

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 8, 2014 TIME: 6:00PM

AGENDA

- I. CALL TO ORDER (6:00 PM)
- II. ROLL CALL
- III. ANTICIPATED “NON-MEETING” IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING COLLECTIVE BARGAINING
- IV. INVOCATION
- V. PLEDGE OF ALLEGIANCE

PRESENTATIONS

- 1. Citywide Neighborhood Committee Re: Transportation – Cristy Cardoso
 - 2. Report on Parking Shuttle Program – Juliet Walker
 - 3. Proposed Association of Portsmouth Teacher's Contract – School Department
- VI. ACCEPTANCE OF MINUTES – AUGUST 4, 2014 AND AUGUST 18, 2014 AND SEPTEMBER 22, 2014
 - VII. PUBLIC COMMENT SESSION
 - VIII. APPROVAL OF GRANTS/DONATIONS

(There are no grants/donations on for acceptance)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20 and Section 10.1530 Terms of General Applicability, regarding Helipad and Heliport ***(Sample motion – move to act on first reading and schedule a second reading and public hearing at the December 22, 2014 City Council meeting regarding the proposed Ordinance, as presented, and further, refer this matter to the Planning Board for report back)***
- B. First Reading of Bonding Resolution of up to Six Hundred Thousand Dollars (\$600,000.00) for the Purchase of a Heavy Rescue Fire Truck ***(Sample motion – move to pass first reading and schedule a public hearing and adoption of a Bonding Resolution appropriating the sum of up to Six Hundred Thousand (\$600,000) Dollars, for the FY15 purchase of a Heavy Rescue Fire Truck, as presented at the December 22, 2014 City Council meeting)***

- C. First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-street Parking (**Sample motion – move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance as recommended by the Planning Board at the December 22, 2014 City Council meeting, as presented**)
- D. First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 7, Section 10-.734 – Gateway Planned Development Intensity and Dimensional Stands, subsection 10.734.20 – Lot Requirements – building height and setback standards relative to streets other than Lafayette Road, Amend by inserting a new Section 10.734.40 – Definitions of “Workforce Housing Incentives”, Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting new terms and definitions of “Workforce Housing” and Workforce Housing Unit” to be consistent with State law (**Sample motion – move to pass first reading and schedule a public hearing and second reading of the Proposed Ordinance, as presented, at the December 22, 2014 City Council meeting**)
- E. Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: - Conflict of Interest of the Administrative Code (*Continued from the November 17, 2014 City Council meeting*)
- F. Second Reading of Proposed Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
- Assessors Map 163, Lots 33, 34 and 37;
 - Assessors Map 165, Lots 1, 2 and 14
 - Assessors Map 172, Lots 1 and 2;
 - Assessors Map 173, Lots 2 and 10
- and including Cate Street between Hodgson’s Brook and Bartlett Street, as shown on the attached exhibits title “Areas Proposed To Be Rezoned to Character District 4 (CD4)”, and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly (*Continued Second Reading from the November 17, 2014 City Council meeting*) (**Sample motion – move not to approve second reading of the proposed Ordinance, as presented**)

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. *Acceptance of Police Department Donation:
- An anonymous donation of \$50 in cash was received in support of the Portsmouth Police Explorers (**Anticipated action – move to approve and accept the donation to the Portsmouth Police Department**)
- B. Letter from Matt Junkin, President, Seacoast Rotary, requesting to hold the 7th Annual Seacoast Rotary Turkey Trot 5k, on Thursday, November 26, 2015 (**Anticipated action – move to refer to the City Manager with power**)

- C. Letter from David Hallowell, PMFF Board Member, requesting permission to conduct the Annual Portsmouth Maritime Folk Festival on September 26 and 27, 2015 (***Anticipated action – move to refer to the City Manager with power***)
- D. Letter from Sarah Jarvis, Rye Fire Department, requesting permission for the use of the High Hanover Parking Garage in December, 2014 for fundraising to attend the Firefighter Stair Climb in Seattle Washington, in March 2015 (***Sample motion – move to refer to the City Manager with power***)
- E. Letter from Tracey Tucker, New Heights, requesting permission to hold the 6th annual St Paddy's 5 Miler Road Race on Sunday, March 15, 2015 at the Pease Tradeport (***Anticipated action – move to refer to the City Manager with power***)
- F. Letter from Jessica Parker, Cross Roads House, requesting permission to hold the Homeless Memorial Service on Thursday, December 18, 2014 at 5:30 p.m. in Market Square (***Anticipated action – move to refer to the City Manager with power***)
- G. Request for Approval of Pole License to install 2 poles located on Islington Street/Barberry Street as a part of circuit upgrades in this area (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)
- H. Request for Approval to Pole License to install 1 pole and 5 feet of underground cable from pole to house #31 on Sherburne Avenue (***Anticipated action – move to approve the aforementioned Pole License Agreement as recommended by the Public Works Department with the approval conditioned upon amendment of the license to allow for the collection of any lawfully assessed real estate taxes***)

