education money from the State, and he hopes it continues to do so.

Councilor Soldati said the real issue regarding the Northern Pass is 47 miles in the uppermost part of the state that PSNH does not own. They already own all the rest. They already have transmission lines going through the state. For the most part, PSNH has been a decent utility for this state. She has seen them do a major turn-around over the last 20 years in their respect for the environment and their willingness to work with communities. She favors Northern Pass because we have a future we have to start thinking about.

Councilor Soldati mentioned that one of our School Board members, Jessica Paradis, has been working with Senator Watters to introduce an initiative by the state for anti-bullying and anti-sexual abuse education in our elementary and middle school levels. This is an extremely important issue. What we experienced as bullying and sexual abuse in our schools is different than what it is today. It is very important that we help these children understand that some of their behavior is very serious stuff. If they were a few years older they could be prosecuted. She urged people in the community to contact either Senator Watters or our State Representatives to support this measure. She would be proud to say that it was one of our School Board members who introduced this to New Hampshire.

Councilor Pepin, as the Council representative to the School Board, stated there are lots of problems the School Board has with the State in reference to timing.

School Board Chair Don Austin said, with all due respect to Rep. Berube, he thanked him for his past support of education in Somersworth. He feels that history is very different than today's reality. When you talk about funding for the Idlehurst School, we would not have been able to build that school without State money. Building aid from Concord doesn't exist anymore and may not ever exist again. There has been a lot of downshifting of costs from Concord in terms of pension costs, in terms of what comes back to us for catastrophic aid in special ed cases. All the costs still exist and it gets to be a little frustrating as we look down the road to the future and see those costs continuing to escalate. All the escalation of costs and elimination of funding are creating a very difficult framework to work in. Also, they have been dealing with revenue estimates from the DRA for several months that have been all over the place. When they start their budget estimates in November or December for the next year, we always base that on what the DRA tells us we should use, however it is always changing.

Senator Watters said we are slowly trying to find our way back, but it will take a couple of legislative sessions. We cannot do what we did to pensions again. He feels the state needs to get back into the school building aid business. They need to renew this commitment.

Rep. Berube said he has been a State Rep. for a long time, and there is not one time he did not vote in the right way for the educational system in the State of NH. He pointed out that they work on a "majority rules" system. He thinks the problem last time was the Senate, not the House. Any time the City would benefit, he voted in favor of education issues.

Manager Belmore indicated that we invited Dover and Rochester's Code officers and they are welcome to come up and share any issues they may have.

Sheldon Perkins of the City of Rochester Code Enforcement Office as a Compliance Officer, which is a fairly new position to Rochester. Listening to the concerns about absentee landlords, he said in Rochester they retained a local attorney and are using complaints through the courts. The police use a uniform summons with a fine schedule on them. When they have someone who is not complying with something they send a letter marked first, second, third or final notice. They are given a compliance date. If the issue isn't taken care of, he takes the issue to the attorney and we take them to court. They are using the summons system, but it is still timely. It would be good to get something passed at the state level, a uniform summons and fine schedule. If landlords receive letters but they know nothing will ever come of it, nothing gets done.

Diane M. DuBois, City Clerk