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Renee T. Bouchard, Chairperson, requesting permission to hold the First Annual "Bridal Miles" 5k Road Race and Walk on Sunday, May 3, 2015 at the Pease Tradeport (***Sample motion – move to refer to the City Manager with power***)

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

- 1. First Reading of Proposed Resolutions and Ordinances:
 - 1.1 First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20 and Section 10.1530 Terms of General Applicability, regarding Helipad and Heliport (***Action on this items should take place under Section IX of the Agenda***)

- 1.2 First Reading of Bonding Resolution of up to \$600,000.00 (Six Hundred Thousand Dollars) for the Purchase of a Heavy Rescue Fire Truck (**Action on this items should take place under Section IX of the Agenda**)
 - 1.3 First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 - Off-street Parking (**Action on this items should take place under Section IX of the Agenda**)
 - 1.4 First Reading of Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 7, Section 10-.734 – Gateway Planned Development Intensity and Dimensional Stands, subsection 10.734.20 – Lot Requirements – building height and setback standards relative to streets other than Lafayette Road, Amend by inserting a new Section 10.734.40 – Definitions of “Workforce Housing Incentives”, Amend Article 15, Section 10.1530 – Terms of General Applicability, by inserting new terms and definitions of “Workforce Housing” and Workforce Housing Unit” to be consistent with State law (**Action on this items should take place under Section IX of the Agenda**)
2. Second Reading of Proposed Resolutions and Ordinances:
- 2.1 Second Reading of Proposed Ordinance amending Chapter 1 , Article IX, Section 1.901: Conflict of Interest of the Administrative Code (*Public Hearing held and closed on November 17, 2014, Second Reading continued from November 17, 2014*) (**Action on this items should take place under Section IX of the Agenda**)
 - 2.2 Second Reading of Proposed Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):
 - Assessors Map 163, Lots 33, 34 and 37;
 - Assessors Map 165, Lots 1, 2 and 14
 - Assessors Map 172, Lots 1 and 2;
 - Assessors Map 173, Lots 2 and 10and including Cate Street between Hodgson’s Brook and Bartlett Street, as shown on the attached exhibits title “Areas Proposed To Be Rezoned to Character District 4 (CD4)”, and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly (*Tabled Second Reading from the November 17, 2014 City Council meeting*) (**Action on this items should take place under Section IX of the Agenda**)

City Manager’s Items Which Require Action:

1. Request for Approval of a Proposed Four-Year Agreement between the City of Portsmouth and the Association of Portsmouth Teachers
2. Review and Presentation Water/Sewer Assistance Program
3. Review and Presentation Water Efficiency Rebate Program

4. Portwalk Door Swing License Agreement

Informational items

1. Events Listing
2. Plan Portsmouth North End Preliminary Vision Plan
3. City Council Non Public Session Re: 165 Deer Street

B. MAYOR LISTER

1. *Report of Appointment Process
2. Appointments to be Considered:
 - Jennifer Zorn – Appointment to the Economic Development Commission
 - William Gladhill – Reappointment to the Planning Board
 - John Ricci – Reappointment to the Planning Board
 - Rebecca Perkins – Appointment to the Portsmouth Housing Authority
 - Arthur Parrott – Reappointment to the Zoning Board of Adjustment
 - Stacy Lonergan – Appointment to the Zoning Board of Adjustment
3. Appointment to be Voted:
 - Everett Eaton – Reappointment to the Economic Development Commission
4. *Establish a Blue Ribbon Committee on Sagamore Creek Land:
 - Two City Council Members
 - Representative from the Conservation Commission
 - Representative from the School Board
 - Representative from the Recreation Board
 - Ex-officio City Manager or his designees
 - One Resident

Committee Charge: The charge of the Blue Ribbon Committee on the Sagamore Creek Land is to develop a plan for public usage of the 66-acre city-owned parcel. A report back to the City Council shall be completed on or prior to September 21, 2015

C. ASSISTANT MAYOR SPLAINE

1. *Budget

D. COUNCILOR DWYER

1. Request for Internal Report from Fire Commission/Fire Department (*See attached Correspondence regarding Internal Report*) (**Sample motion – move to request a report back by the end of April 2015 in advance of budget deliberations**)

E. COUNCILOR MORGAN

1. *Parking for Handicap Residents

F. COUNCILOR SPEAR

1. Report of Evaluation Subcommittee Re: City Manager Compensation (***Sample motion – moved in accordance with Section 4, Paragraph 4 in the City Manager’s Employment Agreement to authorize \$10,000.00 to be made to the City Manager’s 401(a) Plan in January 2015 representing in addition to his compensation for FY15***)

G. COUNCILOR THORSEN

1. Conflict of Interest Ordinance Amendment Options #1 - #3 (*Continued from November 17, 2014 City Council Meeting*)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]


**KELLI L. BARNABY, CMC/CNHMC
CITY CLERK**

**Indicates Verbal Report*

NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: December 4, 2014
To: Honorable Mayor Robert J. Lister and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on December 8, 2014 City Council Agenda

6:00 p.m.

Anticipated "Non-Meeting" in accordance with RSA 91-A:2, I (a) Regarding Collective Bargaining

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

Presentations:

1. **Citywide Neighborhood Committee Re: Transportation.** Cristy Cardoso, Chair of the Citywide Neighborhood Committee, will give a report to the City Council regarding transportation. For your information, [attached is a Report on Transportation from Portsmouth's Neighborhoods December 2014.](#)
2. **Report on Parking Shuttle Program.** On Monday evening, Juliet Walker, Transportation Planner, will give a report to the City Council regarding the Parking Shuttle Program. [Also, attached is a copy of a memorandum from Juliet Walker of the Downtown Parking Shuttle Report.](#)
3. **Presentation Re: Proposed Association of Portsmouth Teacher's Contract.** Representatives from the School Department will make a presentation to the City Council regarding the proposed Four-Year Agreement reached between the City of Portsmouth and the Association of Portsmouth Teachers to expire June 30, 2018. Subsequent to the Presentation, City Council may act on this matter under the City Manager's Action Items on the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. First Reading of Proposed Resolutions and Ordinances:

- 1.1 **First Reading of Proposed Ordinance Amending Chapter 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20, and Section 10.1530 – Terms of General Applicability, regarding Helipad and Heliport.** At the November 17, 2014 City Council meeting, the Council voted to request that the City Attorney and Planning Director draft an Ordinance for first reading at the December 8, 2014 City Council meeting with the definitions of helipad and heliport, and amending the Table of Uses to permit a helipad for medical purposes only as a special exception in the Office Research (OR), Industrial (I), or Waterfront Industrial (WI) districts.

Attached, under Section IX of the Agenda, is a proposed Ordinance for first reading amending Chapter 10 – Zoning Ordinance, Section 10.440 Table of Uses, use #15.20, and Section 10.1530 – Terms of General Applicability regarding definitions of “helipad” and “heliport.” This proposed Ordinance modifies the existing limitations on helicopter takeoff and landing facilities and revises the terminology so as to make the meaning clearer.

Under the current Zoning Ordinance, the Zoning Board of Adjustment is authorized to grant a special exception in the Office Research, Industrial or Waterfront Industrial zoning districts for a “heliport” provided that (a) it is an accessory use incidental to a permitted use, and (b) there is no commercial use of the facility. Under the proposed Ordinance, the special permit could only be granted for a helipad as an accessory use to a permitted hospital use. All other helipads and heliports would be prohibited.

In the existing Zoning Ordinance the term “heliport” is not defined. The proposed new definitions would clearly distinguish a “helipad” from a “heliport,” so that the ZBA would not be authorized to permit any facility that included helicopter fueling, service, maintenance or overhaul, or sale of products.

Action is required on this matter by the City Council to act on first reading and schedule a second reading and public hearing at the December 22, 2014 City Council meeting regarding the proposed Ordinance, as presented, and further refer this matter to the Planning Board for report back. Action on this item should take place under Section IX of the Agenda

- 1.2 **First Reading of Bonding Resolution of up to Six Hundred Thousand Dollars (\$600,000) for the Purchase of a Heavy Rescue Fire Truck.** As a result of the November 17th City Council meeting, under Section IX of the Agenda, I am bringing back for first reading [the attached proposed Bonding Resolution](#) of up to Six Hundred Thousand Dollars (\$600,000) for the purchase of a Heavy Rescue

Fire Truck. Also, attached is FY15 CIP Sheet, Page 39 for your review. In addition, [attached are memorandums from Fire Chief Steve Achilles requesting the Bonding Resolution as well as a description of the heavy rescue fire truck.](#)

As you are aware, Bonding Resolutions require a public hearing, two readings and a two-thirds vote is required of the City Council for passage.

I recommend the City Council move to pass first reading and schedule a public hearing and adoption of a Bonding Resolution appropriating the sum of up to Six Hundred Thousand (\$600,000) Dollars, for the FY15 purchase of a Heavy Rescue Fire Truck, as presented, at your December 22, 2014 City Council meeting. Action on this item should take place under Section IX of the Agenda

- 1.3 **First Reading regarding a Proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-Street Parking.** As a result of the November 17th City Council meeting, under Section IX of the Agenda, I am bringing back for first reading a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Section 10.1110 – Off-Street Parking.

In order to limit the extent of paved parking areas in the City’s commercial districts, the 2010 Zoning Ordinance included a provision establishing caps on the number of off-street parking spaces that businesses are allowed to provide. However, these maximum off-street parking standards, which are set forth in Section 10.1112.50 of the Ordinance, did not anticipate the subsequent reductions in the parking requirements in the Downtown Overlay District. As a result, in the area of the City where additional off-street parking is most needed, the Ordinance severely limits the amount of off-street parking that nonresidential or mixed-use buildings may provide.

[The attached proposed Ordinance](#) amends the Zoning Ordinance by exempting the Downtown Overlay District from the maximum off-street parking standards. This will allow developers of properties in the DOD to provide as much off-street parking as they believe is necessary to support their projects.

I recommend the City Council move to pass first reading and schedule a public hearing and second reading of the proposed Ordinance as recommended by the Planning Board at the December 22, 2014 City Council meeting, as presented. Action on this item should take place under Section IX of the Agenda

- 1.4 **First Reading Re: Rezone Cate Street Area to Gateway.** Portsmouth Land Acquisition, LLC, has requested that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW):
- Assessors Map 163, Lots 33, 34 and 37,
 - Assessors Map 165, Lots 1, 2 and 14,
 - Assessors Map 172, Lots 1 and 2,

- Assessors Map 173, Lots 2 and 10, and including Cate Street between Hodgson's Brook and Bartlett Street, and that the Zoning Map be revised accordingly; and further that the Zoning Ordinance, Article 7, Section 10.730 – Gateway Planned Development, be amended by inserting a new Section 10.734.40 as follows:

10.734.40 Workforce Housing Incentives

If a GPD with a Residential Component contains 10% or greater Workforce Housing Units, the following shall apply:

- 10.734.41 The minimum lot area per dwelling unit shall be 1,000 square feet.
- 10.734.42 The maximum building length set forth in Article 5, Section 10.522 shall be increased to 350 feet.
- 10.734.43 Required off-street parking may be located in a required front yard or between a principal building and a street.

The City Council received this request at its meeting on September 22, 2014, and voted to refer it to the Planning Board for a report. The Planning Board held a public hearing on the requested amendments at its meeting on October 16, 2014, and voted as follows:

Voted to report to the City Council that the Planning Board does not support re-zoning these parcels at this time and would recommend moving forward including them in the charrette process currently scheduled for February.

It was noted that the Planning Board's action did not imply any specific outcome of the charrette process, and that in fact the result of the visioning and planning process could be to recommend rezoning these parcels to the Gateway district rather than to a Character district. ([See attached memorandum from Rick Taintor, Planning Director, dated November 4, 2014.](#))

On November 12, 2014, Attorney Bernard Pelech, representing Portsmouth Land Acquisition, LLC, submitted a letter requesting that first reading on the requested amendments to the Zoning Map and Zoning Ordinance be scheduled for the City Council meeting on December 8, 2014 ([see attached letter](#)). At its November 17th meeting the Council voted to proceed as requested by Attorney Pelech. Accordingly, [attached](#) is a draft Ordinance that places the map and text changes requested by Attorney Pelech into ordinance format, and also includes the following additional provisions that are needed to complete the ordinance, as described in the Planning Director's memorandum:

- (a) building height and setback standards relative to streets other than Lafayette Road;

- (b) definitions of “workforce housing” and “workforce housing unit” to be consistent with State law.

At first reading the Council may vote to schedule a public hearing and second reading for its meeting on March 2, 2015, which would allow the requested amendments to be considered in parallel with the visioning process for the Islington Street Corridor of which this area is a part. The charrette for the Islington Street Corridor study area is scheduled for February 20-23, 2015.

I recommend the City Council move to pass first reading and schedule public hearing and second reading of the Proposed Ordinance, as presented, at the March 2, 2015, City Council meeting. Action on this item should take place under Section IX of the Agenda.

2. **Second Reading of Proposed Resolutions and Ordinances:**

2.1 **Second Reading of Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: Conflict of Interest of the Administrative Code (Continued Second Reading from the November 17, 2014 City Council Meeting).**

As you will recall, at the November 17th City Council meeting, the Council continued second reading of the Proposed Ordinance amending Chapter 1, Article IX, Section 1.901: Conflict of Interest of the Administrative Code.

If adopted this ordinance would accomplish the following:

1. Amend existing Mandatory Financial Disclosure ordinance (Section 1.901 et seq.) so that it applies to Police and Fire Commissions as well as City Council and School Board.
2. Amend existing Conflict of Mandatory Financial Disclosure so that violations of the ordinance will be treated as a violation of the City’s Code of Ethics (Section 1.801 et seq.).
3. Create a new financial disclosure form modeled after state form.
4. Require that capital assets in excess of \$10,000 only and directly attributed to a business in the City of Portsmouth be disclosed.
5. Require mandatory disclosure of any sources of income whether or not connected with the City in an amount greater than \$10,000 calculated annually on a per calendar year basis.

Action on this matter is required by the City Council and should take place under Section IX of the Agenda.

2.2 **Second Reading of Proposed Ordinance amending that the following lots be rezoned from Industrial (I), Office Research (OR) or Municipal (M) to Character District 4 (CD4):**

- **Assessors Map 163, Lots 33, 34 and 37;**
- **Assessors Map 165, Lots 1, 2 and 14;**
- **Assessors Map 172, Lots 1 and 2;**
- **Assessors Map 173, Lots 2 and 10;**

and including Cate Street between Hodgson’s Brook and Bartlett Street, as shown on the attached exhibits title “Areas Proposed To Be Rezoned to Character District 4 (CD4)”, and further that the Zoning Map referenced in Chapter 10, Article 4, Section 10.420 (District Location and Boundaries) of the Ordinances of the City of Portsmouth be revised accordingly (Tabled Second Reading from the November 17, 2014 City Council meeting). As you will recall, at the November 17th City Council meeting the Council closed the public hearing on the aforementioned Ordinance and voted to table second reading pending action on the request of Portsmouth Land Acquisition, LLC, that the same area be rezoned instead to the Gateway district. If the Council votes to pass first reading and schedule a public hearing and second reading on the rezoning to Gateway, the proposed Ordinance regarding rezoning to CD4 would no longer be appropriate to consider.

I recommend the City Council move not to approve second reading of the proposed Ordinance, as presented. Action on this item should take place under Section IX of the Agenda.

Consent Agenda:

1. **Acceptance of Police Department Donation.** Attached [under Section X of the Agenda is a memorandum](#), dated November 19, 2014, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following donation:
 - a) An anonymous donation of \$50 in cash was received in support of the Portsmouth Police Explorers.

I recommend that the City Council move to approve and accept the donation to the Portsmouth Police Department. Action on this matter should take place under Section X of the Agenda.

City Manager’s Items Which Require Action:

1. **Request for Approval of a Proposed Four-Year Agreement between the City of Portsmouth and the Association of Portsmouth Teachers.** The City has reached a proposed Four-Year Agreement between the City of Portsmouth and the Association of Portsmouth Teachers to expire June 30, 2018.

For your information and to facilitate discussion regarding this matter, [attached please find the following documents](#):

- A letter from Thomas Closson, City Negotiator outlining the changes.
- The Teacher's Contract showing the insertions and deletions to implement the Tentative Agreement if approved.
- Cost Analysis

Representatives from the School Board and School Department will be making a presentation on the salient aspects of these Agreements.

City Council can act on this matter on December 8, 2014 or at your December 22, 2014 meeting. (City Council must act no later than December 22, 2014).

I would recommend the City Council move to accept the proposed contract with the Association of Portsmouth Teachers to expire on June 30, 2018.

2. **Review and Presentation Water/Sewer Assistance Program.** On Monday evening, Finance Director Judie Belanger and Deputy Public Works Director Brian Goetz, will give a presentation to the City Council regarding the Water/Sewer Assistance Program.

Effective January 1, 2015, the City will implement two (2) Water and Sewer Assistance Programs for residential home-owners or tenants serviced by the City's Water and Sewer Divisions which will allow qualifying customers' assistance with the payment of their water and sewer bills. A total of \$100,000 (\$50,000 for Water Fund and \$50,000 for Sewer Fund) was appropriated and funded by Unrestricted Net Position as adopted by the City Council during the FY15 Budget Process.

The first program offered is for Annual Assistance of a 25% discount off of water and sewer bills for income-eligible homeowners or tenants who reside at the service property and have a current water and sewer account with the City. This program will be valid from the date of acceptance forward and will be good for one (1) year. It will not be applicable to any past due balances that may be on the customer's account.

The second program offered is for temporary assistance of up to a 50% credit toward an outstanding residential water and sewer balance to a maximum of \$300 for a verifiable financial hardship that occurred within the past six (6) months such as major medical expenses, job loss, or a change in marital status.

[The attached information sheet](#) for these programs will be mailed to residential customers in January 2015 as an insert along with their December Consumption Bill. This information will also be available on the City's website.

Motion to ratify the program.

3. **Review and Presentation Water Efficiency Rebate Program.** A presentation will be given to the City Council by Finance Director Judie Belanger and Deputy Public Works Brian Goetz on Monday evening regarding the Water Efficiency Rebate Program.

[Attached is information regarding the City's Water Efficiency Rebate Program](#) which will soon be offered to customers of our water and sewer systems. Through this program, qualifying residential water and sewer customers are being offered rebates for installing high efficiency toilets and washing machines. This program was approved as part of the Water and Sewer Enterprise Fund's FY15 Capital Improvement Plan, \$75,000 was authorized from each fund for a total of \$150,000 dedicated to this program.

The rebates are \$100 for qualifying toilets and \$150 for qualifying washing machines. Customers will have to provide documentation and receipts of their purchases and will also have to agree that they will allow City staff to inspect the installations. It is our intent to audit a few customers periodically to verify these installations.

Qualifying low flow toilets are ones that are certified to use an average of 1.28 gallons of water per flush and have passed rigorous testing standards. Older model toilets use anywhere from 3.5 to 8 gallons of water per flush. Qualifying high efficiency washing machines use 15 gallons of water per load versus 23 to 40 gallons per load for older, less efficient machines.

This program will be offered to all residential customers served by the Portsmouth Water and Sewer Divisions, including multi-family residents. Information will be mailed to these customers in December and will also be available on the City's website and at the water/sewer billing department.

This program is modeled after those in place at a number of other New England water systems, most notably the Acton Water District in Acton, Massachusetts. It is our understanding that we will be the first water system in New Hampshire to offer rebates of this nature. This adds to our other previous water efficiency outreach efforts which have included the distribution of 1,775 water conservation retrofit kits from 2006 to 2009, the installation of automatic water meter reading system and institution of monthly billing, the City's rain barrel program that sold 600 barrels at reduced rates to customers from 2009 to 2011 and the City's Water Division becoming an EPA WaterSense partner in 2013.

Motion to ratify the program.

4. **Portwalk Door Swing License Agreement.** [Attached is a letter from Tighe and Bond](#) requesting an amendment to the original Easement and License Agreement between the City of Portsmouth and Hanover Apartments, LLC (Portwalk) that was dated December 5, 2012. That original Agreement covered a number of easements for cornice projections from the building over the City sidewalk as well as license areas associated with two exit door swings.

At its September 21, 2014 meeting, the Planning Board approved modifications to the site plan which included the widening of the sidewalks along Hanover Street as well as the relocation of the door, which is the subject of this License Agreement ([see attached Agreement](#)). The new proposed door location is approximately 45 feet to the west of the original location. The license area requested is reduced from 15 square feet in the original Agreement to 9 square feet in the amended Agreement as a result of the change from a double door to a single door ([see attached site plan](#)).

I recommend the City Council move to authorize the City Manager to enter execute the amended License Agreement with Hanover Apartments LLC.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on November 17, 2014. In addition, this can be found on the City's website.
2. **Plan Portsmouth North End Preliminary Vision Plan.** For your information, [attached is an aerial of Plan Portsmouth North End Preliminary Vision Plan.](#)
3. **City Council Nonpublic Session Re: 165 Deer Street.** Just a reminder that on December 15, 2014 at 6:30 p.m., the City Council will meet in nonpublic session regarding acquisition of real property pursuant to RSA 91-A:3, II (d) regarding 165 Deer Street. [See attached Agenda.](#)